

CHAPTER 46

SALVAGE AND SPECIAL SERVICES

(MOD Sponsor: DJEP-Common Law Claims & Policy)

This chapter has been diversity and inclusion impact assessed by the sponsor in accordance with Departmental policy. No direct discrimination or adverse impact was identified. This chapter is due for review at the next routine amendment exercise.

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Note. In this chapter 'HM ships and (or) vessels' includes all non-commissioned vessels and craft in, or used for, the naval service.

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CHAPTER 46

SALVAGE AND SPECIAL SERVICES

SECTION I - PRIZE MONEY AND AWARDS FOR SALVAGE AND SPECIAL SERVICES - GENERAL

4601. Prize Money

1. The term 'prize money' includes all awards distributable under the Naval Agency and Distribution Act, 1864, i.e.:

- a. Salvage (Section IV).
- b. Awards for seizures under the:
 - (1) Prize Acts (see Clause 2).
 - (2) Customs Acts.
 - (3) Slave Trade Acts.
 - (4) Merchant Shipping Act (**7216**).
 - (5) Foreign Enlistment Act (**7215**).
 - (6) Piracy Acts (**7205**).
 - (7) Pacific Islanders Protection Acts.
- c. Awards for any other special service for which any reward is payable.

2. The only award now payable under the Naval Prize Act, 1864, is for prize salvage for the recapture of British property in war. It cannot be claimed if the recaptured vessel has been used as a ship of war by the enemy. In certain circumstances salvage may, however, be granted for the recapture of neutral property and, if the ship or goods are not immediately sent to a Prize Court, the receptor's should obtain any security necessary to safeguard their claims before parting with the property.

4602. Ship's Agent

1. Under the Naval Agency and Distribution Act, 1864, each of Her Majesty's ships in commission must have a ship's agent to act on its behalf in any claims under [Para 4601](#). Those prepared to be ship's agents are named in the Navy List. Those not included in the Navy List are not debarred from appointment if they are qualified under the Act.

2. The Commanding Officer is to appoint a ship's agent on first commissioning, using the wording in [Annex 46A](#). They are to do this by forwarding the instrument of appointment to PPPA (c) for registration by them and for subsequent transmission to the appointee. A record of the appointment is to be kept in the Navigational Date Book.

3. The ship's agent may be changed at any time by the Commanding Officer. Changes are to be reported in accordance with Clause 2. Changes in the command of the ship will not affect the appointment of the ship's agent.

4. When their services are required, the ship's agent is to be given instructions to take the necessary action and be provided with any pertinent information, the prior approval of a Flag Officer or the Ministry of Defence (MOD) being obtained before any classified documents or material are supplied.

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5. Commission is payable to the ship's agent at the rate of two and a half percent of the net amount distributable to the ship's company.

4603. Legal Expenses

1. The Commanding Officer is initially responsible for the legal expenses incurred in any proceedings instituted in any court, or in other action taken by, or on behalf of, the ship under their command, in respect of any matters under [Para 4601](#).

2. When the Commanding Officer cannot pay the legal expenses in Clause 1, or make arrangements through the ship's agent to do so, the Supply Officer may advance them public money for the purpose. The advance must not exceed £100. It is to be debited by the Supply Officer against the pay of the Commanding Officer, and reported to the MOD.

3. When the Government Legal Department (GLD) agrees to claim a salvage award for personnel of HM ships or vessels jointly with the MOD claim, he/she will not charge any personnel for their services (see [Para 4645](#)).

4. The taxed costs and expenses of the claimants, except those ordered to be paid from other sources, are defrayed from an award before it is distributed.

4604. Salvage Claims

1. Claims for salvage awards for services to private ships are to be made in accordance with [Section IV](#).

4605. Reports to MOD

1. A report is to be made to the MOD whenever one of Her Majesty's ships or vessels makes a seizure or performs a service entitling it to prize money as in [Para 4601](#).

2. The report is to state whether any other ship is entitled to share an award. It is to contain a complete and verified list in duplicate of every person on board at the time of the operation and a list of those in the complement who were absent. The full names and the official numbers of naval ratings and other ranks are to be given.

3. For the reports of salvage services see also [Para 4631](#) and [Para 4642](#).

4606. Expenditure on Stores, etc.

1. The date vessels or salves are seized is to be inserted in all vouchers for the supply of, or expenditure on, provisions, clothing or stores for the vessels or the salves seized, or for other expenses incurred thereon after seizure.

4607. Money Received

1. Money received in Her Majesty's ships as rewards for any service referred to in this chapter, including salvage remuneration received before MOD decision about its acceptance (see **Para 4648 sub para 1**), which is to be acknowledged 'without prejudice', is to be taken on charge by the Supply Officer in the cash account under the head Suspense Account 805903 'Salvage Awards Awaiting Distribution' and reported immediately to NPP (Accounts) in order that it may be transferred to the Naval Prize Account for distribution.

4608. Distribution of Prize Money and Salvage Awards

1. All awards of prize money are distributable solely by Non-Public Property Accounts according to the Order in Council relating to them or as the Ministry of Defence may direct. The distribution of prize money as defined in **Para 4601**, other than salvage awards, is governed by Order in Council of 27th April 1918, not reproduced herein.

2. For the distribution of salvage awards see **Para 4648**.

3. Commanding Officers or others distributing prize money, including salvage awards, without authority will be held personally liable to pay for any shares which are omitted, and to make good those inadequately paid.

4. No assignment of prize or salvage money may be made in respect of any advance or consideration.

5. When ready for distribution awards are notified by Announcement in Defence Instructions and Notices (RN). Distribution will normally be made, or authority to distribute given, by Defence Business Services (DBS) without application. If, however, authority to pay those considered eligible is not received within one calendar month of the publication of the award in Defence Instructions and Notices (RN) a claim should be submitted to Non-Public Property Accounts.

6. Shares not claimed, or to which a claim has not been proved to the satisfaction of the MOD, will be deemed to be forfeited six years after the first day of April following the date when the award first became distributable. The MOD may, however, if there is good cause, remit such forfeiture until the relative accounts have been closed finally (i.e. 10 years after the date of distribution).

4609–4620. Unallocated

SECTION II - SALVAGE - GENERAL

J.4621. Salvage

1. The following rules have been framed to indicate the extent to which assistance should be given by any ship or aircraft belonging to the Armed Forces of the Crown to vessels or aircraft in distress and the conditions under which claims for salvage services may be made.
2. Salvage services are voluntary services which save, or help to save a ship, an aircraft, its apparel, cargo or bunkers and stores when in danger, either at sea or in tidal waters or on the shores thereof. The danger does not necessarily have to be imminent: it suffices if, at the time the services are rendered, the ship or aircraft has encountered any danger or misfortune which might expose it to injury or destruction were the services not rendered. (*Navy only*—Services which do not amount to salvage are referred to as ‘assistance’ in this chapter (See also Annex 46B: *Summary Guide to Salvage*).
3. As a general rule the salvage of a vessel in distress without cargo on board and more than 10 years old is unlikely to be remunerative. Accordingly the salvage of some commercial vessels may cost more than the Ministry is able to recover in salvage awards. Exceptions to this are specialised types of vessel such as dedicated gas or chemical carriers (but see **Para 4624 sub para 3**) Ro-ro ferries, research vessels and large passenger vessels. Commanding Officers should therefore have regard for the foregoing when considering salvage.

J.4622. Aircraft

1. The Civil Aviation Act 1982 (Section 87) has applied the law relating to wreck and salvage of life or property to aircraft in, on or over the sea or tidal waters as it applies to vessels. (*Navy only*—The instructions in this chapter apply to the salvage of, or assistance to, aircraft and hovercraft, and to salvage services and assistance by aircraft or hovercraft).

4623. Receiver of Wreck

1. Personnel of HM ships and vessels present when vessels are stranded or in distress on the shore of the sea, or in tidal waters, within the United Kingdom, must obey the directions of the Receiver of Wreck or of their authorised representative, and afford every assistance in performing the duties imposed upon them by the Merchant Shipping Acts.

4624. General Guidance on Salvage Operations

1. See DIN 2015DIN04-230 marine salvage activity. The MOD Salvage Authority is vested in the office of the Chief Salvage and Mooring Officer which is part of the DES. The organization retains to Marine Salvage Units with specialist staff and equipment held at high readiness to deal with all aspects of marine salvage. The organisation is also funded and enabled to obtain external salvage assistance on a global basis. If the potential exists for an MOD unit to become engaged in salvage activity advice should be sought at the earliest opportunity [RN. FLOO's should be consulted for most recent advice].

2. The presence of professional salvage officers generally increases the chances of successful salvage. Moreover, as courts and arbitrators generally attach great importance to the status, qualifications and salvage experience of the officer in charge of the operation, it is usually advantageous in subsequent claim proceedings if the Salvage Officer has been allowed the fullest possible control of the salvage operations. It may be particularly beneficial for them to be allowed to take control when commercial co-salvors are involved. When a Salvage Officer assists one of Her Majesty's ships or vessels salvaging a private vessel, or assists a stranded HM ship or vessel, the Chief of Naval Staff/First Sea Lord, or other appropriate operational authority, is, therefore, to consider placing the Salvage Officer in charge of the salvage operation. If the Salvage Officer is so put in charge, a Commanding Officer is in no way relieved of the responsibility for the safety of the ship and crew and is still free to override the Salvage Officer on that account.

3. For ships on fire with cargoes of noxious or toxic chemicals, flammable substances, especially chemical tankers and container ships, Commanding Officers are not normally to take any steps beyond the immediate measures justifiable to save life, in view of the dangers attending the salvage of these ships. Approach to the burning vessel should be made from upwind to avoid danger from fumes and the products of combustion. Similar precautions are necessary when approaching a vessel from which volatile cargo is leaking. They are not normally to attempt to salvage them without first obtaining advice and instructions through the appropriate operational authority.

4. The responsibilities of Salvage Officers and others concerned in Aircraft and Helicopter Salvage Operations are contained in DIN 2015DIN04-230 Salvage, Marine Operations and Emergency Towing.

4625–4630. Unallocated

SECTION III - SALVAGE OF HM SHIPS AND VESSELS

4631. Salvage of HM Ships and Vessels in Distress

1. **Resources.** The MOD retains a high readiness Salvage & Marine Operations Team [S&MO] to undertake the salvage and/or recovery of all MOD property requiring salvage services in the maritime environment. When one of Her Majesty's ships or vessels, including those chartered by the MOD or carrying MOD cargo, requires salvage assistance, the nearest available Navy Department salvage resources are to be used whenever possible. Commercial or private assistance is to be accepted only in emergency when Navy Department resources are not available or cannot be contracted in by S&MO within a safe time frame. It must be remembered that accepting commercial or other outside assistance as a salvage service may cost not merely normal tariff rates but much larger salvage payments, even if the services are no more than standing by. Commanding officers are to avoid signing a Lloyds Open Form (LOF) for salvage services unless it is deemed that failure to do so would lead to the loss of the platform or loss of life. LOF can be signed retrospectively to no detriment of either party but once entered into provides a binding commitment which may be damaging to MOD interests.
2. **Report.** Whatever resources are used a full report is to be made as soon as possible.
3. The report, and Form S.232 when applicable, is to be sent by the Commanding Officer direct to the Government Legal Department (GLD) at One Kemble Street, London WC2B 4TS by the quickest means. A copy is to be sent to the appropriate administrative authority or other appropriate Senior Officer who is to send it to Head of Claims, Directorate of Judicial Engagement and Policy, Common Law Claims & Policy (DJEP CLCP) at Ministry of Defence, Level 3, Spine H & I, Main Building, Whitehall, London SW1A 2HB (DJEP-Claims General (MULTI USER)) with comments. Each HM ship or vessel concerned is to report separately.
4. The report is to be complete in itself without reference to any other material. It is to contain a detailed narrative account of events arranged, as far as possible, in chronological order quoting times as well as dates. It is to indicate in particular:
 - a. The degree of danger to the HM ship or vessel and the perils from which she was saved;
 - b. Special difficulties, dangers, or other hazards encountered by the salvors;
 - c. Changes in barometric pressure, wind force and direction, other weather conditions, current or tidal movements, condition of the HM ship or vessel particularly its draught, stability, trim, flooding, impending risks, etc., and other significant features which may affect the value of the services. These details are to be given for the period before, during and after salvage.
5. **Supplementary Reports.** Opinions on the conduct of the operation or of individuals are to be made as entirely separate reports and are not to be included in the factual report to the Treasury Solicitor. The supplementary reports are to be sent through the appropriate Administrative Authority or Senior Officer, Chief of Naval Staff/First Sea Lord to send to the MOD with the main report referred to in the preceding clauses.

6. **Agreements.** No agreement is normally to be made which would bind the MOD either to pay a definite reward or submit to any agreed procedure for determining a reward. In particular, Lloyd's Standard Form of Salvage Agreement (LOF) is not to be signed without reference to the Ministry. The MOD Salvage & Marine Operations Team is to be notified immediately by signal using SIC I2C. Claims which may be received for services rendered are to be forwarded to the MOD by the quickest means.

J.7. **Claims.** No claims will be sanctioned for salvage or recovery of Crown property by any member of Her Majesty's Forces.

(*Navy only*—In the context of this paragraph Her Majesty's Forces includes civilians employed by the Navy Department and includes chartered vessels deemed to be Crown property.)

4632–4640. Unallocated

SECTION IV - SALVAGE OF PRIVATE SHIPS

4641. Aid to Ships in Danger

J.1. **Assistance.** The fundamental operating premise is that any assistance offered to recover property is a business transaction in the expectation of reward. Non-contractual salvage is the preferred MOD option as it best protects the MOD primary purpose and avoids the legal obligations of the 'best endeavours' clause of an LOF which could seriously constrain operational capability of the units involved. The MOD is under no legal obligation to save property and caution should be exercised in committing to any operation whose sole purpose is the preservation of private property. Assistance may, subject to the overriding needs of the service, be rendered to a ship or an aircraft endangered at sea, in tidal waters, or on the shores thereof, on occasions where it is within the reasonable power of any ship or aircraft belonging to the Armed Forces of the Crown, or any shore-based personnel who have the appropriate training and resources. (*Navy only*—Unless committed to the task under a LOF it is only necessary that reasonable efforts of personnel are to be used to save and protect property on board any vessel in danger or distress and, if necessary, to remove the property to a place of safety. In the context of determining what is reasonable in the absence of the LOF a thorough consideration would be given to the risks, costs and benefits of expending MOD resource in the absence of a legal obligation to intervene. Though there may be other and overriding considerations in war, in peace public economy and policy require that HM ships and vessels should not take such action if to do so would be to the detriment of any vessel registered in the British Commonwealth present and capable of affording effective help).

2. **Acceptance of MOD Assistance.** When assistance from MOD (Navy) sources is accepted and there is reasonable hope of saving the vessel or her cargo, salvage is to proceed without delay in order to prevent any deterioration in the vessel's position. (See also [Para 4621](#), [Para 4624](#) and [Annex 46B](#))

3. **Vessel Owner's Rights.** In general, a vessel's owner/representative has a right to decide whether salvage assistance shall be employed and whether salvors whose services they have accepted initially shall subsequently be superseded or supplemented by others. If, after salvage has begun, the Master insists that other salvors should be employed, whether in complete substitution for, or in conjunction with, naval assistance, their wishes are to be complied with and no action is to be taken to prevent the other salvors from taking over either wholly or partly. If the first salvor objects to the action taken, a protest is to be lodged with the Master. Its terms are to be based on the first salvor's assessment of the effects of the intervention on the ultimate success of the venture as a whole.

4. **Aid from Outside Sources.** Third party assistance, especially from vessels better suited to the evolution, should not be refused if the operations might otherwise be jeopardized. The MOD (DES-Salvage & Marine Operations) should be consulted, if time permits, about the terms on which third party assistance is engaged. But if, in emergency, the third party will only assist as a co-salvor under LOF, advice should be sought from MOD before any agreement is made which could be perceived as agreeing an LOF by default.

5. **Derelicts.** For derelicts, i.e., vessels abandoned and deserted at sea by those in charge of them, without hope of recovery, LOF Clause 4 applies, but Clause 3 does not. It is the recognized general rule that the salvor who first takes possession of a derelict has the entire and absolute possession of the vessel, although the salvor is not under a duty to retain exclusive possession in all circumstances. Caution should be exercised before taking any derelict in tow as it may become an inescapable liability and MOD could subsequently incur significant liability for an object of little material worth. A derelict taken in tow by one of Her Majesty's ships or vessels may, therefore, properly remain in naval custody pending agreement with the owners or agents about the terms of salvage and the lodging of satisfactory security (see [Para 4642 sub para 3](#) and [Para 4646](#)). When there is doubt whether a vessel may be treated as a derelict, full particulars of the circumstances in which it was found abandoned and anything known about the movements of the master and the crew should be reported to the MOD immediately in addition to the general information required by [Para 4644 sub para 1](#).

J.6. **Disposal.** In any case where the owner of the derelict does not want to take possession of it, reference should be made to the MOD before action is taken to dispose of it, even if such disposal action has been suggested by the owner. In particular no action should be taken to sink or destroy such property without direct instruction from the MOD. If it is considered a danger to navigation then the nearest littoral authority should be advised of all relevant data. For instructions in dealing with unclaimed derelicts see [Para 4661](#) and [Para 4662](#).

7. **'Place of Safety'.** The 'place of safety' (see LOF Clause 4) is normally determined by agreement between the salvors and the owners or their representatives. If agreement cannot be reached the following considerations should be taken into account:

- a. The condition of the distressed vessel and the time required to make her seaworthy.
- b. The degree of exposure to weather and tidal conditions, and season of the year.
- c. The distance from a port where permanent repairs may be undertaken.

When in doubt or difficulty MOD instructions are to be sought.

8. **Aid from Shore.** Aid which qualifies as a salvage service and for which an award can be claimed can, and wherever practicable should, also be rendered from the shore by units from naval shore establishments, e.g., dockyard fire parties. Particular caution should be used when considering use of shore based staff afloat especially in respect of training and experience in the role they are to be utilized.

4642. Terms of Salvage Services

1. Salvage services by Her Majesty's ships or vessels, including those hired by the MOD on demise charter, and by shore-based units from naval establishments, should be offered on a non-contractual basis. Consideration should be given to whether the service provision falls within the scope of MAC[A] or MAC[P] activity. Specific terms may be agreed with the owners by the MOD or on MOD instructions. Potential exists to use LOF, however, the signing of LOF binds the HM ship and the MOD to use all their resources to successfully complete the salvage contract and no award can be claimed unless and until the casualty and/or her cargo has been brought to a place of safety.

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If an LOF is determined by MOD as the optimum contracting mechanism it is highly desirable that a LOF should be signed by the Owner, Master or Agent of a distressed vessel before the salvage operation commences but caution should be exercised in having the form signed until the true condition of the casualty has been ascertained. When in doubt, advice should be sought from the MOD (DES – Salvage & Marine Operations), operations being commenced meanwhile if necessary for the safety of the casualty. A supply of LOF should be kept on board all vessels likely to require them. The Commanding Officer, or other officer of Her Majesty's ship or vessel concerned who signs LOF should do so on behalf of 'The MOD and personnel of (the ship(s) and/or parties concerned)', the appropriate words being inserted in third line of the form. For salvage by shore-based units the form is to be signed on behalf of 'The MOD and personnel of (the units taking part)'. Irrespective of the number of vessels and/or units taking part, only one Lloyd's form is required for any one salvage operation, and it should normally be signed by the officer in overall charge at the commencement of the operation. If the parties are too numerous to be inserted in line three of the form, they are to be listed under the word 'Annex' to line 3 on the reverse of the form and the words 'parties named in the Annex overleaf' written in line three. The signed LOF is to be sent to the MOD, DJEP CLCP.

2. For derelicts, the signature of LOF will be obtained by the Ministry of Defence Legal Adviser.
3. A salvor is entitled to claim for the services which they perform notwithstanding that other salvors eventually take over, provided that the property is ultimately saved.

4643. Right to Claim Salvage

J.1. The right to claim salvage is vested in common law and is inalienable unless contracted out or barred by the actions of the individual. Under section 230(2) of the Merchant Shipping Act 1995, the Crown is entitled to claim salvage in respect of services rendered by any ship or aircraft belonging to or operated by the Crown. Service personnel engaged in salvage operations may make a claim for salvage, but only with the written sanction of the MOD. (*Navy only*—In the context of this paragraph service personnel includes civilians employed by the Navy Department.) No court of law or arbitrator can finally adjudicate on salvage claims without the production of written evidence of the MOD consent. The need for MOD consent, however, does not debar the salvors from taking the preliminary steps which are given below.

2. There is no absolute rule or fixed scale of salvage remuneration. Each claim is dealt with on its merits, taking into account such factors as the degree of danger from which the property is saved, its salvaged value, the risks and responsibilities incurred by the salvors, the time occupied, and skill displayed by them and losses or expenses incurred by them from the time the salvage starts until the distressed vessel or cargo is placed in a position of safety. There is no assurance that any salvage act will recoup the cost of the recovery activity and rewards usually fall around 10% of the residual value of the salvaged material.

4644. Reports to the Ministry of Defence

1. **Initial Report.** A short report of all services or assistance to a private vessel (other than purely life-saving services) is to be made immediately to the MOD and the local operational and administrative authorities by signal, irrespective of whether the personnel wish to claim salvage. The signal is to include:

- a. The name of the private vessel, the name of her owners, her port of registry and the nature of her cargo, together with telephone numbers for both owners and agent, telex numbers if available, and any information relating to the insurers of vessel and cargo if applicable;
- b. A brief description of the services which have been, or are being performed (see Clause 2);
- c. The vessel's position. (It would assist the Government Legal Department (GLD) if information be given regarding the port of refuge and estimated time of arrival);
- d. Whether LOF has been signed (see also **Para 4642 sub para 2**) or it is desired that this should be done in London;
- e. Whether bail or security has been offered and for what amount (see [Note](#));
- f. If Lloyd's Open Form has not been signed, whether the vessel or property has been arrested (see also [Para 4646](#));
- g. Whether any personnel wish to claim;
- h. Whether they wish the GLD to represent them (see **Para J.4645 sub para 2**);
- i. Whether a ship's agent is being instructed and, if so, their name.



Note. Advice should always be sought from MOD (Navy), Duty Fleet Controller at Northwood before bail or security is agreed. The Commanding Officer, or other officer of Her Majesty's ship or vessel concerned must not in any circumstances on his own account offer a tow or other salvage assistance free of charge.

2. **Progress Reports.** The report is to be made without delay after the services have started. It is to be supplemented by signaled reports of progress and the prospects of success, giving as good an idea as possible of the material condition of the vessel and cargo. The terms of the salvage agreement will be kept under review at the MOD in the light of progress reports bearing in mind that:

- a. Success is necessary to obtain a salvage award and if on LOF this 'no cure no pay' basis of salvage, there is no right to recover expenses incurred in a salvage enterprise which ultimately fails to preserve a vessel or cargo.
- b. The awards are based on the fund provided by the salvaged value of the vessel, cargo and freight and rarely exceed 10% of this value.

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c. The LOF binds the salvor to use his best endeavours to achieve a successful salvage, but this may legally oblige continuing with salvage services which may result in financial loss to the Crown unless the owner's agreement to desist is obtained.

J.3. **Full Report.** So that the presentation of salvage claims may be considered, a full report of the circumstances is to be submitted whenever Service personnel, or ships or aircraft belonging to the Crown, perform a service entitling them to salvage money.

(Navy only)—When the services are complete the report is to be made without delay. It is to be addressed to the GLD at One Kemble Street, London WC2B 4TS and sent by the quickest means. A copy is to be sent to the appropriate administrative authority or appropriate senior officer. They are to send it to DJEP CLCP with their comments. Each vessel concerned is to report separately.

4. The report is to be accompanied by a copy of the Ship's Log for the relevant period. It is to be a factual narrative account arranged in chronological order, quoting times as well as dates. It is to cover in detail all the operations and services. It is to be complete in itself without reference to other communications or documents. It is to show the following:

a. **Instructions.** On whose instructions the services were undertaken (copies of any relevant messages or requests are to be attached).

b. **Details of Vessel.** The name and description of the distressed vessel; name and address of her owners and/or local agents; the cause of the distress; the position (1) in which it occurred, and (2) in which assistance was first given.

c. **Degree of Damage.** The degree of disablement or damage, including all factors relevant to assessing the dangers which the vessel would have encountered if the services had not been given, and the fullest possible description of the condition of the vessel, including details of flooded compartments, draught, stability and trim.

d. **Weather Conditions.** For the periods immediately before and after the salvage service as well as for the period of the service itself, the conditions of weather, including changes in barometric pressure, wind force and direction, and state of sea, and how these conditions made operations more difficult or dangerous.

e. **Other Conditions.** Details of any conditions other than those already mentioned which made the work or any part of it more arduous or dangerous (but see Clause 5).

f. **Salvage Claims.** Whether any personnel wish to claim salvage and, if so, a complete and verified list in duplicate of every person on board at the time of the operation and of those of the ship's company who on the material date were absent, with the full names (and the Service numbers of naval ratings and RM other ranks) who performed special services, e.g., boat, boarding and steaming parties.

g. **Expenses Incurred.** Details of all expenses incurred, including the cost of fuel and lubricants, stores consumed, damaged, or lost, together with their respective code numbers, and claims for damage to clothing and other items of expenditure arising directly from the services. The compensation granted for damage to clothing will be deemed part of the salvage award, if any, and deducted from the amount received before distribution.

h. **Salvage Agreement.** Whether any salvage agreement has been signed and the date it was sent to the MOD.

i. **Other Assistance.** Full details of assistance given by other vessels, naval, dockyard or other working parties.

5. **Supplementary Reports.** Opinions on the conduct of the operation or of individuals are to be given in separate reports and are not to be included in the factual report to the GLD. The supplementary reports are to be sent to the appropriate administrative authority or senior officer to send to the MOD with a copy of the main report.

J.4645. Prosecution of Personal Salvage Claims

1. The GLD acts for the MOD in the presentation of salvage claims on the Ministry's behalf and is also prepared to accept instructions from ships' agents in order to represent the interests of the salvaging crew(s).

(Navy only) If a claim for salvage is to be made by personnel of ships which have a ship's agent (see [Para 4602](#)) the Commanding Officer is recommended to communicate directly with the ship's agent by the fastest possible means immediately the commencement of the salvage operation begins. The agent is to be told the salvaged ship's name, her owners, details of her cargo, short particulars of where she is and the nature of the services. When more than one of Her Majesty's ships is concerned, it is advisable that the ship's agent of the senior officer's ship should be asked to act for all the salvors, the other ships' agents being informed accordingly, as it is desirable that all claims for a particular salvage should be dealt with through one agency. The GLD, who normally prosecutes the MOD's claim will be prepared to accept instructions and a Retainer from the ship's agent to negotiate a claim on behalf of all personnel concerned on the terms that:

a. No personal liability will rest on the personnel for the costs incurred, but any costs not recovered from the salvaged interests will be deducted from the award before distribution.

b. The GLD will not enforce, compromise or withdraw their claims without the ship's agents' instructions, but in the event of a difference of opinion arising between the MOD and the personnel as to whether any claim should be enforced, compromised or withdrawn, the GLD's advice shall be accepted.

2. The GLD is also prepared to act for personnel of ships which do not have a ship's agent or ships chartered by the MOD, and for personnel attached to shore establishments. Before acting for such personnel a letter of retainer on Form S.1522 signed by the Commanding Officer or other officer is required. It is to be sent to the GLD with the full written report.

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Services will be given only on the terms that GLD may enforce, compromise or withdraw the claim with absolute discretion as thought advisable and without prior communication with the personnel.

3. When a lump sum is recovered for the joint claims of the MOD and of personnel represented by the GLD, the apportionment of that sum between the respective claimants or groups of claimants by the MOD and the GLD will be accepted without question.

A nominal roll giving particulars of those on whose behalf the claim is to be made is to be provided in duplicate and reference is to be made to those who perform special services. This list is required in addition to the one forwarded with the full written report. See **Para 4644 sub para J.3.**

4. The MOD has the right to put forward a claim in respect of salvage performed by ships or aircraft belonging to the Crown in its name alone

(Navy only)—and to withhold permission for personnel to claim separately. When this right is exercised the MOD will consider granting personnel a share of any award received.

4646. Enforcement of Claims - General

1. When salvage is completed, the first step is to obtain bail or security for the amount of the likely award to the MOD and personal salvors. Subject to LOF Clause 4, the salvors are not to consent to the release of the salvaged vessel or property until they have been informed that proper security has been given. This is especially important when the salvage relates to a foreign ship. The GLD normally obtains bail to cover the claims of the MOD and personnel represented. The ship's agent is responsible for obtaining bail for the services of the personnel they represent. If intending to instruct the GLD the latter will obtain sufficient bail to cover the claims of all parties.

2. If a LOF has not been signed and it is likely that the salvaged ship or cargo will be removed before a satisfactory guarantee or security can be obtained and before the GLD can offer advice, the salvors are, subject to LOF Clause 4, to have the salvaged ship and cargo arrested or detained by the local court or nearest detaining officer until bail or security is given.

3. If a LOF has been signed, the provisions of its Clause 5 must be carefully observed. Only if an attempt is made, or is known on good evidence to be contemplated, to remove the salvaged property without MOD consent before security has been given, is it justifiable to arrest or detain the vessel and/or cargo. If such an attempt is made, or is believed to be contemplated, the first step to be taken to enforce the lien conferred on the MOD by Clause 5 of the Form is to place an officer on board the salvaged ship, if this can be done without exercising force. Only when it is clear that the removal of the vessel or cargo is still intended may the vessel and/or cargo be detained by legal process until bail or security is given.

4. Salvaged vessels must never be arrested or detained without MOD authority when they belong to:

- a. British owners of good standing and reputation;
- b. Owners other than those at a, of good standing and reputation, when a LOF has been signed.

4647. Detention of Ships Abroad

1. The salvor may, subject to **Para 4646 sub para 4**, detain the property salvaged if they cannot obtain agreement from the Master or a satisfactory guarantee from the owners or agents for the payment of any salvage which may be awarded.

He/she must take the vessel to a port where there is a consular officer, or a Court of Admiralty or a Vice-Admiralty Court. In so doing, it is, so far as his/her primary duty to the Queen's service permits, to be guided by the convenience of the vessel salvaged. Within 24 hours of arrival at the port, the salvor, and the Master, or other persons in charge of the alleged salvaged property, are each to deliver to the consular officer or to the judge of the Court of Admiralty, or Vice-Admiralty Court, a statement containing so far as possible the particulars required by [Annex 46A](#), Part 4. The statement must be on oath. Within four days of receiving these statements, the consular officer or judge must proceed to fix a bond sufficient to cover the probable demand for salvage and costs.

2. If either party fails to make the statement referred to in Clause 1 within 24 hours of arrival, the consular officer or judge may proceed *ex parte*. He/she should not, however, except in pressing circumstances, do so without giving notice, and, if the property or vessel salvaged is to be sold, he/she must allow a reasonable time for particulars of the sale to be given. He/she can never require the cargo to be unladen.

3. If the consular officer or judge requires additional information, he/she may examine the parties or witnesses upon oath. A written version of the additional evidence will accompany the original statements.

4. When the consular officer or judge has determined the amount, he/she instructs the parties to prepare a bond as in [Annex 46A](#), Part 3. If the parties wish adjudication in any court of Admiralty, or Vice-Admiralty Court in a British colony, the name of the court, and the place for which it acts, is to be inserted in the bond. If not, the High Court in England will adjudicate. The bond must be executed by the Master in the presence of the consular officer or judge, and must be attested by him/her. The consular officer or judge then delivers it to the salvor. Thereupon the salvor's lien on the property ceases.

5. For salvaged property owned by residents of foreign countries such additional security must be given as the consular officer or judge may approve. When executed and attested this additional security must be given to the consular officer or judge, or if the salvor wishes, placed in the joint possession of the consular officer, the judge, and any other person appointed by the salvor.

6. If those in charge of the salvaged property do not execute the bond, the salvor can take proceedings in the appropriate court having jurisdiction over the place where the salvaged vessel or property is at the time proceedings are instituted. He/she may detain the salvaged vessel or property through the proper officer of the court until the claim is satisfied or security given.

4648. Salvage Awards and Distribution

1. Salvage awards for the services of MOD (Navy) personnel, irrespective of whether they result from a decision of a court, an arbitrator, a settlement out of court, or from voluntary gift of the owners, are not to be accepted without MOD consent.

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2. Awards are distributable solely by DBS. They distribute them according to the Order in Council relating to them and in force at the time of the services, unless the award is made by a court or arbitrator and its terms include a special apportionment, or unless there are other special circumstances. The current Order in Council is in [Annex 46A](#), Part 2. (See also **Para 4662 sub para 3** and [Para 4673–Para J.4678](#).)

3. When various ships or personnel engaged in the same service perform different work, recommendations for specially apportioning an ultimate award between them are to be sent to the MOD.

4. The approved expenses incurred by the salvors in obtaining an award, including the ship's agent's commission (see [Para 4602](#)) and any legal costs (over and above the party costs usually ordered to be paid by the salvaged vessel) are deducted from the award before distribution.

5. Income tax and ERNIC where applicable is payable on salvage awards and will be deducted at source.

6. See also **Para 4603 sub para 3**, [Para 4607](#) and [Para 4608](#).

4649–4660. Unallocated

SECTION V - SALVAGE OF PRIVATE PROPERTY

4661. Articles Found

1. All articles, other than those belonging to the Crown, found in or on the shores of the sea or any tidal waters of the United Kingdom are to be delivered to the Receiver of Wreck for the district. Abroad, application is to be made to consular or other appropriate authorities for disposal instructions.
2. A report is to be sent to the MOD stating whether the personnel wish to claim salvage, unless an award offered by a Receiver of Wreck is accepted under [Para 4662](#).
3. No claim will be sanctioned for salvage or recovery of Crown property by any member of HM Forces. In this context HM Forces include civilians employed by the Department.

4662. Awards from Receivers of Wreck

1. Flag Officers and Naval Officers-in-Charge may, without reference to the MOD, sanction the acceptance of awards offered by Receivers of Wreck for salvaged property not owned by or entirely at the risk of, the Crown. Permission to accept is not normally to be withheld even though the circumstances may have been fortuitous and the service performed during the normal course of duty. When acceptance is permitted, the reward offered by the Receiver of Wreck is to be accepted without questioning the amount. The MOD is to be informed whenever permission is withheld.
2. When the reward exceeds £100 the MOD is to be informed of the circumstances of the salvage, and the names and rank or rating of the salvors. The MOD will allocate the award in part or in full to the salvors. The allocation will be distributed by DBS according to the Order in Council in force at the time of the service or as otherwise directed. The current Order in Council is in [Annex 46A](#), Part 2.
3. The authority sanctioning acceptance of awards within a limit of £100 is to distribute them in full according to the Order in Council in force at the time of the service, unless there is justification for a special apportionment. The current Order in Council is in [Annex 46A](#), Part 2. When the award is so small that distribution is hardly practicable, the distributing authority may empower the Commanding Officer to pay the award at his/her discretion either to the Ship's Fund or a suitable charity.
4. Particulars of participants in local distributions and the amounts paid to them are to be sent to DBS.

4663–4670. Unallocated

SECTION VI - SALVAGE OR RECOVERY OF NAVAL PROPERTY

4671. Recovery of Stores by Contract

1. When important stores which are lost cannot be recovered by MOD resources and it is desirable to employ outside assistance, careful consideration is to be given to whether the likely expenses are justified, before a contract is made. DES-Salvage & Marine operations are the MOD recovery authority and should be consulted if contractual recovery is under consideration. Particular care should be exercised if the recovery could be deemed to be contracting third party diving services [see JSP430]. When reporting losses to the MOD, the arrangements for the recovery of the articles are to be stated.

4672. Recovered Articles Returned

1. Those returning articles lost from naval vessels are to be given a receipt for them provided that the Commanding Officer is satisfied that they were not improperly obtained. Particulars of the description, quantity and condition of the articles are to be shown on the receipt, and a copy is to be kept with the ship's store accounts in which they are taken on charge. (Under no circumstances are items of equipment to be disposed of without prior authority from DJEP CLCP).

2. When the salvaged value exceeds £500 the following are to be sent by the Commanding Officer through the appropriate administrative authority to DJEP CLCP:

- a. Copy of the receipt for the articles salvaged.
- b. Report showing their condition and estimated present value.
- c. Details of:
 - (1) The service for which the articles are expected to be required.
 - (2) Whether those claiming salvage were assisted by any personnel of **HM** ships or vessels.
 - (3) Why the crew had been unable to recover the articles.
 - (4) Salvage remuneration to be paid or proposed.
- d. An opinion whether the salvors incurred any expense or experienced any risk in recovering the articles.

3. When the salvaged value is £500 or under, and payment is authorized locally under article 4673.2, the information required under Clause 2 above is to be attached to the cash account voucher.

4673. Payment for Salvage

1. An award for salvage by private individuals will be considered by the MOD when the salvaged value exceeds £500 and the information in **Para 4672 sub para 2** is received.

2. The Commanding Officer is to authorize small payments for salvage by private individuals without submission to the MOD when the salvaged value does not exceed £500. The payments are to be governed by the following scale:

a. When the estimated net value of the articles salvaged does not exceed £20, a sum not exceeding two-thirds of the net value may be paid.

b. When the estimated net value of the articles is over £20 but does not exceed £500, the sum paid is not to exceed half the net value or £50, whichever is the less.

3. Clauses 1 and 2 do not apply to awards payable under [Para 4674](#) to **Para J.4678**, for torpedoes, minesweeping floats and multiplanes, mines, sleeve and flag targets, aircraft and their parts and equipment.

4. Before local payments are made for salvaging stores, torpedoes, etc., it is to be verified that further claims will not be preferred for the same service, e.g., by the owners when a payment is made to a Master.

4674. Salvage and Recovery of Torpedoes

1. The following rewards may be authorized by a Flag Officer, General Officer Commanding, or Air Officer Commanding, and paid locally to salvors of torpedoes and missiles, as a charge to RA CODE NPA 005.

	<i>Serviceable</i>	<i>Unserviceable</i>
	£	£
a. For providing information (first report) to the nearest maritime port or Customs authority leading to the recovery of a torpedo or missile	<i>up to a maximum</i> 1000	<i>up to a maximum</i> 250
b. For salvaging a torpedo or missile and delivering to the local authority	5000	1000

2. When assessing the appropriate level of reward, account should be taken of the value of the equipment and the degree of difficulty or danger the salvor experienced during its recovery.

3. In addition to the rewards in Clause 1, compensation may be paid for any material damage or loss (including loss of earnings) incurred in salvaging, subject to confirmation and certification by the local Fishery Officer and in accordance with **5932**.

4. When payment is made the salvor is to be informed that the award is in full and final settlement of the claim.

5. In the event that the salvor disputes the award his claim, together with the Fishery Officer's report and a report on the type, age, origin, condition and final disposal of the torpedo or missile, is to be referred to DJEP CLCP, for further consideration.

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6. Ships are not to pay awards for the recovery of torpedoes or missiles in home waters. After verification by the naval authority through which they are submitted, claims are to be sent to the Chief of Naval staff/First Sea Lord who is to pass them for settlement to the depots concerned if the payment is authorised.

7. Rewards are not payable to personnel of **HM** Forces or civilians employed by the MOD.

4675. Minesweeping Floats and Multiplanes

1. Salvors of lost minesweeping floats and multiplanes may be paid rewards not exceeding £25. If more than £25 is claimed, or it is considered that a reward of more than £25 should be paid, the matter is to be referred to DJEP CLCP.

2. *Pro rata* payments are to be made for recovering portions of minesweeping floats and multiplanes.

3. Payment is to be made as in [Para 4673](#).

4676. Mines

1. The following rewards may be authorised by a Flag Officer or Senior Naval Officer, and paid locally to salvors of mines, as a charge to RA CODE NPA 005:

	<i>Serviceable</i>	<i>Unserviceable</i>
a. For providing information (first report) to the nearest port or Custom authority leading to the recovery of a practice mine.	<i>up to a maximum of £400</i>	<i>up to a maximum of £100</i>
b. For salving a mine and delivery to the local authority	<i>up to a maximum of £2000</i>	<i>up to a maximum of £400</i>

2. When assessing the appropriate level of award, account should be taken of the value of the equipment and the degree of difficulty or danger the salvor experienced during its recovery.

3. Claims for damage to trawls or nets are to be dealt with as in **5932**.

4. Guidance for fishermen in dealing with mines caught in trawls is given in the annual reprint of *Admiralty Notices to Mariners*.

5. In addition to the awards in Clause 1, compensation may be paid for any material damage or loss (including loss or earnings) incurred in salving, subject to confirmation and certification by the local Fishery Officer and in accordance with **5932**.

6. When payment is made, the salvor is to be informed that the award is in full and final settlement of their claim.

7. In the event that the salvor disputes the level of award, his claim, together with the Fishery Officer's report and a report on the type, age, origin, condition and final disposal of the mine, is to be referred to DJEP CLCP for further consideration.

8. Ships are not to pay awards for the recovery of mines in home waters. After verification by the naval authority through which they are submitted, claims are to be sent to the Chief of Naval Staff/First Sea Lord who is to pass them for settlement to the depots concerned if the payment is authorised.

9. Rewards are not payable to personnel of HM Forces or civilians employed by the MOD.

4677. Recovery of Sleeve or Flag Targets

1. Awards for recovering sleeve or flag targets are to be limited to £25 and may be paid on the authority of the Commanding Officer. An award in excess of this amount is not to be made without MOD authority. Awards are not payable to personnel of HM Forces or civilians employed by the MOD.

(*Navy only*). The Drogue Recovery Certificate prepared and used to support the cash account is to be regarded as sufficient compliance with Para 4672 [sub para 2](#).

J.4678. Rewards to Civilians after Aircraft Crashes

1. Payments as set out below may be made locally to persons not in Her Majesty's Forces for assistance of benefit to the Service in connection with aircraft belonging to the Crown that have crashed or forced-landed:

a. **Rescue of aircrews.** For rescuing or helping aircrews to safety in difficult conditions overseas—up to £150, (*Navy only*)—chargeable to RA CODE RNA 003 for each aircrew member rescued, or, if more than one person assisted, or if justified by the expenses incurred or efforts expended, up to a total of £1000, for any one incident.

b. **Location of crashed aircraft.** For locating or giving a first report about a missing crashed aircraft in territories overseas—up to £100, but this cannot be made in addition to an award under a.

c. **Salvage.** For salvage of crashed aircraft, parts or equipment:

(1) At sea: when recovery is important for security reasons or for determining the causes of an accident—up to £3000 for the reasonable out-of-pocket expenses of the salvor.

(2) On land: in the UK no reward is to be paid, or offered, without MOD approval which will be given only when aircraft or equipment of particular significance are concerned and will be limited to a maximum of £3000. Overseas, however, the appropriate senior service officer may, at their discretion, in urgent cases pay, or offer, up to £300 for recovery on land, reporting all such payments to the MOD.

The payments for b and c are chargeable to the appropriate material vote.

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4679. Abandonment

1. In accordance with the provisions of the Merchant Shipping Acts, the MOD is entitled to abandon any item of salvaged property in lieu of an award. It is therefore important that recovered property is not disposed of without prior authority of DJEP CLCP or alternatively the claim has been settled locally.

4680–4699. Unallocated

ANNEX 46A

PRIZE AND SALVAGE

Part 1. Form of Appointment of Ship's Agent under the Naval Agency and Distribution Act 1864

I,.....(1), Commanding Officer of Her Majesty's..... (2), hereby appoint..... (3),.....of (4),..... to be the Ship's Agent for the purposes of the Naval Agency and Distribution Act 1864.

Datedthe day of.....
(Signed) A.B.

Witness

(Signed) C.D.

- (1) Name of officer
- (2) Description and name of ship
- (3) Name of agent
- (4) Address of agent.

Part 2. Order in Council Regulating the Distribution of Prize Money and Salvage Awards

(1) The distribution of prize money (other than salvage awards) as defined in **4601** is regulated by Order in Council of 27th April, **1918**, which is not reproduced here.

(2) The distribution of salvage awards is regulated by Order in Council of 18th December, 1936, as follows:

At the Court at Buckingham Palace,
The 18th day of December, 1936
Present:
The King's Most Excellent Majesty in Council

Whereas there was this day at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 19th day of November, 1936 (NL1344/36) in the words following, viz:

“Whereas by the Naval Agency and Distribution Act 1864 it is provided that money distributable among the Officers and Crews of any of Your Majesty's Ships of War in respect of Awards made in the several cases therein mentioned, so far as full provision respecting the distribution thereof is not made by or under any Act of Parliament other than that Act, shall be distributed under our direction in the shares in that behalf specified in any Royal Proclamation or Order in Council; and further that Your Majesty in Council may from time to time make such Orders as seem meet for the better execution of the Act:

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“And whereas His late Majesty King George the Fifth was pleased, by Order in Council dated the 27th April, 1918, to authorise the distribution under our direction of all Prize Bounty, and also of the net proceeds of Captures and Seizures under the several Acts of Parliament passed relating to the Revenues of Customs, to Trade and Navigation, for the Abolition of the Slave Trade, and for the Capture and Destruction of Pirates and Piratical Vessels, and of the Rewards conferred for the same, and also (when not otherwise specially apportioned by the Terms of the respective Awards and Allowances) of all Awards for salvage granted to the Crews of His Majesty’s Ships and Vessels of War and all other Moneys whatsoever granted to be shared among the Officers and Crews of His Majesty’s Ships and Vessels in the manner of Prize Money, except those arising from Prize of War, in the shares and under the Regulations set forth in the said Order:

“And whereas it is considered expedient to cancel and repeal the Scale of Distribution contained in the said Order in Council dated the 27th April, 1918, in so far as it relates to awards for salvage:

“We now therefore beg leave humbly to submit that Your Majesty may be graciously pleased, by Your Order in Council to cancel and repeal the above mentioned Order in Council of the 27th April, 1918, in so far as it relates to awards for salvage, and to authorise the distribution under our direction of all Awards for salvage granted to the Officers and Crews of any of Your Majesty’s Ships and Vessels of War, when not otherwise specially apportioned by the Terms of the respective Awards, in the shares and under the Regulations set forth below:

“1. The net amount distributable shall be distributed by Classes, so that every person present and assisting shall receive shares according to his Class, or according to equivalent Ranks and Ratings as set forth in the following scale, the equivalent Ranks and Ratings being those laid down in Your Majesty’s Regulations and Admiralty Instructions for the Government of Your Majesty’s Naval Service, and in the Regulations for the Government of the various classes of the Reserves, or, if not so laid down, as may be determined by us:

<i>Special Classes:</i>	SHARES
Admiral Commander-in-Chief	1,250
Admiral Commanding a Squadron	1,000
Vice-Admiral Commander-in-Chief	1,000
Vice-Admiral Commanding a Squadron	750
Vice-Admiral	500
Rear-Admiral Commander-in-Chief	750
Rear-Admiral Commanding a Squadron	500
Rear-Admiral	300
Commodore 1st Class Commander-in-Chief	750
Commodore 1st Class Commanding a Squadron	500
Commodore 1st Class	250
Commodore 2nd Class Commanding a Squadron	250
Commodore 2nd Class	160
Captain-in-Command, after nine years’ service in that rank	160

Captain-in-Command, after six years' service in that rank	140
Captain-in-Command, after three years' service in that rank	120
Captain-in-Command, with not more than three years' service in that rank	100
<i>First Class:</i>	
Commander in Command	60
<i>Second Class:</i>	
Captain not in Command, Commander serving as second in Command in a ship commanded by a Captain, Engineer Commander and Commander (E) in charge of the engines of a ship commanded by a Captain, and Lieutenant-Commander in Command	40
<i>Third Class:</i>	
Commander not in Command, Lieutenant Commander serving as Second in Command in a ship commanded by a Captain, Engineer Lieutenant-Commander and Lieutenant Commander (E) in charge of the engines of a ship commanded by a Captain and Lieutenant in Command	30
<i>Fourth Class:</i>	
Lieutenant-Commander not in Command, Lieutenant serving as Second in Command in a ship commanded by a Captain, and Lieutenant (E) in charge of the engines of a ship commanded by a Captain	25
<i>Fifth Class:</i>	
Lieutenant not in Command, Sub-Lieutenant in Command and Commissioned Officer from Warrant Rank in Command	20
<i>Sixth Class:</i>	
Sub-Lieutenant not in Command, Commissioned Officer from Warrant Rank not in Command and Warrant Officer in Command	15
<i>Seventh Class:</i>	
Warrant Officer not in Command	12
<i>Eighth Class:</i>	
Midshipman and Chief Petty Officer	10
<i>Ninth Class:</i>	
Naval Cadet and Petty Officer	8
<i>Tenth Class:</i>	
Leading Seaman	6
<i>Eleventh Class:</i>	
Able Seaman	5
<i>Twelfth Class:</i>	
Ordinary Seaman and Boy	3
<i>Thirteenth Class:</i>	
Supernumeraries	2

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“2. Subject to Paragraph 1, all Officers and Men of the Royal Marines and of the various classes of the Reserves, all Officers and Men of the Fleet Air Arm forming part of the complement of any of Your Majesty’s Ships and Vessels of War and all Officers and Men of the Mercantile Marine who are temporarily employed in Your Majesty’s Naval Forces shall receive shares according to their equivalent Ranks and Ratings in the Royal Navy or if there are no such equivalent Ranks and Ratings then according to the Ranks or Ratings to which their appointments may be deemed to be equivalent.

“3. All other persons present and assisting shall share as supernumeraries.

“4. Any Officer entitled to share in an award who shall have more Commissions than one shall be entitled to participate only according to the share allotted to him by the above mentioned distribution in respect of his superior Commission.

“5. Officers serving as Chief of Staff or Captain of the Fleet shall share as in Command of a Squadron or Ship.

“6. Officers and others holding Acting Appointments superior to their Substantive Ranks or Ratings, and who are in receipt of the pay of such Acting Appointments, shall share according to such Acting Rank.

“7. In the event of any difficulty arising with respect to any of these Rules, or if any case should occur not herein provided for, or not sufficiently provided for, or if the assistance rendered by any person shall be considered to merit a larger or smaller share than he would be entitled to receive under the foregoing Rules, we shall be competent to issue such directions thereon as may appear just and expedient.

“8. The scale of distribution herein contained shall apply to all Awards for Salvage distributed after the date of this Order.”

(*Note.* Changes in nomenclature of ranks and ratings since the above Order in Council was issued do not affect the allocation of shares in the scale laid down).

Part 3. Salvage Bond

Whereas certain salvage services are alleged to have been rendered by Her Majesty’s ship (insert names of ship and of Captain), to the merchant vessel (insert names of vessel and of Master), belonging to (name and place of business or residence of owner of vessel), freighted by, (the name of the freighter) and to the cargo therein, consisting of (state very shortly the description and quantities of the goods, and the names and addresses of their owners and consignees).

And whereas the said (insert name of Captain of ship) has voluntarily agreed to abandon his lien upon the said vessel (insert name of merchant vessel), and the cargo thereof, upon the Master of the said vessel entering into such agreement as hereinafter contained, as is testified by the said (insert name of Captain) signing this agreement, and the parties thereto have agreed the amount to be inserted in this bond at the sum of (state the sum).

Now I, the said (name of Master), do hereby, in pursuance of sec. 554 of the Merchant Shipping Act 1894, and on consideration of the premises, bind the several owners for the time being of the said vessel, and the cargo therein, and of the freight payable in respect of such cargo, and their respective heirs, executors and administrators, to pay among them such sum, not exceeding the said sum of (state the sum fixed) in such proportion and to such persons as the High Court in England (or if the parties agree on any other Court, substitute the name of it here) shall adjudge to be payable as salvage for the services so alleged to have been rendered as aforesaid.

In witness whereof we have hereunto set our hands this day of 19 .

Signed by the said
(Captain's signature)
(Master's signature)

In the presence of us

of
and
of

} Signatures and full description
of witnesses



Note. Any of the particulars not known, or not required, may be omitted.

Part 4. Statement of Particulars

1. Particulars to be stated both by the salvor and by the master or other person in charge of the vessel, cargo, or property saved:
 - a. The place, conditions and circumstances in which the vessel, cargo or property was at the time when the services were rendered for which salvage is claimed:
 - b. The nature and duration of the services rendered.
2. Additional particulars to be stated by the salvor:
 - a. The proportion of the value of the vessel, cargo and property, and of the freight which he claims for salvage, or the value at which he estimates the vessel, freight, cargo and property respectively, and the several amounts that he claims for salvage in respect of the same:
 - b. Any other circumstances which he thinks relevant to the said claim.
3. Additional particulars to be stated by the said master or other person in charge of the said vessel, cargo, or property:
 - a. A copy of the certificate of registry of the said vessel and of the endorsements thereon, stating any change which (to his knowledge or belief) has occurred in the particulars contained in the certificate; and stating also, to the best of his knowledge and belief, the state of the title to the vessel for the time being, and of the incumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and incumbrances:

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- b. The name and place of business or residence of the freighter (if any) of the said vessel, and the freight to be paid for the voyage on which she then is:
- c. A general account of the quantity and nature of the cargo at the time the salvage services were rendered:
- d. The name and place of business or residence of the owner of the cargo and of the consignee thereof:
- e. The values at which the Master or person making the statement estimates the vessel, cargo and property, and the freight respectively; or if he thinks fit, in lieu of the estimated value of the cargo, a copy of the vessel's manifest:
- f. The amounts which the Master thinks should be paid as salvage for the services rendered:
- g. An accurate list of the property saved, when the vessel itself is not saved:
- h. An account of the proceeds of the sale of the vessel, cargo or property in cases when they or any of them are sold at the port where the statement is made:
- i. The number, capacities and conditions of the crew of the vessel at the time when the services were rendered; and
- j. Any other circumstances he thinks relevant to the matters in question.

ANNEX 46B

SUMMARY GUIDE TO SALVAGE

This table is designed as a summary guide to some of the requirements and considerations which should be taken into account before undertaking, during or after a salvage operation. It does not supersede the more comprehensive guidance and instructions contained in [Chapter 46](#) (see [Para J. 4621 sub para 3](#)).

	Circumstances (C) and guidance (G)	QRRN reference
C	1. Distress call received	
	Is it possible/reasonable/necessary to assist?	
G	a. No. Note circumstances in Ship's Log.	Para J. 4621 sub para 1
	b. Yes. Proceed with all speed (see Note i).	
	Note. (i) Acknowledgement of a distress call received direct from a ship in distress commits HM ship to proceed to assist. HM ship is released from lifesaving obligation only when informed by the vessel in distress that assistance is no longer required or that other vessel(s) is/are assisting, or that all personnel have been rescued from the casualty.	
C	2. Proceeding to the scene	
G	In addition to the normal preparations, signal intentions and name of distressed vessel to MODUK NAVY (using SIC I2C) so that information can be obtained by MOD of factors affecting decisions about salvage terms and suitability. Organize the keeping of a full chronological log of the ship's involvement, including:	
	a. Action taken.	
	b. Assessment of salvage possibilities and relevant factors such as risk involved, weather conditions, state of vessel, etc. and by whom made.	
	c. Involvement of other ships.	
	d. Agreements reached, and any discussions with Master/ co-salvor(s)/ Salvage Officer.	
	e. Details of personnel and equipment used or expended, and for what purpose.	
	f. Communications and instructions sent or received, and the source.	
	g. Photographic record.	
	h. Nominal list of all personnel actually on board HM ship at time of incident.	
C	3. Arrival on the scene	
G	a. First priority is humanitarian assistance—the safety of life.	
	b. Any Commonwealth registered ship present should be given the first opportunity to undertake salvage.	Para 4641 sub para J.1
	c. Master of vessel in distress has the right to choose/replace salvor(s) and appoint co-salvor(s).	Para 4641 sub para 3 and sub para 4

	Circumstances (C) and guidance (G)	QRRN reference
	d. If a vessel is derelict, the first salvor to take possession has sole right to the vessel, even over the owner but this statement is qualified at Para 4641 sub para 5 .	
	e. Signal initial report to naval authorities.	Para 4644 sub para 1
	f. Inform ship's agent as soon as possible.	Para J.4645
C	4. Before undertaking salvage (see Note ii and Note iii)	
	—Is vessel aground or in imminent danger of going aground?	
	—Is the success of a salvage attempt in doubt?	
	—Is there a significant risk to HM ship?	
	—Would HM ship's programme suffer major disruption?	
	—Is there a risk of pollution?	
	—Is Dipclear required?	
	—Is the vessel carrying a toxic/dangerous cargo?	
	Note. (ii) <i>HM ships are not, under any circumstances, to offer towage or salvage free of charge.</i>	Para 4644
	Note. (iii) <i>Consider seeking the services of a MOD(N) salvage office.</i>	Para 4624 sub para 2
G	a. <i>Doubt.</i> If in doubt whether to undertake salvage, or as to the terms under which it is to be undertaken, seek guidance from MODUK NAVY using SIC I2C. MOD(DNOT) will contact the Chief Salvage Officer or Duty Salvage Officer for advice (see Note iv).	Para 4641 sub para 4
	Note. (iv) <i>Salvage work may be undertaken while awaiting a reply to important questions if the nature of the casualty demands fast action. However, it should be made clear to the ship's Master that MOD may pursue a salvage claim on a non-contractual basis.</i>	Para 4642
	b. <i>Yes.</i> If the answer to any of the seven questions above is 'Yes', consider salvage on a non-contractual basis. It should, however, remain clear that MOD may still claim (see Note iv).	Para 4642
	c. <i>No.</i> If the answer to any of the seven questions above is 'No', use Lloyd's Open Form (LOF), which should be signed before operations begin if possible. If the Master/ representative of the casualty will not sign LOF, make it clear that services are rendered subject to the terms of LOF.	
	d. If a toxic/dangerous cargo is involved, see Para 5 below.	Para 4624
C	5. Vessel with a dangerous cargo	
G	Check Dangerous Goods List and Blue Book, and if the ship is carrying a chemical cargo.	
	a. Consider instituting CHEMCHECK procedure by immediate signal to MOD(N) using SIC I2C.	
	b. Restrict initial actions to those necessary to save life, remaining upwind of the casualty and boat traffic approaching on the <i>weather side</i> .	
	c. Do not attempt salvage, or sign LOF, before receiving MOD advice (see Note v).	
	Note. (v)	

	Circumstances (C) and guidance (G)	QRRN reference
	(1) Signing of LOF <i>binds the salvor to continuing salvage until released by the vessel in distress</i> on a 'no-cure—no pay' basis.	
	(2) Signing the LOF is not essential to the successful prosecution of a salvage claim, although it may be signed in retrospect in London.	
	d. If possible, seek assistance of a Salvage Officer (see Note vi).	Para 4624
	Note. (vi) <i>If a Salvage Officer is put in charge of the operation, the Commanding Officer is in no way relieved of responsibility for ship and crew.</i>	
C	6. On completion of salvage	
	Has security for a possible award been obtained?	
G	a. <i>Doubt.</i> If not already notified that security for a possible award has been obtained, seek advice from MOD(N) using SIC I2C.	
	b. Yes. Obtain certificate of delivery.	
C	7. Reports required	
G	a. Initial signalled report required using SIC I2C. Not to be delayed for lack of details.	Para J. 4644 sub para 1
	b. Subsequent signalled Sitreps required.	4644.2
	c. Pass details to ship's agent for salvage claim on behalf of ship's company.	Para J.4645
	d. On completion, render a full written report.	Para J. 4644 sub para J.3
C	8. HM ship in collision distress	
	Does HM ship need assistance?	
G	a. Yes. HM ship in collision should give assistance to other vessel and stand by her until no longer required, unless it is unsafe to do so or there is an overriding operational commitment.	
	b. <i>No.</i>	
	(1) Commercial assistance to HM ship is only to be sought/ accepted in an emergency. Whenever possible nearest Navy Dept salvage resources are to be used.	Para 4631
	(2) <i>LOF not to be signed, nor any agreement entered into, without reference to MOD(N) using SIC I2C.</i>	Para 4631 sub para 6