

ORDRES EN CONSEIL.

1916

(Enregistré sur les Records le 6 juin 1916.)

AT THE COURT AT BUCKINGHAM PALACE,
The 10th day of May, 1916.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

LORD PRESIDENT

LORD CHAMBERLAIN

VISCOUNT ALLENDALE

SIR FRANCIS HOPWOOD

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 9th day of May, 1916, in the words following, viz. :—

Loi relative
à la Marine
Marchande
dans le
Bailliage de
l'Ile de
Guernesey.

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth (1) that on the 9th November, 1906, the Home Secretary invited the Royal Court of the Island of Guernsey to name Representatives from the Island to attend, together with Representatives from the Island of Jersey, a Conference to be held on the 21st November, 1906, at the Home Office, with Representatives from the Home Office and the Board of Trade, with a view to bringing the Laws relating to Merchant Shipping in these Islands into harmony with the Laws of the United Kingdom : (2) that three conferences were held in London, and there were two Inter-Insular Conferences, and it was found that, owing to insufficiency of Local Legislation on the matter, certain Acts of Parliament relating to Merchant Shipping, which are registered on the Records of this Island, and which should have the force of law therein, were not applicable thereto, and that it was expedient that Merchant Shipping in the Channel Islands should, as far as possible, and with due regard to local conditions, come under the same Regulations as Merchant Shipping in the United

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Kingdom; with which view, it was deemed advisable that the Legislatures of the Islands of Guernsey and Jersey should adopt a uniform Law for the two Bailiwicks and their Dependencies, the said Law to be based on Imperial Legislation, with the exception of certain details varying according to the special peculiarities of each Island: (3) that, accordingly, a 'Bill' or 'Projet de Loi,' prepared by the Law Officers of the Crown, was submitted to the Royal Court on several occasions, and finally, after modification, was adopted by that body on the 3rd July, 1915, when the Bailiff was authorized to submit the same to the States for their approval: (4) that the said 'Bill' or 'Projet de Loi' was submitted to the States on the 13th October, 1915, and at an adjourned meeting held on the 24th November, 1915, when, after slight modifications, it was approved, and the President of the States was authorized to present a most humble Petition to Your Majesty praying for Your Royal Sanction thereto: (5) that on the 26th January, 1916, the Bailiff and President of the States, after consultation with the Jersey Authorities and the Law Officers of the Crown, submitted four additional Articles to the States for their approval, when they were adopted by that body, and the President of the States was authorized to present a most humble Petition to Your Majesty, praying for Your Royal Sanction thereto: And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the 'Bill' or 'Projet de Loi' intituled 'Loi relative à la Marine Marchande dans le Bailliage de l'Ile de Guernesey' as the same is set forth in the Schedule to the said Petition, and to order and direct that, from the date of the registration thereof, the same may have the force of law within the Bailiwick of the Island of Guernsey.

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said 'Projet de Loi' into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said 'Projet de Loi.'

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HIS MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of His Privy Council, to approve of and ratify the said 'Projet de Loi,' and to order, as it is hereby ordered, that the same shall have the force of law within the Bailiwick of Guernsey from the date of the registration thereof.

And His Majesty doth hereby further direct that this Order, and the said 'Projet de Loi' (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

"PROJET DE LOI" referred to in the foregoing Order in Council.

LOI RELATIVE A LA MARINE MARCHANDE DANS LE BAILLIAGE DE L'ILE DE GUERNESEY.

Attendu que les Actes du Parlement Impérial dits *Préambule.*
"Merchant Shipping Acts 1894 to 1906" ci-après cités, savoir :

- (a) 57 & 58 Vic. cap. 60. An Act to consolidate enactments relating to Merchant Shipping (25th August, 1894)—couramment cité comme "The Merchant Shipping Act, 1894";
- (b) 61 & 62 Vic. cap. 14. "The Merchant Shipping (Liability of Owners) Act, 1898" et
- (c) 6 Edw. 7, cap. 48. An Act to amend the Merchant Shipping Acts 1894 to 1900—couramment cité comme "The Merchant Shipping Act, 1906";

sont enregistrés sur les Records de l'île de Guernsey, avec les Ordres de Sa Majesté en son Conseil y relatifs, par Actes de la Cour Royale en date des (a) 15 Décembre 1894, (b) 10 Décembre 1898,

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(c) 27 Juillet 1907, respectivement, mais ne sont actuellement qu'en partie applicables au Bailliage de la dite île de Guernesey.

Attendu que les Lois suivantes, savoir :

- (a) Loi relative aux Certificats de compétence pour Ingénieurs de Bateaux à Vapeur ;
- (b) Loi relative à l'Inspection des Bateaux à Vapeur, et
- (c) Loi relative aux Certificats de compétence pour Maîtres de Bateaux à Vapeur ;

avec les Ordres en Conseil les sanctionnant sont enregistrées sur les Records de cette Ile par Actes de la Cour Royale en date des (a) 5 Février 1887, (b) 19 Février 1898, et (c) 25 Mai 1907, et ont force de loi dans le Bailliage de la dite Ile de Guernesey.

Considérant :—

Que la législation insulaire est insuffisante à rendre applicables au Bailliage de cette Ile les parties des susdits Actes de Parlement qui devraient y avoir force de loi, et ne saurait isolément y suppléer et pourvoir d'une manière complète et satisfaisante, faute des ressources locales et de l'organisation administrative requises à cet effet ;

Qu'il est devenu expédient et urgent d'ailleurs, qu'en matières maritimes d'intérêt général et notamment par rapport aux Certificats de Compétence des Maîtres, Contre-Maîtres et Mécaniciens de Navires, à la sûreté des passagers et des équipages et aux enquêtes en faite de sinistres maritimes et d'inconduite ou incompétence des Maîtres, Contre-Maîtres ou Mécaniciens, la Marine Marchande soit soumise dans les Iles Britanniques de la Manche à une législation et à une réglementation identiques, dans la mesure du possible, eu égard aux circonstances locales, à celles en vigueur dans le Royaume-Uni ;

Qu'à ces fins, le Gouvernement de Sa Majesté et les Autorités Insulaires tant à Guernesey qu'à Jersey sont tombés d'accord qu'il y a lieu pour la Législature de chacune de ces Iles d'adopter à cet effet des dispositions de loi uniformes dans leur ensemble pour les deux Bailliages et leurs dépendances et dont le texte, basé sur la législation Impériale précitée hormis certains détails variant suivant les particularités spéciales à chaque Ile, a

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été arrêté en commun par leurs représentants respectifs dans la vue de concourir mutuellement à en assurer la mise à exécution toutes fois et quantes avec le concours effectif des Départements du " Home Office " et du " Board of Trade " en tant que de besoin ;

THE MERCHANT SHIPPING ACT (GUERNSEY) 1915.

DEFINITIONS.

The expression " the Merchant Shipping Act " shall mean the Merchant Shipping Act, 1894, and the expression " the Merchant Shipping Acts " shall include the said Act of 1894 and any Act amending the same. Definitions.

Save as aforesaid herein expressly provided the meaning of terms or expressions used in this Act shall be the same as those contained in the Merchant Shipping Act, 1894, or any Act amending the same, and fines and other sums of money mentioned in this Act shall mean British sterling.

" Foreign-going ship " in addition to the meaning assigned to it by Section 742 of the Merchant Shipping Act, 1894, includes every British ship employed in trading or going between some place or places in the Bailiwick and some place or places situated beyond the limits specified in the said Section.

The expression the " Board of Trade " shall mean the Lords of the Committee for the time being of the Privy Council appointed for the consideration of matters relating to trade and foreign plantations.

" The Supervisor " shall mean " le Supérieur de la Chaussée."

" Misdemeanour " shall mean a " délit."

PART I.

MASTERS AND OFFICERS.

CERTIFICATES OF COMPETENCY.

1.—(1) Every British foreign-going ship and every British home trade passenger ship, when going to sea from any place in the Bailiwick, and every foreign steamship carrying passengers between places in the Bailiwick, shall be provided Qualifications of officers of ships.

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with officers duly certificated under this Act according to the following scale :—

- (a) In any case with a duly certificated master ;
- (b) If the ship is of one hundred tons net registered tonnage or upwards with at least one officer besides the master holding a certificate not lower than that of :—
 - (i) Mate in the case of a home trade passenger ship ;
 - (ii) Second mate in the case of a foreign-going sailing ship of not more than two hundred tons net registered tonnage ; and
 - (iii) Only mate in the case of any other foreign-going ship.
- (c) If the ship is a foreign-going ship, and carries more than one mate, with at least the first and second mate duly certificated ;
- (d) If the ship is a foreign-going steamship of one hundred nominal horse-power or upwards, with at least two engineers, one of whom shall be a first-class engineer fully certificated ;
- (e) If the ship is a foreign-going steamship of less than one hundred nominal horse-power or a sea-going home-trade passenger steamship, with at least one engineer who is a first-class or second-class engineer duly certificated.
- (2) If any person—
 - (a) having been engaged as one of the above-mentioned officers goes to sea as such officer without being duly certificated ; or
 - (b) Employs a person as an officer, in contravention of this section, without ascertaining that the person so serving is duly certificated,

that person shall be liable for each offence to a fine not exceeding fifty pounds ;

(3) An officer shall not be deemed duly certificated, within the meaning of this section, unless he is the holder for the time being of a valid certificate of competency issued by the Board of Trade of a grade appropriate to his station in the ship, or of a higher grade.

2.—(2) The master of a foreign-going ship :— 1916

(a) On signing the agreement with the crew before a Superintendent of Customs or other officer duly authorized by the Board of Trade shall produce to him the certificates of competency which the master, mates and engineers of the ship are by this Act required to hold; and Production of Certificate of Competence to Superintendent of Customs.

(b) In the case of a running agreement shall also, before the second and every subsequent voyage, produce to the Superintendent of Customs or other officer duly authorized by the Board of Trade the certificate of competency of any mate or engineer then first engaged by him who is required by this Act to hold a certificate.

(2). The master or owner of every home-trade passenger ship of more than eighty tons net registered tonnage shall produce to some Superintendent of Customs or other officer duly authorized by the Board of Trade within twenty-one days after the thirtieth of June and the thirty-first of December in every year the certificates of competency which the master, mates and engineers of the ship are by this Act required to hold.

(3). Upon the production of the certificates of competency, the Superintendent of Customs or other officer duly authorized by the Board of Trade shall, if the certificates are such as the master, mates and engineers of the ship ought to hold give to the master a certificate to the effect that the proper certificates of competency have been so produced.

(4) The master shall, before proceeding to sea, produce the certificate of a Superintendent of Customs or other officer duly authorized by the Board of Trade to the chief officer of Customs, and the ship may be detained until the certificate is produced.

3.—If any person :—

(a) Forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any certificate of competency, or an official copy of such certificate; or Penalties for fraudulently altering Certificate of Competency.

(b) Makes, assists in making, or procures to be

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Fraudulent
use of
Certificate of
Competence.

made, any false representation for the purpose of procuring either for himself or for any other person a certificate of competency ; or

(c) Fraudulently uses a certificate or copy of a certificate of competency which has been forged, altered, cancelled or suspended, or to which he is not entitled ; or

(d) Fraudulently lends his certificate of competency or allows it to be used by any other person,

that person shall in respect of each offence be guilty of a misdemeanour.

PART II.

PASSENGER VESSELS.

DEFINITION OF "PASSENGER" AND "PASSENGER STEAMER."

Definitions.

4.—For the purpose of this Part of this Act :—

The expression "passenger" shall include any person carried in a ship other than the master and crew, and the owner, his family and servants ; and

The expression "passenger steamer" shall mean every British steamship carrying more than twelve passengers to, from, or between any places in the Bailiwick, and every foreign steamship (whether originally proceeding from a port in the Bailiwick or from a port outside the Bailiwick) which carries more than twelve passengers to or from any place or between any places in the Bailiwick.

Survey of
passenger
steamers.

5.—(1) Every passenger steamer :—

(a) Shall 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 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 to go to sea with more than twelve passengers may be

detained until such certificate as aforesaid is produced to the proper officer of Customs.

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(3) Provided that, when a steamer is an emigrant ship and the provisions of the Merchant Shipping Acts 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.

6.—(1) The owner of every passenger steamer shall cause the same to be surveyed by a ship surveyor and an engineer surveyor, the ship 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 a survey in a form approved by the said Board.

(3) The declaration of the ship surveyor shall contain statements of the following particulars:—

- (a) That the hull of the vessel is sufficient for the service intended and in good condition;
 - (b) That the boats, lifebuoys, lights, signals, compasses, and shelter for deck passengers, are such, and in such condition, as are required by the Merchant Shipping Acts;
 - (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 judgement 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 certificate of the master and mate or mates are such as are required by this Act.
- (4) The declaration of the engineer surveyor shall

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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.

The surveys required to be made under this section by a ship surveyor and by an engineer surveyor may be made by the same person if that person has been appointed both as a ship surveyor and as an engineer surveyor.

**Declaration
of survey to
be sent to
Supervisor.**

7.—(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 Supervisor.

(2) If any 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.

**Passenger
steamer's
Certificate to
be issued by
Supervisor.**

8.—On the receipt of the declarations of survey, the Supervisor shall, if satisfied that 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. 1916

9.—(1) If the owner of the steamer feels aggrieved by the declaration of survey of a ship surveyor or engineer surveyor, or by the refusal of such a surveyor to give such a declaration, he may appeal to the Court of Survey, in manner directed by the rules of that Court. Appeal by owner to Court of Survey.

(2) On any such appeal, the judge of the Court of Survey shall report to the Supervisor on the question raised by the appeal, and the Supervisor, when satisfied that the requirements of the report and of the foregoing provisions of this Act have been complied with, may grant a passenger certificate.

(3) Subject to an order made by the Court of Survey the costs of and incidental to the appeal shall follow the event. Costs of appeal.

(4) A ship surveyor 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. Ship Surveyor may be accompanied by a person appointed by owner.

10.—(1) The Supervisor 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 Supervisor 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) payable in that behalf, deliver to him both copies of the certificate. Duties to be performed by Supervisor.

(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.

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| 1916 | 11. —The grantee of a passenger steamer's certificate shall pay such fees as the Royal Court shall by Ordinance fix, but such fees shall not exceed those payable under the Merchant Shipping Act. |
| Fees. | 12. —(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 Supervisor to the owner, agent, or master of the steamer, that the certificate has been cancelled. |
| Duration of passenger steamer's Certificate. | (2) If a passenger steamer is absent from the Bailiwick 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 Bailiwick. |
| Passenger steamer's Certificate may be cancelled by Supervisor. | 13. —(1) The Supervisor may cancel a passenger steamer's certificate where he has 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 Supervisor may require the owner to have the hull, equipment or machinery of the steamer again surveyed, and to transmit further declarations of survey, before he re-issues the certificate or grants a fresh one in lieu thereof. |
| Passenger steamer's Certificate to be delivered up when cancelled. | 14. —(1) The Supervisor may require a passenger steamer certificate, which has expired or been cancelled, to be delivered up as he directs. |
| | (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. |
| Passenger steamer's Certificate to be exhibited on ship. | 15. —(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 |

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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. Penalties.

16.—If any person :—

- (a) Knowingly and wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration of survey or 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;

Fraudulent
declaration
of Survey.

that person shall in respect of each offence be guilty of a misdemeanour.

17.—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. Ships shall
not carry
more
passengers
than is
allowed by
Certificate.

18.—(1) A sea-going passenger steamer shall have her compasses properly adjusted from time to time, to the satisfaction of the ship surveyor and Compasses
to be
adjusted.

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| 1916 | according to such regulations as may be issued by the Board of Trade. |
| Hose to be provided. | (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. |
| Shelter for passengers. | (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. |
| Safety valves. | (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. |
| Penalty for faulty equipment. | (5) If a passenger steamer plies or goes to sea from a port in the Bailiwick 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. |
| Safety valve. | 19. —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. |
| Offences in connection with passenger steamers. | 20. —(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; |

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- (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 Bailiwick 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 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, 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

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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 the Bailiff or his Lieutenant, and not less than two Jurats sitting as a Police Court to be dealt with according to law, and that Court 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 and 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.

21.—The master of any home-trade steamer carrying passengers 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.

PART III.
SAFETY.

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22.—Rules made by the Board of Trade under section 427 of the Merchant Shipping Act shall have effect as if enacted in this Act.

23.—It shall be the duty of the owner and master of every British ship to see that his ship is provided, in accordance with the rules for life-saving appliances, with such of those appliances as, having regard to the nature of the service on which the ship is employed, and the avoidance of undue encumbrance of the ship's deck, are best adapted for securing the safety of her crew and passengers.

24.—(1) In the case of any ship :—

- Penalty for
not carrying
life-saving
appliances.
- (a) If the ship is required by the rules for life-saving appliances to be provided with such appliances and proceeds on any voyage or excursion without being so provided in accordance with the rules applicable to the ship; or
 - (b) if any of the appliances with which the ship is so provided are lost or rendered unfit for service in the course of the voyage or excursion through the wilful fault or negligence of the owner or master; or
 - (c) If the master wilfully neglects to replace or repair on the first opportunity any such appliances lost or injured in the course of the voyage or excursion; or
 - (d) If such appliances are not kept so as to be at all times fit and ready for use;

then the owner of the ship (if in fault) shall for each offence be liable to a fine not exceeding one hundred pounds, and the master of the ship (if in fault) shall for each offence be liable to a fine not exceeding fifty pounds.

(2) Nothing in the foregoing enactments with respect to life-saving appliances shall prevent any person from being liable under any other provision of this Act, or otherwise, to any other or higher fine or punishment than is provided by those enactments, provided that a person shall not be punished twice for the same offence.

(3) If the Court before whom a person is charged

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with an offence punishable under those enactments thinks that proceedings ought to be taken against him for the offence under any other provision of this Act, or otherwise, the Court may adjourn the case to enable such proceedings to be taken.

Inspection of
ships.

25.—(1) A surveyor of ships may inspect any ship for the purpose of seeing that she is properly provided with life-saving appliances in conformity with this Act, and for the purpose of that inspection shall have all the powers of a Board of Trade Inspector under this Act.

(2) If the said surveyor finds that the ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same.

(3) Every notice so given shall be communicated in the manner directed by the Supervisor to the chief officer of Customs of any port at which the ship may seek to obtain a clearance or transire, and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the ship is properly provided with life-saving appliances in conformity with this Act.

Application
of Sections
427 to 431 of
Merchant
Shipping
Act to ships
in the
Bailiwick.

26.—Sections four hundred and twenty-seven to four hundred and thirty-one of the Merchant Shipping Act, relating to life-saving appliances, shall apply to all foreign ships while they are within any part of the Bailiwick as they apply to British ships :

Provided that His Majesty may by Order in Council direct that those provisions shall not apply to any ship of a foreign country in which provisions in force relating to life-saving appliances appear to His Majesty to be as effective as the provisions of Part V. of the Merchant Shipping Act, on proof that those provisions are complied with in the case of that ship.

Lights and
fog signals.

27.—(1) A surveyor of ships may inspect any ship, British or foreign, for the purpose of seeing that the ship is properly provided with lights and the means of making fog signals, in conformity with the Imperial Collision Regulations, and if the surveyor finds that the ship is not so provided, he shall give to the master or owner notice in writing, pointing out the deficiency, and also what

is, in his opinion, requisite in order to remedy the same. 1916

(2) Every notice so given shall be communicated in the manner directed by the Supervisor to the chief officer of Customs at any port at which the ship may seek to obtain a clearance or transire; and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the ship is properly provided with lights and with the means of making fog signals, in conformity with the said Collision Regulations.

(3) For the purpose of an inspection under this section a surveyor shall have all the powers of a Board of Trade Inspector under this Act.

(4) Where the certificate as to lights and fog signals is refused, an owner may appeal to the Court of Survey in manner directed by the rules of that Court. Appeals.

(5) On any such appeal the Court of Survey shall report to the Supervisor on the question raised by the appeal, and the Supervisor when satisfied that the requirements of the report and of any Statutory requirements as to lights and fog signals have been complied with, may grant, or direct a surveyor of ships or other person appointed by him to grant the certificate.

(6) Subject to any order made by the Court of Survey the costs of and incidental to the appeal shall follow the event. Costs.

(7) A surveyor in making an inspection under this section shall, if the owner of the ship so require, be accompanied on the inspection by some person appointed by the owner, and, if in that case the surveyor and the person so appointed agree, there shall be no appeal under this section to the Court of Survey. Surveyor may be accompanied on survey by person appointed by owner.

(8) Such fees as the Royal Court by Ordinance may determine shall be paid in respect of an inspection of lights and fog signals under this section, but such fees shall not exceed those payable under the Merchant Shipping Act. Fees.

28.—(1) Every British sea-going steamship, if employed to carry passengers, shall have her compasses properly adjusted from time to time; and every British sea-going steamship not used wholly Compasses.

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as a tug shall be provided with a hose capable of being connected with the engines of the ship, and adapted for extinguishing fire in any part of the ship.

Penalties.

(2) If any British sea-going steamship plies or goes to sea from any port in the Bailiwick and any requirement of section 432 of the Merchant Shipping Act is not complied with, 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.

Signals of distress.

29.—(1) Where a ship is a sea-going passenger steamer or emigrant ship within the meaning of the Third Part of the Merchant Shipping Act, the ship shall be provided to the satisfaction of the Board of Trade :—

(a) With means for making the signals of distress prescribed by the Collision Regulations, including means of making flames on the ship which are inextinguishable in water, or such other means of making signals of distress at night as the Board of Trade may previously approve ; and

(b) With a proper supply of lights inextinguishable in water, and fitted for attachment to lifebuoys.

(2) If any such ship goes to sea from any port in the Bailiwick without being provided as required by this section, then for each default in any of the above requisites, 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.

Record of draught of water.

30.—(1) The Supervisor may, in any case or class of cases in which he thinks it expedient to do so, direct any person appointed by him for the purpose to record, in such manner and with such particulars as he may direct, the draught of water of any sea-going ship, as shown on the scale of feet on her stem and stern post, and the extent of her clear side in feet and inches, upon her leaving any dock, wharf, port or harbour for the purpose of proceeding to sea, and the person so appointed shall thereupon keep that record, and shall forward a copy

thereof to the Supervisor and the Board of Trade. 1916

(2) That record or copy, if produced out of the custody of the Supervisor or the said Board of Trade, shall be admissible in evidence.

(3) The master of a sea-going ship shall, upon the request of any person appointed to record the ship's draught of water, permit that person to enter the ship and to make such inspection and take such measurements as may be requisite for the purpose of the record; and if any master fails to do so, or impedes, or suffers anyone under his control to impede any person so appointed in the execution of his duty, he shall for each offence be liable to a fine not exceeding five pounds.

(4) In this section the expression "clear side" Clear side. means the height from the water to the upper side of the plank of the deck from which the depth of hold as stated in the register is measured, and the measurement of the clear side is to be taken at the lowest part of the side.

31.—(1) Every British ship (except sailing ships Deck lines. under eighty tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts, and ships employed exclusively in trading or going from place to place in the Bailiwick) shall be permanently and conspicuously marked with lines (in this Act called deck-lines) of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water.

(2) The upper edge of each of the deck lines must be level with the upper side of the deck plank next the waterway at the place of marking.

(3) The deck-lines must be white or yellow on a dark ground, or black on a light ground.

(4) In this section the expression "amidships" means the middle of the length of the load water-lines as measured from the fore-side of the stem to the aft-side of the stern-post.

32.—(1) The owner of every British ship proceeding to sea from a port in the Bailiwick (except sailing ships under eighty tons register employed solely in fishing, and pleasure yachts) shall, before Circular disc to be marked on side of ship.

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the time hereinafter mentioned, mark upon each of sides, amidships, within the meaning of the last preceding section, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc, twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre.

(2) The centre of this disc shall be placed at such level as may be approved by the Board of Trade below the deck-line marked under this Act and specified in the certificate given thereunder, and shall indicate the maximum load-line in salt water to which it shall be lawful to load the ship.

(3) The position of the disc shall be fixed in accordance with the load-line tables used by the Board of Trade, subject to such allowance as may be made necessary by any difference between the position of the deck-line marked under the Merchant Shipping Acts and the position of the line from which freeboard is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may be approved by the said Board of Trade.

When ship
is deemed
to be
unsafe.

33.—If a ship is so loaded as to submerge in salt water the centre of the disc indicating the load line, the ship shall be deemed to be an unsafe ship within the meaning of the provisions hereafter contained in this Part of this Act, and such submersion shall be a reasonable and probable cause for the detention of the ship.

Disc
(provisions
as to).

34.—(1) Where a ship proceeds on any voyage from a port in the Bailiwick for which the owner is required to enter the ship outwards, the disc indicating the load line shall be marked, before so entering her, or, if that is not practicable, as soon afterwards as may be.

(2) The owner of the ship shall upon entering her outwards insert in the form of entry a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the deck lines which is above that centre, and if default is made in inserting that statement the ship may be detained.

(3) The master of the ship shall enter a copy of that statement in the agreement with the crew before

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it is signed by any member of the crew, and a superintendent of Customs or other officer duly authorised by the Board of Trade, shall not proceed with the engagement of the crew until that entry is made.

(4) The master of the ship shall also enter a copy of that statement in the official log book.

(5) When a ship to which the foregoing provisions of this section apply has been marked with a disc indicating the load line, she shall be kept so marked, or if the mark has been altered abroad in accordance with regulations made by the Board of Trade for that purpose marked with the mark as so altered until her next return to a port of discharge in the Bailiwick.

(6) The foregoing provisions of this section shall apply to all British foreign-going ships while they are within any port in the Bailiwick whether the owner is required to enter the ship outwards or not.

(7) In the case of a ship which the owner is not required to enter outwards:—

(a) The disc indicating the load line shall be marked before clearance for the ship is demanded :

(b) The master shall prepare a statement similar to that required to be inserted in the form of entry under sub-section (2) of this section, and in the case of a British ship shall enter a copy of the statement in the agreement with the crew and in the official log book, and sub-sections (3) and (4) of this section shall apply accordingly ;

(c) The master shall deliver a copy of the statement to the officer of Customs from whom a clearance for the ship is demanded, and a clearance shall not be granted until the statement is so delivered.

(8) Where the certificate referred to in sub-section (3) of section 37 of this Act is required to be delivered, the provisions of this section as to the statement to be prepared by the master shall not take effect.

35.—(1) Where a ship being a home-trade ship is required to be marked with the disc indicating the load-line, she shall be so marked before the ship

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proceeds to sea from any port; and the owner shall also once in every twelve months, immediately before the ship proceeds to sea, transmit or deliver to the chief officer of Customs of the port of registry of the ship a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the deck-lines which is above that centre.

(2) The owner, before the ship proceeds to sea after any renewal or alteration of the disc, shall transmit or deliver to the chief officer of Customs of the port of registry of the ship notice in writing of that renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines.

(3) If default is made in transmitting or delivering any notice or statement under this section, the owner shall for each offence be liable to a fine not exceeding one hundred pounds.

(4) When a ship to which this section applies has been marked with a disc indicating the load line, she shall be kept so marked until notice is given of an alteration.

Penalties for
not marking
disc.

36.—(1) If—

(a) Any owner or master of a British ship within any port in the Bailiwick fails without reasonable cause to cause his ship to be marked as by this part of this Act required or to keep her so marked, or allows the ship to be so loaded as to submerge in salt water the centre of the disc indicating the load-line; or

(b) Any person conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purposes of escaping capture by an enemy,

he shall for each offence be liable to a fine not exceeding one hundred pounds.

(2) If any mark required by this part of this Act is in any respect inaccurate so as to be likely to

mislead, the owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds. 1916

37.—(1) The regulations made by the Board of Trade for :— Regulations by Board of Trade to be enforced in Bailiwick.

- (a) Determining the lines or marks to be used in connection with the disc, in order to indicate the maximum load line under different circumstances and at different seasons, and declaring that Part V. of the Merchant Shipping Act is to have effect as if any such line were drawn through the centre of the disc; and
- (b) Regulating the mode in which the disc and the lines or marks to be used in connection therewith are to be marked or affixed on the ship whether by painting, cutting or otherwise; and
- (c) Regulating the mode of application for and form of, certificates under this section; and
- (d) Requiring the entry of those certificates, and other particulars as to the draught of water and freeboard of the ship, in the official log book of the ship, or other publication thereof on board the ship and requiring the delivery of copies of those entries,

shall be enforced in the Bailiwick.

(2) All such regulations shall, while in force, have effect as if enacted in this Act, and if any person fails without reasonable cause to comply with any such regulation made with respect to the entry, publication, or delivery of copies of certificates or other particulars as to the draught of water and freeboard of a ship, he shall for each offence be liable to a fine not exceeding one hundred pounds.

(3) Where in pursuance of the regulations any such certificate is required to be delivered, a statement in writing as to the disc and deck-lines of a ship need not be inserted in the form of entry or transmitted or delivered to a chief officer of Customs under the provisions hereinbefore contained.

38.—Sections 31 to 37 of this Act (which relate to load-line) except sub-sections (3) and (4) of Section 34, shall, after the appointed day, apply to Application of sections 31 to 37 to foreign ships.

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all foreign ships while they are within any port of the Bailiwick, as they apply to British ships, without prejudice :—

(a) To the power of His Majesty previously to apply those provisions to the ships of any foreign country, if the Government of that country so desire, under Section 734 of the Merchant Shipping Act; and

(b) To any direction of His Majesty in Council given under Section 445 of the Merchant Shipping Act in the case of ships of any foreign country in which the regulations in force relating to overloading and improper loading are equally effective with the provisions of the Merchant Shipping Act.

Conditions
as to heavy
or light
wood goods
when carried
as deck
cargo.

39.—(1) If a ship, British or foreign, arrives between the last day of October and the sixteenth day of April in any year at any port in the Bailiwick from any port out of the Bailiwick, carrying any heavy or light wood goods as deck cargo (except under the conditions allowed by this section), the master of the ship, and also the owner, if he is privy to the offence, shall be liable to a fine not exceeding five pounds for every hundred and fifty cubic feet of space in which wood goods are carried in contravention of this section.

Penalties.

Conditions
as to heavy
wood goods
when carried
as deck
cargo.

(2) The conditions under which heavy wood goods may be carried as deck cargo are as follows :

(a) That they must only be carried in covered spaces; and

(b) That they must be carried only in such class of ships as may be approved by the Board of Trade for the purpose; and

(c) That they must be loaded in accordance with regulations made by the said Board with respect to the loading thereof.

Conditions
as to light
wood goods
when carried
as deck
cargo.

(3) The conditions under which light wood goods may be carried as deck cargo are as follows :—

(a) Each unit of the goods must be of a cubic capacity not greater than fifteen cubic feet; and

(b) The height above the deck to which the goods are carried must not exceed :—

(i) In the case of an uncovered space on a deck forming the top of a break,

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poop, or other permanent closed-in space on the upper deck, 3ft. above the top of that closed-in space, and

- (ii) In the case of an uncovered space, not being a space forming the top of any permanent closed-in space on the upper deck or a space forming the top of a covered space, the height of the main rail, bulwark, or plating, or one-fourth of the inside breadth of the ship, or seven feet, whichever height is the least, and
- (iii) In the case of a covered space the full height of that space;
- (c) The Regulations made by the Board of Trade for the protection of seamen from any risk arising from the carriage of the goods in any uncovered space to the height allowed under this section must be complied with on the ship.
- (4) A master or owner shall not be liable to any fine under this section :—
 - (a) In respect of any wood goods which the master has considered it necessary to place or keep on the deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or
 - (b) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the last day of October has allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive before that day at the said port in the Bailiwick, but was prevented from so arriving by stress of weather or circumstances beyond his control; or
 - (c) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the Bailiwick,

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- Definition of "heavy wood goods."
- and by reason of an exceptionally favourable voyage arrived before that day.
- (5) For the purposes of this section :—
- (a) The expression "heavy wood goods" means :—
- (i) Any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or
- (ii) Any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use; and
- Definition of "light wood goods."
- (b) The expression "light wood goods" means any deals, battens, or other light wood goods of any description; and
- Definition of deck cargo.
- (c) The expression "deck cargo" means any cargo carried either in any uncovered space upon deck or in any covered space not included in the cubical contents forming the ship's registered tonnage; and
- (d) The space in which wood goods are carried shall be deemed to be the space limited by the superficial area occupied by the goods, and by straight lines enclosing a rectangular space sufficient to include the goods.
- (6) Nothing in this section shall affect any ship not bound to a port in the Bailiwick which comes into any port of the Bailiwick under stress of weather, or for repairs, or for any purpose other than for the delivery of her cargo.
- Grain cargo. **40.**—For securing the observance of the provisions of the Merchant Shipping Acts with respect to grain cargo, any officer having authority in that behalf from the Supervisor, either general or special, shall have power to inspect any grain cargo, and the mode in which the same is stowed, and for that purpose shall have all the powers of a Board of Trade Inspector under this Act.
- 41.**—(1) If any ship, British or foreign, laden with grain cargo arrives at any port in the Bailiwick having the grain cargo so loaded that the master of the ship, if arriving at any port in the United Kingdom, would be liable to a penalty under the provisions of the Merchant Shipping

Acts relating to the carriage of grain, the master of that ship shall be liable to a fine not exceeding three hundred pounds.

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(2) Section 454 (2) of the Merchant Shipping Act so far as that section provides for the delivery of the notice mentioned therein to the proper officer of Customs in the United Kingdom, and Section 455 of the said Act shall apply to every ship laden with grain which discharges all or any part of her cargo at any port in the Bailiwick so long as the ship is within a port in the Bailiwick.

42.—(1) Where a British ship, being in any port in the Bailiwick, is an unsafe ship, that is to say is by reason of the defective condition of her hull, equipments or machinery, or by reason of undermanning or overloading or improper loading unfit to proceed to sea without serious danger to human life having regard to the nature of the service for which she is intended, such ship may be provisionally detained for the purpose of being surveyed, and either finally detained or leased as follows :—

Unsafe ships
(regulations
as to).

- (a) The Supervisor, if he has reason to believe, on complaint or otherwise, that a British ship is unsafe, may order the ship to be provisionally detained, as an unsafe ship, for the purpose of being surveyed;
- (b) When a ship has been provisionally detained there shall be forthwith served on the master of the ship a written statement of the grounds of her detention and the Supervisor may, if he thinks fit, appoint some competent person or persons to survey the ship and report thereon to him;
- (c) The Supervisor on receiving the report may either order the ship to be released or, if in his opinion the ship is unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo as he may think necessary for the protection of human life, and he may vary or add to any such order.
- (d) Before the order for final detention is made a copy of the report shall be served upon

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the master of the ship, and within seven days after that service the owner or master of the ship may appeal to the Court of Survey in manner directed by the rules of that Court;

- (e) Where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed under this section to survey the ship makes that survey, may require that he shall be accompanied by such person as the owner or master may select, and in that case if the surveyor and such selected person agree, the Supervisor shall cause the ship to be detained or released accordingly, but if they differ, the Supervisor may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section;
- (f) Where a ship has been provisionally detained the Supervisor may at any time, if he thinks it expedient, refer the matter to the Court of Survey;
- (g) The Supervisor may at any time, if satisfied that the ship detained under this section is not unsafe, order her to be released either upon or without any conditions.

(2) Any person appointed for the purpose (in this Act referred to as a detaining officer) shall have the same power as the Supervisor has under this section of ordering the provisional detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and if he thinks that a ship so detained by him is not unsafe may order her to be released.

(3) A detaining officer shall forthwith report to the Supervisor any order made by him for the detention or release of a ship.

(4) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.

(5) A ship detained under this section shall not

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be released by reason of her British register being subsequently closed.

(6) A detaining officer and a person authorised to survey a ship under this section shall for that purpose have the same power as a person appointed by the Court of Survey to survey a ship, and the provisions of this Act with respect to the person so appointed shall apply accordingly.

43.—(1) If it appears that there was not reasonable and probable cause, by reason of the condition of the ship, or the act or default of the owner, for the provisional detention of a ship under this part of this Act as an unsafe ship, the Supervisor shall be liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

(2) If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was, at the time of that detention, an unsafe ship within the meaning of this part of this Act, the owner of the ship shall be liable to pay to the Supervisor his costs of and incidental to the detention and survey of the ship, and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

(3) For the purpose of this section the costs of and incidental to any proceeding before a Court of Survey, and a reasonable amount in respect of the remuneration of the surveyor or officer shall be part of the costs of the detention and survey of the ship, and any dispute as to the amount of those costs may be referred to the Greffier of the Royal Court of Guernsey, and that officer shall, on request by the Supervisor, ascertain and certify the proper amount of those costs on the scale of costs allowed in the United Kingdom under the Act.

44.—(1) Where a complaint is made to the Supervisor or a detaining officer that a British ship is unsafe, the Supervisor or officer may, if they or he think fit, require the complainant to give security to the satisfaction of the Supervisor for the costs and compensation which he may become liable to pay as hereinafter mentioned.

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(2) Provided that such security shall not be required where the complaint is made by one fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Supervisor or officer frivolous or vexatious, and the Supervisor or officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained.

(3) Where a ship is detained in consequence of any complaint, and the circumstances are such that the Supervisor is liable under this Act to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Supervisor all such costs and compensation as the Supervisor incurs or is liable to pay in respect of the detention and survey of the ship.

45.—Where a foreign ship at any port in the Bailiwick is unsafe by reason of the defective condition of her hull, equipments or machinery, or by reason of undermanning or overloading or improper loading, the provisions of this part of this Act, with respect to the detention of ships, shall apply to that foreign ship as if she were a British ship with the following modifications :—

(i) A copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the country to which the ship belongs at or nearest to the said port ;

(ii) Where a ship has been provisionally detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Supervisor to survey the ship shall be accompanied by such person as the consular officer may select, and in that case, if the surveyor and that person agree the Supervisor shall cause the ship to be detained or released accordingly, but if they differ, the Supervisor may act as if the requisition had not been made, and the owner and master shall have the like appeal to a Court of Survey touching the report of the surveyor as is hereinbefore provided in the

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- case of a British ship; and
- (iii) Where the owner or master of the ship appeals to the Court of Survey, the consular officer, on his request, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Supervisor.

46.—Nothing contained in the provisions of the foregoing sections of this Act, that is to say Sections 22 to 26 inclusive; Sections 31 to 38 inclusive; Sections 40, 41 and 45 shall affect any foreign ship not bound to a port of the Bailiwick which comes into any port of the Bailiwick for any purposes other than the purpose of embarking or landing passengers or taking in or discharging cargo or taking in bunker coal.

PART IV.

SHIPPING INQUIRIES AND COURTS.

47.—For the purpose of inquiries and investigations under this part of this Act a shipping casualty shall be deemed to occur:—

- (1) When on or near the coasts of the Bailiwick any ship is lost, abandoned, or materially damaged;
- (2) When on or near the coasts of the Bailiwick any ship has been stranded or damaged, and any witness is found in the Bailiwick;
- (3) When on or near the coasts of the Bailiwick any ship causes loss or material damage to any other ship;
- (4) When any loss of life ensues by reason of any casualty happening to or on board any ship on or near the coasts of the Bailiwick;
- (5) When in any place any such loss, abandonment, material damage, or casualty, as above-mentioned occurs, and any witness is found in the Bailiwick;
- (6) When in any place any British ship is stranded or damaged, and any witness is found in the Bailiwick.

V.—Q.

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Preliminary
enquiry.

48.—(1) Where a shipping casualty has occurred a preliminary inquiry may be held respecting the casualty by any person appointed for the purpose by the Supervisor.

(2) For the purpose of any such inquiry the person holding the same shall have the powers of a Board of Trade Inspector under this Act.

Application
to Bailiff to
appoint a
Jurat *ad hoc*
to hold
investiga-
tion.

49.—(1) The Supervisor shall in any case where it appears to him requisite or expedient (whether upon a preliminary inquiry or without such inquiry) that a formal investigation should be held, apply to the Bailiff who shall designate *ad hoc* a Jurat of the Royal Court of the said Island or a Member of the Bar of the said Island in actual practice and of not less than ten years' standing to hold the said investigation. The said Jurat or Member of the Bar shall thereupon hold the said formal investigation as a Court of Summary Jurisdiction.

Assessors.

(2) The Court holding any such formal investigation shall hold the same with the assistance of one or more assessors of nautical, engineering or other special skill or knowledge, to be appointed out of a list of persons for the time being approved for the purpose by a Secretary of State.

(3) Where a formal investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or engineer, the Court shall hold the investigation with the assistance of not less than two assessors having experience in the merchant service.

Duties of
Supervisor.

(4) It shall be the duty of the Supervisor to superintend the management of the case, and to render such assistance to the Court as is in his power.

Report by
the Court.

(5) The Court after hearing the case shall make a report to the Supervisor containing a full statement of the case and of the opinion of the Court thereon, accompanied by such report of, or extracts from, the evidence, and such observations as the Court think fit, and the Supervisor shall forward a copy of the report and of the accompanying documents to the Board of Trade.

(6) Each assessor shall either sign the report or

state in writing his dissent therefrom and the reasons for that dissent. 1916

(7) The Court may make such order as the Court think fit respecting the costs of the investigation, or any part thereof, and such order shall be enforced by the Court as an order for costs of the Royal Court of the Island.

(8) The Supervisor may, if in any case he thinks fit so to do, pay the costs of any such formal investigation.

(9) For the purposes of this section the Court holding a formal investigation shall have all the powers of the Royal Court of Guernsey when acting as a Court in exercise of its ordinary jurisdiction.

(10) Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person, that person shall have an opportunity of making a defence.

(11) Formal investigations into shipping casualties under this section shall be held in the Royal Court House.

50.—When any loss of life arises by reason of any casualty happening to or on board any boat belonging to a fishing vessel, the Supervisor may, if he thinks fit, cause an inquiry to be made or a formal investigation to be held as in the case of a shipping casualty, and the provisions of this Act relating thereto shall apply accordingly. Casualty to fishing vessel.

51.—(1) The certificate of a master, mate, or engineer may be cancelled or suspended :— Certificate of master, mate or engineer may be cancelled or suspended.

(a) By a Court holding a formal investigation into a shipping casualty under this part of this Act, if the Court find that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, provided that, if the Court holding a formal investigation is a Court of summary jurisdiction that Court shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the Court ;

(b) By a Court holding an enquiry under this part of this Act into the conduct of a master, mate, or engineer, if they find that he is incompetent, or has been guilty of any

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gross act of misconduct, drunkenness, or tyranny, or that in a case of collision he has failed to render such assistance, or give such information as is required under the Fifth part of the Merchant Shipping Act, 1894.

(2) Where any case before any such Court as aforesaid involves a question as to the cancelling or suspending of a certificate, that Court shall, at the conclusion of the case or as soon afterwards as possible, state in open Court the decision to which they have come with respect to the cancelling or suspending thereof.

(3) The Court shall in all cases send a full report on the case with the evidence to the Supervisor, and shall also, if they determine to cancel or suspend any certificate, send the certificate cancelled or suspended with their report. Copy of the said report and of the accompanying documents shall be forwarded to the Board of Trade by the Supervisor.

(4) A certificate shall not be cancelled or suspended by a Court under this section unless a copy of the report, or a statement of the case on which the investigation or inquiry has been ordered, has been furnished before the commencement of the investigation or inquiry to the holder of the certificate.

(5) An inquiry shall not be held under this section into any matter which has once been the subject of an investigation or inquiry and has been reported on by a competent Court or Tribunal in any part of His Majesty's dominions, or in respect of which the certificate of a master, mate or engineer has been cancelled or suspended by a Naval Court.

(6) Where an Investigation or Inquiry has been commenced in the United Kingdom with reference to any matter an Inquiry with reference to the same matter shall not be held under this Act.

Procedure in the case of an enquiry to be held concerning misconduct of master, mate or engineer,

52.—(1) If the Supervisor has reason to believe that any master, mate or certificated engineer is from incompetency or misconduct unfit to discharge his duties, or that in a case of collision he has failed to render such assistance or given such information as is required under the Fifth Part of

the Merchant Shipping Act, the Supervisor may cause an inquiry to be held. 1915

(2) The Supervisor shall apply to the Bailiff of the said Island who shall designate *ad hoc* a Jurat of the Royal Court of the said Island or a member of the Bar of the said Island in actual practice and of not less than ten years' standing to hold such inquiry. The said Jurat or member of the Bar shall thereupon hold the said inquiry as a Court of Summary Jurisdiction. The inquiry shall be conducted in the same manner, and the Court shall have the like powers as in the case of a Formal Investigation into a shipping casualty.

The Court :—

- (a) Shall have all the powers which in the United Kingdom are exercised by a Board of Trade Inspector under the Merchant Shipping Act;
- (b) Shall give any master, mate or engineer against whom a charge is made an opportunity of making his defence either in person or otherwise and may summon him to appear;
- (c) May make such order with regard to the costs of the inquiry as it may think just, and
- (d) Shall send a Report upon the case to the Supervisor. A copy of this Report and of the accompanying documents shall be forwarded forthwith by the Supervisor to the Board of Trade.

53.—(1) A master, mate or engineer, whose certificate is cancelled or suspended by any Court shall deliver his certificate :—

- (a) If cancelled or suspended by a Court to that Court on demand;
- (b) If not so demanded to the Board of Trade or as that Board direct.

(2) If a master, mate or engineer fail to comply with this section, he shall, for each offence, be liable to a fine not exceeding fifty pounds.

54.—(1) A Court of Survey for the Bailiwick shall consist of a Judge sitting with two assessors. Such Judge shall be designated *ad hoc* by the Bailiff and shall be a Jurat of the Royal Court of Guernsey or a member of the bar of the said Island Court of Survey.

1916 in actual practice, and of not less than ten years' standing.

(2) The Assessors shall be persons of nautical, engineering, or other special skill and experience, and subject to the provision of this Act as regards foreign ships, one of them shall be appointed by the Secretary of State for Home Affairs on request of the Supervisor either generally or in each case, and the other shall be appointed by the Royal Court.

(3) The Greffier of the Royal Court or one of his Deputies shall be the Registrar of the Court of Survey, and shall on reference from the Supervisor immediately inform the Jurat or member of the Bar designated by the Bailiff who shall summon the Court to meet forthwith.

(4) The Court of Survey shall hear every case in open Court.

(5) The Court may appoint any competent person or persons to survey the ship and report thereon to the Court.

(6) The Court and each Assessor and any person appointed by the Court may survey the ship and shall have for the purposes of this Act all the powers of a Board of Trade Inspector. They may, in addition, require the unloading or removal of any cargo ballast or tackle, and any person who wilfully impedes any member of the Court or Assessor or person in the execution of the survey or fails to comply with any requisition made, shall for each offence be liable to a fine not exceeding ten pounds.

(7) The Court shall have the same power as the Supervisor to order the ship to be released or finally detained, but unless one of the Assessors concurs in an Order for the detention of the ship, the ship shall be released.

(8) The owner and master of the ship and any person appointed by the owner or master and also any person appointed by the Supervisor may attend at any inspection or survey made in pursuance of this section.

(9) The Court shall send a Report to the Supervisor setting out fully the facts of the case and the Order made, and each Assessor shall either sign the report or state the reasons for his dissent. A

copy of such report shall be forwarded by the Supervisor to the Board of Trade. 1916

55.—(1) Where on any such investigation or inquiry a decision has been given with respect to the cancelling or suspending of the certificate of a master, mate, or engineer, issued by the Board of Trade, and an application to the Board of Trade for rehearing has not been made or has been refused, an appeal shall lie from the decision to the High Court of Justice in England.

(2) Nothing in this Act shall be construed as limiting or in any way interfering with the authority of the Board of Trade under the provisions of the Merchant Shipping Act whereby the Board may :—

Appeal in case of suspension or cancelling of Certificate.

Authority of Board of Trade under Merchant Shipping Act to cancel certificate.

- (a) Suspend or cancel the certificate of any master, mate, or engineer, if it is shown that he has been convicted of any offence ;
- (b) If they think that the justice of the case requires it, re-issue and return the certificate of a master, mate, or engineer, which has been cancelled or suspended in the Bailiwick, or shorten the time for which it is suspended, or grant in place thereof a certificate of the same or any lower grade ;
- (c) Order the rehearing of an inquiry held in the Bailiwick in like manner as they may order the rehearing of an inquiry in the United Kingdom.

(3) Where on any investigation or inquiry under the provisions of this Act the Court find that a shipping casualty has been caused or contributed to by the wrongful act or default of any person and an application for rehearing has not been made under the provisions of the Merchant Shipping Acts or has been refused, the owner of the ship or any other person who, having an interest in the investigation or enquiry, has appeared at the hearing and is affected by the decision of the Court, may appeal from that decision in the same manner and subject to the same conditions in and subject to which a master may appeal under those provisions against a decision with respect to the cancelling or suspension of his certificate.

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PART V.

MISCELLANEOUS.

Regulations
by
Ordinance.

56.—General regulations may be made by Ordinances of the Royal Court for carrying into effect the provisions of this Act and in particular with respect :—

(a) To the procedure of Courts of Inquiry and of Survey, and rehearing and appeals; and

(b) To costs, and security for costs and damages.

All expenses incurred by the Supervisor in connection with the administration of this Act shall be borne by the States, except when a preliminary inquiry or an inquiry of formal investigation is held at the request of the Board of Trade, and then the expenses incurred by the States shall be refunded by the said Board.

Books or
papers.

57.—For the purpose of giving effect to this Act the form for any book, instrument or paper prepared and sanctioned by the Supervisor required under the Merchant Shipping Act shall, except where otherwise specially provided, be the form, instrument or paper for giving effect to the provisions of this Act.

(1) The Supervisor shall cause all such forms to be supplied at all custom houses and mercantile marine offices in the Bailiwick, free of charge, or at such moderate prices as he may fix.

(2) Every such book, instrument, or paper, if made in a form purporting to be the proper form, and to be sealed or marked in accordance with this section, shall be deemed to be in the form required by this Act unless the contrary is proved and shall be admissible in evidence in any civil proceeding on the part of the owner or master of any ship.

Stamp duty.

58.—The following instruments shall be free from stamp duty :—

(a) Any instruments used by or under the direction of the Supervisor in carrying into effect the provisions of this Act; and

(b) Any instruments which may be required to be in a form approved by the Board of Trade if made in that form.

Forgery.

59.—(1) If any person :—

(a) Forges, assists in forging or procures to be

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forged the seal or any other distinguishing mark of the Board of Trade on any form used under this Act; or

- (b) Fraudulently alters, or assists in fraudulently altering, or procures to be fraudulently altered, any such form,

that person shall in respect of each offence be guilty of a misdemeanour.

- (2) If any person :—

Prints, sells or uses any document purporting to be a form approved by the Supervisor or any form issued under this Act knowing the same not to be the form approved or issued for the time being, or not to have been prepared or sanctioned by the Supervisor, or issued under this Act, that person shall for each offence be liable to a fine not exceeding ten pounds.

60.—(1) Where any Harbourmaster or officer of Customs in the Bailiwick has reason to suspect that the provisions of this Act, or any law or Ordinance for the time being in force relating to merchant seamen or navigation, are not complied with, that officer may :—

Power of harbour-master to require masters to produce certain documents.

- (a) Require the owner, master, or any of the crew of any British ship to produce any official log books or other documents relating to the crew or any member thereof in their respective possession or control;
- (b) Require any such master to produce a list of all persons on board his ship, and take copies of the official log books, or documents, or of any part thereof;
- (c) Muster the crew of any such ship; and
- (d) Summon the master to appear and give any explanation concerning the ship or her crew, or the official log books or documents produced or required to be produced.

(2) If any person, on being duly required by an officer authorised under this section, fails without reasonable cause to produce to that officer any such official log book or document as he is required to produce under this section, or refuses to allow the same to be inspected or copied, or impedes any muster of the crew required under this section, or

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refuses or neglects to give any explanation which he is required under this section to give, or knowingly misleads or deceives any officer authorised under this section to demand any such explanation, that person shall for each offence be liable to a fine not exceeding twenty pounds.

Appoint-
ment of
Surveyors.

61.—(1) The Board of Trade may at the request of the Supervisor, or the Supervisor may appoint either generally or for special purposes, and on special occasions, any person they think fit to be a surveyor of ships for the purposes of this Act, and a person so appointed (in this Act referred to as a surveyor of ships) may be appointed either as a ship surveyor or as an engineer surveyor or as both.

(2) The Royal Court may by Ordinance make regulations as to the manner in which applications for surveys of passenger vessels are to be made, as to the notice to be given when surveys are required, and may by such regulations determine the persons by whom and the conditions under which the payment of expenses is to be made.

(3) If a surveyor of ships demands or receives directly or indirectly any fee, remuneration or gratuity whatever in respect of any duties performed by him under this Act otherwise than by the direction of the Board of Trade, he shall for each offence be liable to a fine not exceeding fifty pounds.

Powers of
Surveyors.

62.—(1) A surveyor of ships in the execution of his duties may go on board any ship at all reasonable times, and inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, or any certificates of the master, mate or engineer to which the provisions of this Act or any of the regulations made under this Act apply, not unnecessarily detaining or delaying the ship from proceeding on a voyage, and if in consequence of any accident to the ship or for any other reason he considers it necessary so to do, may require the ship to be taken into dock for the purpose of surveying the hull thereof.

(2) If any person hinders any surveyor of ships from going on board any ship or otherwise impedes him in the execution of his duties, under this Act,

that person shall for each offence be liable to a fine not exceeding five pounds. 1916

63.—(1) Surveyors of ships shall make such returns to the Supervisor as he may require with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel, and the nature and particulars of machinery and equipments of ships surveyed by them, and the Supervisor shall forward a copy thereof to the Board of Trade.

Returns to
be made by
surveyors.

(2) The owner, master, and engineer of any ships so surveyed shall, on demand, give to the surveyors all such information and assistance within his power as they require for the purpose of those returns.

(3) If any owner, master, or engineer, on being applied to for that purpose, fails without reasonable cause to give any such information or assistance, he shall for each offence be liable to a fine not exceeding five pounds.

64.—The Supervisor may as and when he thinks fit appoint any person as an inspector to report to him :—

Appointment
of Inspector
by
Supervisor.

- (a) Upon the nature and causes of an accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused ; or
- (b) Whether the provisions of this Act, or any regulations made under or by virtue of this Act, have been complied with ; or
- (c) Whether the hull and machinery of any steamship are sufficient and in good condition.

65.—(1) For the purposes of this Act any person appointed as an Inspector or any person referred to as having the powers of a Board of Trade Inspector :—

Powers of
Inspectors.

- (a) May go on board any ship and inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage ; and
- (b) May enter and inspect any premises the entry or inspection of which appears to him to

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be requisite for the purpose of the report which he is directed to make; and

- (c) May, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of his report, and may require answers or returns to any enquiries he thinks fit to make; and
- (d) May require and enforce the production of all books, papers, or documents which he considers important for the purpose of his report; and
- (e) May administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statement made by him in his examination.

Witnesses.

(2) Every witness summoned under this section shall be allowed such expenses as would be allowed to a witness attending on a summons to give evidence before the Royal Court.

Penalty for non-attendance of witness.

(3) If any person refuses to attend as a witness before any person referred to as having the powers of a Board of Trade Inspector, after having been required to do so in a manner provided by this section and after having had a tender made to him of the expenses (if any) to which he is entitled under this section, or refuses or neglects to make any answer or to give any return, or to produce any document in his possession, or to make or subscribe any declarations which an Inspector or person having the powers of an Inspector is hereby empowered to require, that person shall for each offence be liable to a fine not exceeding ten pounds.

Penalty for obstructing Inspector.

66.—If any person wilfully impedes any person referred to as having the powers of a Board of Trade Inspector in the execution of his duty, whether on board a ship or elsewhere, that person shall for each offence be liable to a fine not exceeding ten pounds, and may be seized and detained by the person having the powers of an Inspector, or by any person or persons whom that person may call to his assistance until he can be conveniently taken before the Police Court.

67.—Where under this Act a ship is to be or may be detained, the Harbour Masters of St. Peter-Port and St. Sampson may each within his own jurisdiction detain the ship; and if the ship after detention, or after service on the master of any notice of or order of detention, proceeds to sea before it is released by competent authority, the master of the ship and also the owner and any person who sends the ship to sea, if that owner or person is party or privy to the offence, shall be liable for each offence to a fine not exceeding one hundred pounds.

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Detention of ship.

Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship or any surveyor or Officer of the Board of Trade or any officer of Customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also to a fine not exceeding one hundred pounds, or, if the offence is not prosecuted in a summary manner, not exceeding ten pounds for every day until the officer or surveyor returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and the expenses ordered to be paid may be recovered in like manner as the fine.

Where under this Act a ship is to be detained, an officer of Customs shall, and when under this Act a ship may be detained, an officer of Customs may refuse to clear that ship outwards or to grant a transire to that ship.

Where any provision of this Act provides that a ship may be detained until any document is produced to the proper officer of Customs, the proper officer shall mean, unless the context otherwise requires, the officer able to grant a clearance or transire to such ship.

68.—All vessels belonging to or used by any of the general lighthouse authorities or the Board of Trade shall be entitled to enter, resort to, and use any harbours, ports, docks or piers in the Bailiwick without payment of any tolls, dues or rates of any kind.

Vessels belonging to lighthouse authorities or Board of Trade.

Fines may be employed as

69.—(1) Where any Court imposes a fine under this Act for which no specific application is herein

compensation.

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provided, that Court may direct the whole or any part of the fine to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which the fine is imposed, or to be applied in or towards payment of the expenses of the proceedings.

(2) Subject to any direction under this Section or to any specific application provided under this Act, all fines under this Act shall notwithstanding anything in any other Act be paid over to the Treasurer of the States of the Island of Guernsey and form part of the public revenue of the said States.

Summonses,
&c., to be in
English.

70.—All summonses, proceedings, records and findings of the Court referred to in this Act shall be, in so far as may be possible, in English.

Court
authorised
to pass
Ordinances.

71.—The Royal Court may by Ordinance make Regulations for carrying into effect the provisions of this Act provided always that such Regulations do not conflict with the principles contained in this Act.

72.—Any provisions of this Act applying to steamers or steamships shall apply to ships propelled by electricity or other mechanical power, with such modifications as the Royal Court may by Ordinance prescribe for the purpose of adaptation.

Repeal of
legal
enactments.

73.—The following Laws are hereby repealed :—

- (a) "Loi relative aux Certificats de Compétence pour Ingénieurs de Bateaux à Vapeur," registered on the records of the Island of Guernsey the 5th February, 1887;
- (b) "Loi relative à l'Inspection des Bateaux à Vapeur," registered the 19th February, 1898;
- (c) "Loi relative aux Certificats de Compétence pour Maîtres de Bateaux à Vapeur," registered the 25th May, 1907.