



# Merchant Shipping Act 1906

## 1906 CHAPTER 48

### PART II

#### PASSENGER AND EMIGRANT SHIPS

#### **13 Inclusion of foreign steamships as passenger steamers**

The definition of " passenger steamer " in section two hundred and sixty-seven of the principal Act shall be amended so as to include every foreign steamship (whether originally proceeding from a port in the United Kingdom or from a port out of the United Kingdom) which carries passengers to or from any place, or between- any places, in the United Kingdom.

#### **14 Definition of steerage passenger**

The following paragraph shall be substituted for paragraph (3) of section two hundred and sixty-eight of the principal Act—

- “(3) The expression 'steerage passenger' means all passengers except cabin passengers, and persons shall not be " deemed cabin passengers unless—
- (a) the space allotted to their exclusive use is in the pro-" portion of at least thirty-six clear superficial feet to each statute adult; and
  - (b) the fare contracted to be paid by them amounts to at " least the sum of twenty-five pounds for the entire " voyage or is in the proportion of at least sixty-five shillings for every thousand miles of the length of " the voyage ; and
  - (c) they have been furnished with a duly signed contract " ticket in the form prescribed by the Board of Trade " for cabin passengers.”

#### **15 Passengers landed or embarked by means of tenders**

Where a passenger steamer takes on board passengers from a tender, or lands passengers by means of a tender, she shall be deemed to be taking the passengers on board from, or landing the passengers at, the port from or to which the tender comes

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or goes, and passengers conveyed in a tender to or from a ship from or to a place in the United Kingdom shall for the purposes of Part III. of the principal Act, and for the purposes of any returns to be made under the Merchant Shipping Acts, be deemed to be passengers carried from or to a place in the United Kingdom.

**16 Restriction as to the decks on which passengers may be carried**

- (1) A ship shall not carry passengers, whether cabin or steerage passengers, on more than one deck below the water line.
- (2) If this section is not complied with in the case of any ship the master of the ship shall for each offence be liable to a fine not exceeding five hundred pounds.

**17 Regulations substituted for Schedules 10, 11, 12, 13, and 14 of principal Act**

- (1) The Board of Trade may prescribe regulations, scales, conditions, and forms in substitution for those contained in the Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth Schedules of the principal Act (which relate to the number of persons carried on emigrant ships, the accommodation for steerage passengers on emigrant ships, the provisions and water to be issued to steerage passengers on emigrant ships, the carriage of horses and cattle on emigrant ships, and the forms to be used under Part III. of that Act).
- (2) Any reference in the Merchant Shipping Acts or in any other Act or document to any of those schedules shall be construed as a reference to the corresponding regulations, scales, conditions, or forms prescribed by the Board of Trade under this section.

**18 Copies of scale of provisions applicable to voyage to be produced to steerage passenger and posted up in ship**

- (1) The master of every emigrant ship shall on request produce to any steerage passenger for his perusal a copy of the scale of provisions to which that person is entitled either in pursuance of the principal Act or under any conditions subject to which the Board of Trade have dispensed with that scale in pursuance of their powers under the Merchant Shipping Acts, and shall post up copies of the scale in at least two conspicuous places between the decks on which steerage passengers may be carried, and shall keep them posted so long as any steerage passenger is entitled to remain in the ship.
- (2) The master shall be liable on summary conviction to a fine not exceeding forty shillings for every day during any part of which by his act or default copies of the extracts are not posted up, and shall, if he fails to produce a copy of the scale as required by this section to a steerage passenger, for each offence be liable on summary conviction to a fine not exceeding forty shillings.
- (3) If any person displaces or defaces any copy of the scale posted under this section, he shall for each offence be liable on summary conviction to a fine not exceeding forty shillings.
- (4) The obligation of the master under this section shall be in addition to and not in derogation of any obligation he may be under in pursuance of section three hundred and sixty-one of the principal Act.

## **19 Provision as to the time at which a steerage passenger is to be ready to embark**

For the purpose of adapting section three hundred and twenty-eight of the principal Act to any hour of sailing, the following paragraph shall be substituted for paragraph (i) of that section:—

- “(i) The steerage passenger is at the place of embarkation " before the hour appointed in his contract, or if no " hour is appointed in the contract, before any hour " fixed for the embarkation of which he has received " not less than twenty-four hours notice ; and ””

## **20 Power to allow continuing master's bond**

- (1) The Board of Trade, on the application of the owner of any emigrant ship, may, by regulations made under this section, allow the master's bond required under section three hundred and nine of the principal Act, to be given, subject to such conditions as may be prescribed, in the form of a continuing bond as respects that ship.
- (2) The Board of Trade may make regulations for the purpose of adapting the provisions of sections three hundred and nine and three hundred and ten of the principal Act to the case of a continuing bond, and for prescribing the conditions under which continuing bonds may be allowed in the case of any ship.
- (3) Subsection (3) of section three hundred and ten of the principal Act shall have effect with respect to every voyage of the ship during the continuance of the bond, and references to the arrival of the ship and the return of the ship shall be construed as references to the arrival of the ship and the return of the ship after any voyage, so far as respects matters happening during or in connection with the voyage.

## **21 Penalty on master or owner for non-compliance with provisions as to passenger steamers**

If the provisions of the Merchant Shipping Acts which require a passenger steamer to be surveyed and to have a passenger steamer's certificate are not complied with in the case of any such steamer, the master or owner of the steamer shall, without prejudice to any other remedy or penalty under the Merchant Shipping Acts, be liable on summary conviction to a fine not exceeding ten pounds for every passenger carried from or to any place in the United Kingdom, and the master or owner of any tender by means of which passengers are taken on board or landed from any such steamer shall be liable to a like penalty for every passenger so taken on board or landed.

## **22 Overcrowding of passenger steamers**

If a passenger steamer has on board at any place a number of passengers which, having regard to the- time, occasion, and circumstances of the case, is greater than the number allowed by the passenger steamer's certificate, the owner or master of the steamer shall, for the purposes of section two hundred and eighty-three of the principal Act, be deemed to have received those passengers on board at that place.

## **23 Sale of steerage passages**

The provisions of Part III of the principal Act, relating to passage brokers, shall apply to any person who at any place in the British Islands sells or lets, or agrees to sell or

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let, or is anywise concerned in the sale or letting of, steerage passages from any place in Europe not within the Mediterranean Sea.

**24 Frauds in inducing or attempting to induce persons to engage passages**

The following section shall be substituted for section three hundred and fifty-three of the principal Act:—

“If any person, by any false representation, fraud, or false " pretence, induces or attempts to induce any person to emigrate " or to engage a steerage passage in any ship, he shall for each " offence be liable on summary conviction to a fine not exceeding " fifty pounds, or to imprisonment with or without hard labour " for a period not exceeding three months.”