



Merchant Shipping Act 1894

1894 CHAPTER 60

PART III

PASSENGER AND EMIGRANT SHIPS.

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EMIGRANT SHIPS.

Application of Part III as regards Emigrant Ships.

364 Application to certain voyages.

The provisions of this Part of this Act respecting emigrant ships shall apply to all voyages from the British Islands to any port out of Europe and not within the Mediterranean Sea.

365 Limited application of Part III of Act to colonial voyages.

- (1) This Part of this Act, so far as the same is applicable, shall apply to every ship carrying steerage passengers on a colonial voyage as defined by this Part of this Act, provided that the enactments thereof relating to—
- (a) master's bond;
 - (b) steerage passengers contract tickets;
 - (c) Orders in Council regulating emigration from the British Islands, or prescribing rules for promoting health, cleanliness, order, and ventilation;
 - (d) passage brokers;
 - (e) emigrant runners; and
 - (f) posting of abstracts, and production of a copy, of this Part of this Act,
- shall not apply.

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- (2) Where the duration of a colonial voyage (as determined under this Part of this Act) is less than three weeks, the enactments relating to—
- (a) the regulations scheduled to this Act as to the accommodation for steerage passengers;
 - (b) medical practitioner, stewards, cooks, cooking apparatus, and manning with an efficient crew; and
 - (c) maintenance of steerage passengers after arrival,
- shall also not apply.
- (3) Where the duration of a colonial voyage (as determined under this Part of this Act), is less than three weeks, the enactments relating to the issue of provisions shall not, except as to the issue of water, apply to any steerage passenger who has contracted to furnish his own provisions.

366 Modification of provisions of Part III in their application to British possessions.

- (1) The governor of a British possession may by proclamation—
- (a) determine what shall be deemed, for the purposes of this Part of this Act, to be the length of the voyage of any ship carrying steerage passengers from any port in that British possession to any other port; and
 - (b) fix dietary scales for steerage passengers during the voyage; and
 - (c) declare what medical stores shall be deemed necessary for the medical treatment of the steerage passengers during the voyage.
- (2) Every such proclamation shall take effect from the issue thereof, and shall have effect without as well as within the possession, as if enacted in this Part of this Act.
- (3) The governor of a British possession may authorise such persons as he thinks fit to make a like survey of emigrant ships sailing from that possession as is by this Act required to be made by two or more competent surveyors in the case of emigrant ships sailing from the British Islands.
- (4) The governor of a British possession may authorise any competent person to act as medical practitioner on board an emigrant ship proceeding on a colonial voyage.

367 Power of governors of colonies as to numbers of steerage passengers.

- (1) The governor of each of the Australasian colonies, that is to say, New South Wales, Victoria, South Australia, Western Australia, Queensland, Tasmania, New Zealand, and any colony hereafter established in Australia, may by proclamation make such rules as he thinks proper for determining the number of steerage passengers to be carried in any emigrant ship proceeding from one of such colonies to any other of those colonies, and for determining on what deck or decks, and subject to what reservations or conditions, steerage passengers may be carried in such ship.
- (2) The governor of any British possession may, if he thinks fit, declare by proclamation that ships intended to pass within the Tropics from any port in such possession may convey steerage passengers, being natives of Asia or Africa, after the rate of one for every twelve superficial feet of the passenger deck instead of after the rate specified in the Tenth Schedule to this Act.
- (3) Every such proclamation shall take effect from the issue thereof, or such other day as may be named therein, and shall have effect without as well as within the possession,

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as if it were enacted in this Part of this Act in substitution as respects the said ships for the Tenth Schedule to this Act.

- (4) The provisions of the Tenth Schedule to this Act with respect to the number of superficial feet to be allowed to each steerage passenger shall not apply to any ship proceeding from any port in the island of Ceylon to any port in British India in the Gulf of Manar or Palk's Straits, and the legislature of Ceylon may regulate by law the number of steerage passengers who may be carried on board such ships.

368 Power for legislature of India to apply Part III.

- (1) The provisions of this Part of this Act (other than the provisions relating to passenger steamers only) shall not apply to British India, except as in this section provided.
- (2) The Governor-General of India in Council may, by any Act passed for the purpose, declare that all or any provisions of this Part of this Act shall apply to the carriage of steerage passengers upon any voyage from any specified port in British India to any other specified port whatsoever; and may for the purposes of this Part of this Act—
- (a) fix dietary scales for the voyage, and authorise the substitution of those scales for the scale enacted by this Act;
 - (b) determine what shall be deemed to be the length of any such voyage;
 - (c) determine the persons or officers who in British India shall take the place of emigration officers and officers of customs in the British Islands;
 - (d) declare the space necessary for steerage passengers, and the age at which two children shall be treated as one statute adult, in ships clearing out from any port in British India; and
 - (e) authorise the employment on board any ship of a medical practitioner duly qualified according to Indian law ; and
 - (f) provide for the recovery and application in British India of fines and sums of money under this Part of the Act,
- and the provisions of any such Act while in force shall have effect without as well as within British India as if enacted by this Act.
- (3) Provided that any such Act shall be of no effect under this section, unless it be reserved for the signification of Her Majesty's pleasure thereon, or contain a suspending clause providing that the Act shall not come into operation until Her Majesty's pleasure-thereon has been publicly signified in British India.