



Merchant Shipping Act 1894

1894 CHAPTER 60

PART IV

FISHING BOATS.

II

PROVISIONS APPLYING TO ALL FISHING BOATS OF TWENTY-FIVE TONS TONNAGE AND UPWARDS.

Apprenticeship and Agreements with Boys.

392 Restriction on apprenticeships and agreements in the case of young boys.

A boy under the age of thirteen years shall not enter into any apprenticeship to the sea-fishing service or agreement with respect to that service, and an indenture of apprenticeship or agreement made contrary to this section shall be void.

393 Boys to be properly apprenticed or have proper agreements.

- (1) A boy under the age of sixteen years shall not be taken to sea for the purpose of serving in any capacity connected with the sea-fishing service, unless he is bound by an indenture of apprenticeship or agreement made in conformity with this Part of this Act, and a boy bound by any such agreement is in this Act referred to as a sea-fishing boy.
- (2) If any person takes a boy to sea, or causes a boy to be taken to sea, in contravention of this section, that person shall be liable to a fine not exceeding twenty pounds.
- (3) Boards of guardians in apprenticing boys to the sea-fishing service, shall not cause or permit any such apprenticeship to be made except in conformity with this Part of this Act.

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- (4) Nothing in this Part of this Act shall prevent the daily employment in a fishing boat of any boy under the age of sixteen years, who is under no obligation to remain in that employment for a longer period than one day, and with whom no written agreement has been made.

394 Assistance by superintendents.

All superintendents shall give to persons desirous of making indentures of apprenticeship to the sea-fishing service or agreements under this Part of this Act, or of causing the same to be made, such assistance as may be in their power in reference thereto, and shall supply forms of indentures or agreements at such reasonable rates (if any) as the Board of Trade may fix, and may receive such fees in respect of those indentures or agreements as the Board of Trade may fix.

395 Apprenticeships and agreements with boys to be made before superintendent.

- (1) Indentures of apprenticeship to the sea-fishing service, and agreements with boys under the age of sixteen years with respect to that service, shall be made before a superintendent and be in accordance with this Act, and every such indenture or agreement not so made shall be void.
- (2) A superintendent, before allowing any such indenture or agreement to be completed, shall satisfy himself—
- (a) that the indenture or agreement complies with all the requirements of this Part of this Act; and
 - (b) that the master with whom the indenture or agreement is made is a fit person for the purpose ; and
 - (c) that the apprentice or boy is not under the age of thirteen years, and is of sufficient health and strength ; and
 - (d) that the nearest relations of the apprentice or boy or his guardians assent, in the case of an apprentice, to the apprenticeship, and to the stipulations in the indenture of apprenticeship, and in the case of a boy, to the stipulations of the agreement;
- and shall make and sign an endorsement that he is so satisfied on the indenture or agreement.
- (3) Where there are no nearest relations or guardians, or where they cannot readily be found, or are not known, the superintendent shall act as guardian for the occasion, and state in his endorsement that he has so acted.
- (4) The superintendent's endorsement shall be admissible in evidence in manner provided by this Act.
- (5) The indentures of apprenticeship and agreements shall be in such form, and contain such covenants, provisions, stipulations, endorsements, and certificates as are prescribed by Order in Council made on the recommendation of the Board of Trade, and any directions given in the forms so prescribed shall be complied with.
- (6) The indentures and agreements shall be executed in triplicate, one of which shall be kept by the master, one by the boy, and one by the superintendent before whom it is made.

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- (7) All such indentures and agreements made in conformity with this Part of this Act shall be exempt from stamp duty.

396 Enforcement by superintendents of indentures or agreements.

- (1) Where an indenture of apprenticeship to the sea-fishing service, or any agreement with a sea-fishing boy, has been made before a superintendent at a port, the superintendent for the time being at that port may, by proper legal proceeding taken in his own name, enforce on behalf of the apprentice or boy against the master any stipulations in that indenture or agreement.
- (2) Where an apprentice or boy is taken to sea from any port under an indenture or agreement which is void, the superintendent at that port, or if there is none the superintendent at the nearest port, may, by proper legal proceedings taken in his own name, enforce, to such extent as he thinks just, on behalf of the apprentice or boy against the master any stipulation in the void indenture or agreement which is in favour of the apprentice or boy.
- (3) Any sums recovered by a superintendent under this section may, so far as necessary, be applied by him in payment of the costs of recovering the same.

397 Powers of superintendent under indenture or agreement.

Where an indenture of apprenticeship to the sea-fishing service, or an agreement with a sea-fishing boy, is made before a superintendent at any port, the superintendent for the time being at that port shall have, and when necessary shall execute, all the powers given to the superintendent by the indenture or agreement.

398 Prohibition on taking money for apprenticeships and boys agreements.

If any person—

- (a) receives any money or valuable consideration from the person to whom an apprentice in the sea-fishing service is bound, or to whom a sea-fishing boy is bound by any agreement, or from anyone on that person's behalf, or from the apprentice or boy or anyone on the apprentice or boy's behalf, in consideration of the apprentice or boy being so bound; or
- (b) makes or causes any such payment to be made ;

that person shall in respect of each offence be guilty of a misdemeanor, whether the apprentice or boy was or was not validly bound.