



Merchant Shipping Act 1894

1894 CHAPTER 60

PART III

PASSENGER AND EMIGRANT SHIPS.

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EMIGRANT SHIPS.

Supplemental.

359 Owner responsible for default in absence of agreement.

- (1) In the absence of any agreement to the contrary, the owner of a ship shall be the person ultimately responsible as between himself and the other persons by this Part of this Act made liable in respect of any default in complying with any requirement thereof.
- (2) If any person so made liable pays any money by this Part of this Act made payable to or on behalf of a steerage passenger, he shall be entitled, in the absence of any such agreement as aforesaid, to sue for and recover from the owner the amount so paid, together with costs.

360 Forms and fees.

- (1) The forms set out in the Fourteenth Schedule to this Act, or forms as near thereto as circumstances admit, shall be used in all cases to which such forms are applicable.
- (2) Such fees as the Board of Trade determine shall be paid in respect of the surveys of emigrant ships mentioned in Part II. of the Ninth Schedule to this Act not exceeding those specified therein.
- (3) If any person employed under this Part of this Act demands or receives, directly or indirectly, otherwise than by the direction of the Board of Trade, any fee, remuneration,

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or gratuity whatever in respect of any duty performed by him under this Part of this Act, he shall for each offence be liable to a fine not exceeding fifty pounds.

361 Posting of abstracts of Part III in emigrant ships.

- (1) The Board of Trade shall prepare such abstracts as they think proper of all or any of the provisions of this Part of this Act, and of any Order in Council made thereunder, and four copies of the abstracts, together with a copy of this Part of this Act, shall, on demand, be supplied by the chief officer of customs at the port of clearance to the master of every emigrant ship proceeding from the British Islands to any British possession.
- (2) The master shall, on request, produce a copy of this Part of this Act to any steerage passenger for his perusal, and shall, before the embarkation of the steerage passengers, post copies of the abstracts 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.
- (3) The master shall be liable to a fine not exceeding forty shillings for every day during any part of which by his act or default such copies of the abstracts fail to be so posted.
- (4) If any person displaces or defaces any copy of the abstracts posted under this section he shall for each offence be liable to a fine not exceeding forty shillings.

362 Byelaws by harbour authority.

- (1) The authority having the control of any docks or basins at any port in the British Islands from which emigrant ships are despatched, may, with the approval of a Secretary of State, make byelaws—
 - (a) for specifying the docks, basins, or other places at which persons arriving by sea at the port for the purpose of emigration, or actually emigrating therefrom, shall be landed and embarked ;
 - (b) for regulating the mode of their landing and embarkation;
 - (c) for the storing and safe custody of their luggage;
 - (d) for licensing porters to carry their luggage or otherwise attend upon them ; and
 - (e) for admitting persons to and excluding persons from access to the docks and basins.
- (2) The authority may attach a fine not exceeding five pounds to a breach of any such byelaw, and instead of an emigration officer the authority shall sue for and recover the fine.
- (3) The authority making a byelaw under this section may, by their officers or servants or by any constable, arrest without warrant any person charged with a breach of the byelaw, and detain him until he can be brought before a justice of the peace, and that justice may try the case in a summary manner.
- (4) A byelaw made under this section shall be published in the London Gazette.

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363 Exemption from survey of foreign passenger steamer or emigrant ship in certain cases.

Where a foreign ship is a passenger steamer or emigrant ship within the meaning of this Part of this Act, and the Board of Trade are satisfied, by the production of a foreign certificate of survey attested by a British consular officer at a port out of Her Majesty's dominions, that the ship has been officially surveyed at that port, and are satisfied that any requirements of this Act are proved by that survey to have been substantially complied with, the Board may, if they think fit, dispense with any further survey of the ship in respect of any requirement so complied with, and grant or direct one of their officers to grant a certificate, which shall have the same effect as if given upon survey under this Part of this Act:

Provided that Her Majesty in Council may order that this section shall not apply in the case of an official survey at any port at which it appears to Her Majesty that corresponding advantages are not extended to British ships.