



# Merchant Shipping Act 1894

## 1894 CHAPTER 60

### PART III

#### PASSENGER AND EMIGRANT SHIPS.

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#### PASSENGER STEAMERS.

#### *Survey of Passenger Steamers.*

#### **271 Annual survey of passenger steamers.**

- (1) Every passenger steamer which carries more than twelve passengers shall—
  - (a) be surveyed once at least in each year in the manner provided in this Part of this Act; and
  - (b) shall not ply or proceed to sea or on any voyage or excursion with any passengers on board, unless the owner or master has the certificate from the Board of Trade as to survey under this Part of this Act, the same being in force, and applicable to the voyage or excursion on which the steamer is about to proceed.
- (2) A passenger steamer attempting to ply or go to sea may be detained until such certificate as aforesaid is produced to the proper officer of customs.
- (3) Provided that, while a steamer is an emigrant ship and the provisions of this Part of this Act as to the survey of the hull machinery and equipments of emigrant ships have been complied with, she shall not require a survey or certificate under this section.

#### **272 Mode of survey and declaration of survey.**

- (1) The owner of every passenger steamer shall cause the same to be surveyed by a shipwright surveyor of ships and an engineer surveyor of ships, the shipwright

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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) The surveyors, if satisfied on the survey that they can with propriety do so, shall deliver to the owner declarations of survey in a form approved by the Board of Trade.
- (3) The declaration of the shipwright surveyor shall contain statements of the following particulars:—
  - (a) That the hull of the steamer is sufficient for the service intended and in good condition:
  - (b) That the boats, life buoys, lights, signals, compasses, and shelter for deck passengers, are such, and in such condition, as are required by this Act:
  - (c) The time (if less than one year) for which the hull and equipments will be sufficient:
  - (d) The limits (if any) beyond which, as regards the hull and equipments, the steamer is in the surveyor's judgment not fit to ply:
  - (e) The number of passengers which the steamer is in the judgment of the surveyor fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins; those numbers to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, or other circumstances, as the case requires:
  - (f) That the certificates of the master and mate or mates are such as are required by this Act.
- (4) The declaration of the engineer surveyor shall contain statements of the following particulars, namely:—
  - (a) That the machinery of the steamer is sufficient for the service intended, and in good condition :
  - (b) The time (if less than one year) for which the machinery will be sufficient:
  - (c) That the safety valves and fire hose are such and in such condition as are required by this Act:
  - (d) The limit of the weight to be placed on the safety valves:
  - (e) The limits (if any) beyond which, as regards the machinery, the steamer is in the surveyor's judgment not fit to ply :
  - (f) That the certificates of the engineer or engineers of the steamer are such as are required by this Act.

### **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 ten shillings 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.

### **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.

**275 Appeal to court of survey.**

- (1) If the owner of a steamer feels aggrieved by the declaration of survey of a shipwright or engineer 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 shipwright or engineer 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.

**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 or 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 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, not exceeding those specified in Part One of the Ninth Schedule to this Act, as the Board of Trade fix.

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**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 ten pounds.

**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 ten pounds.
- (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 one hundred pounds, and the master shall also be liable to a further fine not exceeding twenty pounds.

**282 Penalty for forgery of certificate or declaration.**

If any person—

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- (a) knowingly and wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration of surveyor passenger steamer's certificate ; or
- (b) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such 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.

### **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 to a fine not exceeding twenty pounds, and also to an additional fine not exceeding five shillings for every passenger above the number so allowed, or if the fare of any passenger on board exceeds five shillings, not exceeding double the amount of the fares of all the passengers above the number so allowed, reckoned at the highest rate of fare payable by any passenger on board.

### **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.

#### *General Equipment of Passenger Steamers.*

### **285 Equipment of passenger steamers with compasses, hose, deck shelters, and safety appliances.**

- (1) A sea-going passenger steamer shall have her compasses properly adjusted from time to time, to the satisfaction of the shipwright surveyor and according to such regulations as may be issued by the Board of Trade.

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- (2) A sea-going passenger steamer shall be provided with a hose capable of being connected with the engines of the steamer, and adapted for extinguishing fire in any part of the steamer.
- (3) A home trade passenger steamer shall be provided with such shelter for the protection of deck passengers (if any) as the Board of Trade, having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, the safety of the ship, and the circumstances of the case, require.
- (4) A passenger steamer shall be provided with a safety valve on each boiler, so constructed as to be out of the control of the engineer when the steam is up, and, if the safety valve is in addition to the ordinary valve, so constructed as to have an area not less, and a pressure not greater, than the area of and pressure on the ordinary valve.
- (5) If a passenger steamer plies or goes to sea from a port in the United Kingdom without being equipped as required by this section, then, for each matter in which default is made, the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds, and the master (if in fault) shall be liable to a fine not exceeding fifty pounds.

**286 Prohibition of increasing weight on safety valve.**

A person shall not increase the weight on the safety valve of a passenger steamer beyond the limits fixed by the surveyor, and, if he does so, he shall, in addition to any other liability he may incur by so doing, be liable for each offence to a fine not exceeding one hundred pounds.

*Keeping Order in Passenger Steamers.*

**287 Offences in connexion with passenger steamers.**

- (1) If any of the following offences is committed in the case of a passenger steamer for which there is a passenger steamer's certificate in force; (that is to say,)
  - (a) If any person being drunk or disorderly has been on that account refused admission thereto by the owner or any person in his employment, and, after having the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the steamer:
  - (b) If any person being drunk or disorderly on board the steamer is requested by the owner or any person in his employ to leave the steamer at any place in the United Kingdom, at which he can conveniently do so, and, after having the amount of his fare (if he has paid it) returned or tendered to him, does not comply with the request:
  - (c) If any person on board the steamer, after warning by the master or other officer thereof, molests or continues to molest any passenger:
  - (d) If any person, after having been refused admission to the steamer by the owner or any person in his employ on account of the steamer being full, and having had the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the steamer :
  - (e) If any person having gone on board the steamer at any place, and being requested, on account of the steamer being full, by the owner or any person in his employ to leave the steamer, before it has quitted that place, and having

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had the amount of his fare (if he has paid it) returned or tendered to him, does not comply with that request:

- (f) If any person travels or attempts to travel in the steamer without first paying his fare, and with intent to avoid payment thereof:
- (g) If any person, having paid his fare for a certain distance, knowingly and wilfully proceeds in the steamer beyond that distance without first paying the additional fare for the additional distance, and with intent to avoid payment thereof :
- (h) If any person on arriving in the steamer at a point to which he has paid his fare knowingly and wilfully refuses or neglects to quit the steamer : and
- (i) If any person on board the steamer fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare for the steamer :

the person so offending shall for each offence be liable to a fine not exceeding forty shillings, but that liability shall not prejudice the recovery of any fare payable by him,

- (2) If any person on board any such steamer wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of the steamer, or to obstruct, impede, or molest the crew, or any of them, in the navigation or management of the steamer, or otherwise in the execution of their duty on or about the steamer, he shall for each offence be liable to a fine not exceeding twenty pounds.
- (3) The master or other officer of any such steamer, and all persons called by him to his assistance, may, without any warrant, detain any person who commits any offence against this section and whose name-and address are unknown to the master or officer, and convey the offender with all convenient despatch before some justice of the peace to be dealt with according to law, and that justice shall with all convenient despatch try the case in a summary manner.
- (4) If any person commits an offence against this section and on the application of the master of the steamer, or any other person in the employ of the owner thereof, refuses to give his name and address, or gives a false name or address, that person shall be liable to a fine not exceeding twenty pounds, and the fine shall be paid to the owner of the steamer.

## **288 Power to exclude drunken passengers on home trade passenger steamers.**

The master of any home trade passenger steamer may refuse to receive on board thereof any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance or injury to passengers on board, and if any such person is on board, may put him on shore at any convenient place ; and a person so refused admittance or put on shore shall not be entitled to the return of any fare he has paid.