



Merchant Shipping Act 1894

1894 CHAPTER 60

PART IV

FISHING BOATS.

III

PROVISIONS APPLYING TO TRAWLERS.

Certificates of Skippers and Second Hands.

413 Skippers and second hands to hold certificate of competency.

- (1) A fishing boat, being a trawler of twenty-five tons tonnage or upwards, shall not go to sea from any port of England or Ireland unless provided with a duly certificated skipper and a duly certificated second hand.
- (2) If a boat goes to sea contrary to this section, the owner thereof shall for each offence be liable to a fine not exceeding twenty pounds.
- (3) If any person, except in case of necessity—
 - (a) having been engaged to serve as skipper or second hand of a fishing boat, being a trawler of twenty-five tons tonnage and upwards, serves as skipper or second hand of that boat without being duly certificated; or
 - (b) employs any person as skipper or second hand of such a boat without ascertaining that he is duly certificated;that person shall for each offence be liable to a fine not exceeding twenty pounds.
- (4) A skipper or second hand shall not be deemed duly certificated for the purpose of this section unless he holds a certificate under this Part of this Act appropriate to his station in the boat or to a higher station.

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- (5) Where the skipper of such a boat is absent from his boat a superintendent may, on the request of the owner of the boat, and on being satisfied that the absence is due to an unavoidable cause, authorise the second hand of the boat to act, for a period not exceeding one month, as the skipper of the boat during the skipper's absence, and the second hand when acting under that authority shall for the purposes of this section be deemed to be a duly certificated skipper.

414 Granting of certificate of competency.

- (1) Certificates of competency as skipper or as second hand of fishing boats, or any particular class of fishing boats, may be granted by the Board of Trade in the same manner as certificates of competency as master or mate under the Second Part of this Act, and all the provisions of this Act with respect to or connected with the examination of applicants for certificates and the granting thereof, and the suspension and cancellation thereof, and inquiries and investigations into the conduct of the holders thereof, and all other provisions of this Act relating to or connected with certificates of masters or mates, shall apply to the certificates as skipper or second hand of fishing boats, and the holders thereof, as if the certificates had been granted under Part II. of this Act, and the holders thereof shall be entitled to such privileges, and subject to such liabilities as they would be if such certificates had been so granted.
- (2) A certificate of competency as skipper of a fishing boat shall not be granted to any person unless he has previously held a certificate as second hand for at least twelve months.

415 Certificate of service.

- (1) If any person before the first day of September one thousand eight hundred and eighty-three served as a skipper or before the first day of July one thousand eight hundred and eighty-eight served as a second hand in fishing boats, being trawlers of twenty-five tons tonnage and upwards or such other fishing boats as the Board of Trade consider will have afforded that person sufficient experience, for a period amounting in all to not less than twelve months, that person shall be entitled to a certificate of service as skipper or second hand, as the case may be, of a fishing boat, limited, if he has been exclusively employed in a particular class of such fishing boats, to that particular class.
- (2) If a person proves to the Board of Trade that he has served as required by this section and has been generally well conducted on board the boats in which he has served, the Board of Trade shall deliver a certificate of service to him.
- (3) The certificate of service shall differ in form from a certificate of competency, and shall contain particulars of the name, place, and date of birth of the holder, and of the length and nature of his previous service.
- (4) This Act shall apply to a certificate of service so granted and, to the holder thereof in like manner as it applies to a certificate of competency granted under this Part of this Act and to the holder thereof.

416 Registers of certificated skippers and second hands.

- (1) The Board of Trade may cause a register of certificated skippers and second hands to be kept in such form and by such person, and containing such particulars, as the Board direct.

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- (2) Such register shall be admissible in evidence in manner provided by this Act, and the absence of an entry in the register of any person or matter shall be evidence of the non-registration of such person or matter, and if the question is whether the person has been certificated as a skipper or second hand, of his not being so certificated.