



Merchant Shipping Act 1894

1894 CHAPTER 60 57 and 58 Vict

PART III

PASSENGER AND EMIGRANT SHIPS

2. PASSENGER STEAMERS

Survey of Passenger Steamers

271 Annual survey of passenger steamers.

[^{F1}(1) Every passenger steamer which carries more than twelve passengers shall be surveyed once at least in each year in the manner provided in this Part of this Act; and no ship (other than a steam ferry boat working in chains) shall proceed to sea or on any voyage or excursion with more than twelve passengers on board, unless there is in force in respect of the ship a certificate as to survey under this Part of this Act, applicable to the voyage or excursion on which the ship is about to proceed, or that voyage or excursion is one in respect of which [^{F2}the Board of Trade] has exempted the ship from the requirements of this subsection.]

(2) A passenger steamer attempting to ply or go to sea may be detained until such certificate as aforesaid is produced to the proper [^{F3}officer of customs and excise][^{F4}unless the voyage or excursion on which she is about to proceed is one in respect of which she has been exempted as aforesaid.]

[^{F5}(3) If a ship proceeds to sea or on any voyage or excursion when it is prohibited from doing so by subsection (1) of this section, the owner and the master of the ship shall each be guilty of an offence and liable on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds.]

Textual Amendments

F1 S. 271(1) substituted by [Merchant Shipping Act 1964 \(c. 47\), s. 17\(1\)](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Cross Heading: Survey of Passenger Steamers. (See end of Document for details)

- F2** Words substituted by virtue of S.I. 1965/145, arts. 2, 3(2), **Sch. 1**
- F3** Words substituted by virtue of Customs and Excise Management Act 1979 (c. 2), **Sch. 4 para. 1**
- F4** Words inserted by Merchant Shipping Act 1964 (c. 47), **s. 17(1)**
- F5** S. 271(3) inserted by Merchant Shipping Act 1979 (c. 39), **Sch. 6 Pt. VII para. 3**

Modifications etc. (not altering text)

- C1** S. 271(3) amended by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 49(1)**

272 Mode of survey and declaration of survey.

(1) The owner of every passenger steamer shall cause the same to be surveyed by a [^{F6}ship surveyor] of ships and an engineer surveyor of ships [^{F7}and, in the case of a sea-going passenger steamer required to be provided with a [^{F8}radio installation], by a wireless telegraphy surveyor] the [^{F6}ship surveyor] being, in the case of an iron steamer, a person properly qualified in the opinion of the Board of Trade to survey an iron steamer.

(2) ^{F9}

(3)–(5) . . . ^{F10}

Textual Amendments

- F6** Words substituted by virtue of Merchant Shipping Act 1906 (c. 48), **s. 75(1)**
- F7** Words inserted by Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9), **s. 9(1)**
- F8** Words substituted by Merchant Shipping (Safety Convention) Act 1949 (c. 43), **s. 35(5)**
- F9** S. 272(2) repealed by S.I. 1981/568, **reg. 3**
- F10** S. 272(3)–(5) repealed by Merchant Shipping (Safety Convention) 1949 Act (c. 43), s.13(1), 37, Sch. 3

Modifications etc. (not altering text)

- C2** S. 272 amended by Merchant Shipping Act 1906 (c. 48), **s. 75(3)** and Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9), **s. 9(1)**; modified by Merchant Shipping (Safety Convention) Act 1949 (c. 43), **s. 15**

273 Transmission of declaration.

- (1) The owner of a steamer surveyed shall within fourteen days after the receipt by him of a declaration of survey transmit it to the Board of Trade.
- (2) If an owner fails without reasonable cause so to transmit a declaration of survey, he shall forfeit a sum not exceeding [^{F11}50p] for every day during which the transmission is delayed, and any sum so forfeited shall be payable on the granting of a certificate in addition to the fee, and shall be applied in the same manner as the fee.

Textual Amendments

- F11** Words substituted by virtue of Decimal Currency Act 1969 (c. 19), **s. 10(1)**

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274 Issue of passenger steamer's certificate.

On the receipt of the declarations of survey, the Board of Trade shall, if satisfied that this Part of this Act has been complied with, issue in duplicate a passenger steamer's certificate, that is to say, a certificate stating such compliance and stating, according to the declarations—

- (a) the limits (if any) beyond which the steamer is not fit to ply; and
- (b) the number of passengers which the steamer is fit to carry, distinguishing, if necessary, the number to be carried in each part of the steamer, and any conditions and variations to which the number is subject.

Modifications etc. (not altering text)

C3 S. 274 modified by [Merchant Shipping \(Safety Convention\) Act 1949 \(c. 43\), s. 15](#)

275 Appeal to court of survey.

- (1) If the owner of a steamer feels aggrieved by the declaration of survey of a [^{F12}ship] or engineer surveyor [^{F13}or wireless telegraphy surveyor] or by the refusal of such a surveyor to give such a declaration, he may appeal to the court of survey for the port or district where the steamer for the time being is, in manner directed by the rules of that court.
- (2) On any such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal and the Board, when satisfied that the requirements of the report and of the foregoing provisions of this Part of this Act have been complied with, may grant a passenger steamer's certificate.
- (3) Subject to any order made by the judge of the court of survey the costs of and incidental to the appeal shall follow the event.
- (4) A [^{F12}ship] or engineer surveyor [^{F13}or wireless telegraphy surveyor] in making a survey of a steamer for the purpose of a declaration of survey shall, if the owner of the steamer so requires, be accompanied on the survey by some person appointed by the owner, and in that case, if the surveyor and the person so appointed agree, there shall be no appeal under this section to the court of survey.

Textual Amendments

F12 Words substituted by virtue of [Merchant Shipping Act 1906 \(c. 48\), s. 75\(1\)](#)

F13 Words inserted by [Merchant Shipping \(Safety and Load Line Conventions\) Act 1932 \(c. 9\), s. 9\(3\)](#)

276 Transmission of certificate.

- (1) The Board of Trade shall transmit the passenger steamer's certificate in duplicate to a superintendent or some other public officer at the port mentioned by the owner of the steamer for the purpose, or at the port where the owner or his agent resides, or where the steamer has been surveyed or is for the time lying.
- (2) The Board of Trade shall cause notice of the transmission to be given to the master or owner of his agent, and the officer to whom the certificate has been transmitted shall, on the owner, master, or agent applying and paying the proper fee and other sums (if

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any) mentioned in this Act as payable in that behalf, deliver to him both copies of the certificate.

- (3) In proving the issue of a passenger steamer's certificate it shall be sufficient to show that the certificate was duly received by the said officer, and that due notice of the transmission was given to the owner, master, or agent.

277 Fees for certificate.

The grantee of a passenger steamer's certificate shall pay such fees . . . ^{F14}, as the Board of Trade fix.

Textual Amendments

F14 Words repealed by [Merchant Shipping \(Safety Convention\) Act 1949 \(c. 43\)](#), [Sch. 3](#)

278 Duration of certificates.

- (1) A passenger steamer's certificate shall not be in force for more than one year from the date of its issue, or any shorter time specified in the certificate, nor after notice is given by the Board of Trade to the owner, agent, or master of the steamer, that the Board have cancelled it.
- (2) If a passenger steamer is absent from the United Kingdom at the time when her certificate expires, a fine shall not be incurred for want of a certificate until she first begins to ply with passengers after her next return to the United Kingdom.

279 Cancellation of certificate.

- (1) The Board of Trade may cancel a passenger steamer's certificate where they have reason to believe—
- (a) that any declaration of survey on which the certificate was founded has been in any particular made fraudulently or erroneously; or,
 - (b) that the certificate has been issued upon false or erroneous information; or,
 - (c) that since the making of the declaration, the hull, equipments, or machinery have sustained any injury, or are otherwise insufficient.
- (2) In every such case the Board of Trade may require the owner to have the hull equipment or machinery of the steamer again surveyed, and to transmit further declarations of survey, before they re-issue the certificate or grant a fresh one in lieu thereof.

280 Delivery up of certificate.

- (1) The Board of Trade may require a passenger steamer's certificate, which has expired or been cancelled, to be delivered up as they direct.
- (2) If any owner or master fails without reasonable cause to comply with such requirement, he shall for each offence be liable to a fine not exceeding [^{F15} [^{F16}£50]] [^{F15}level 2 on the standard scale].

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Textual Amendments

- F15** Words “level 2 on the standard scale” substituted (E.W.S.) for “£50” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)
- F16** Word substituted by virtue of [Merchant Shipping Act 1979 \(c. 39\), s. 43\(1\), Sch. 6 Pt. I](#)

Modifications etc. (not altering text)

- C4** [S. 280](#) modified (1.5.1994) by [1993 c. 22, s. 8\(3\), Sch. 4 para.16](#); [S.I. 1993/3137, art. 3\(2\)](#)

281 Posting up of certificate.

- (1) The owner or master of every passenger steamer required to have a passenger steamer’s certificate shall forthwith on the receipt of the certificate by him or his agent cause one of the duplicates to be put up in some conspicuous place on board the steamer, so as to be legible to all persons on board, and to be kept so put up and legible while the certificate remains in force, and the steamer is in use.
- (2) If the owner or master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding [^{F17} [^{F18}£50]] [^{F17}level 2 on the standard scale].
- (3) If a passenger steamer plies or goes to sea with passengers on board, and this section is not complied with, then for each offence the owner thereof shall be liable to a fine not exceeding [^{F19} [^{F20}£200]] [^{F19}level 4 on the standard scale], and the master shall also be liable to a further fine not exceeding [^{F19} [^{F20}£200]] [^{F19}level 4 on the standard scale].

Textual Amendments

- F17** Words “level 2 on the standard scale” substituted (E.W.S.) for “£50” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)
- F18** Word substituted by virtue of [Merchant Shipping Act 1979 \(c. 39\), s. 43\(1\), Sch. 6 Pt. I](#)
- F19** Words “level 4 on the standard scale” substituted (E.W.S.) for “£200” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G](#)
- F20** Words substituted by virtue of [Merchant Shipping \(Load Lines\) Act 1967 \(c. 27, SIF 111\), s. 25, Sch. 1](#) (as amended by [Merchant Shipping Act 1979 \(c. 39, SIF 111\), s. 43, Sch. 6 Pt. VI para. 7](#))

Modifications etc. (not altering text)

- C5** [S. 281](#) modified (1.5.1994) by [1993 c. 22, s. 8\(3\), Sch. 4 para.16](#); [S.I. 1993/3137, art. 3\(2\)](#)

282 Penalty for forgery of certificate or declaration.

If any person—

- (a) knowingly and wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration of survey or passenger steamer’s certificate; [^{F21}or
- (b) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such

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declaration or certificate, or anything contained in, or any signature to any such declaration or certificate;]
 that person shall in respect of each offence be guilty of a misdemeanor.

Textual Amendments

F21 Words repealed (E.W.N.I.) by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), s. 30, **Sch. Pt. I**

Modifications etc. (not altering text)

C6 [S. 282\(a\)](#) modified (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), **Sch. 4 para.16**; [S.I. 1993/3137, art. 3\(2\)](#)

283 Penalty for carrying passengers in excess.

The owner or master of any passenger steamer shall not receive on board thereof, or on or in any part thereof, any 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, and if he does so, he shall for each offence be liable [^{F22}on summary conviction to a fine not exceeding £50,0 and on conviction on indictment to a fine].

Textual Amendments

F22 Words substituted by virtue of [Merchant Shipping \(Load Lines\) Act 1967 \(c. 27, SIF 111\)](#), s. 25, **Sch. 1** (as amended by [Merchant Shipping Act 1979 \(c. 39, SIF 111\)](#), s. 43, **Sch. 6 Pt. VI para. 7**)

Modifications etc. (not altering text)

C7 [S. 283](#) amended by [Merchant Shipping Act 1906 \(c. 48\)](#), s. 22

284 Colonial certificates for passenger steamers.

Where the legislature of any British possession provides for the survey of, and grant of certificates for, passenger steamers, and the Board of Trade report to Her Majesty the Queen that they are satisfied that the certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the certificates granted for the same purpose in the United Kingdom under this Act, Her Majesty in Council may—

- (1) declare that the certificates granted in the said British possession shall be of the same force as if granted under this Act; and
- (2) declare that all or any of the provisions of this Part of this Act which relate to passenger steamer's certificates shall, either without modification or with such modifications as to Her Majesty may seem necessary, apply to the certificates granted in the said British possession; and
- (3) impose such conditions and make such regulations with respect to the certificates, and to the use, delivery, and cancellation thereof, as to Her Majesty may seem fit, and impose fines not exceeding fifty pounds for the breach of those conditions and regulations.

Status:

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