Treasurer to Harbour Master 7/1966

CHAPTER 147.

PASSENGERS.

3/1899
3/1902
5/1929
3/1959
20/1959

(20*th March*, 1899.)

Short title.

1. This Ordinance may be cited as the Passengers Ordinance.

Interpretation.

2. In this Ordinance :—

"ship" includes every description of vessel used in navigation not propelled by oars;

"master" includes every person having or taking command or charge of any ship; and

"passenger" means any person carried in a ship, except—

(*a*) a person on board the ship on the business of the ship. Ord. 3/1959.

(*b*) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled, and

(*c*) a child under one year of age.

Application

3. This Ordinance shall not apply to any ship to which Part III of the Merchant Shipping Act, 1894 (Imperial Act 57 and 58 Vict., c. 60) applies, not to any steamship having an agent in the Colony registered in accordance with the provisions of the Tariff Collection Ordinance. Cap. 239.

Limit to number of passengers that ship may carry. Ord. 3/1959.

4. The number of passengers that any ship may carry shall not exceed one for every ton of the registered tonnage of the ship.

Provision of life-saving appliances and lifeboats. Ord. 3/1959.

5. Every ship taking passengers from this Colony shall be provided with life-saving appliances and lifeboat accommodation as specified in the rules set forth in the First Schedule hereto :

Provided that the provisions of the said Schedule shall not apply to a ship registered outside the Colony which shall come to the Colony with passengers in transit for any other place and does not take passengers other than the said intransit passengers from the Colony.

Master of ship to lodge list of passengers with the Treasurer.

Ord. 3/1959.

6. (1) The master of every ship taking passengers from the Colony shall, before obtaining the clearance of such ship, fill up, sign and lodge with the Treasurer a list of passengers and declaration in the form given in the Second Schedule, and the Treasurer shall endorse on the clearance of such ship the number of passengers as stated in such list.

(2) If any master shall wilfully and knowingly make or lodge any list of passengers or declaration which shall be false in any particular, he shall be liable to a penalty not exceeding four hundred and eighty dollars.

Treasurer may inspect ship before departure.

7. The Treasurer may at any time before the departure of any ship carrying passengers, cause such ship to be inspected by a Treasury officer.

Penalty for receiving excess

Ord. 5/1929.

8. If the master of any ship shall receive or have on board within the territorial waters of the Colony a greater number of passengers than the number limited by this Ordinance he shall be liable to a penalty not exceeding two hundred and forty dollars and also to an additional penalty not exceeding two dollars and forty cents for every individual on board in excess of the number so limited.

Penalty for carrying more than the prescribed number of passengers and for failing to provide the prescribed life saving appliances and lifeboat accommodation.

Ord. 2/1959.

9. If any ship carrying passengers shall clear or proceed to sea, having on board a greater number of passengers than the number limited by this Ordinance, or not being provided with the life-saving appliances and lifeboat accommodation prescribed in the First Schedule, the master of such ship shall be liable to a penalty not exceeding four hundred and eighty dollars and such ship shall be forfeited to the use of Her Majesty and may be seized at any time within two years by any person having authority under section 48 of the Tariff Collection Ordinance, to seize ships liable to forfeiture under that Ordinance, and shall and may be dealt with in the same manner as if such ship had been seized as forfeited under that Ordinance.

Statement by officer at port of arrival of ship. Ord 5/1929.

10. An officer of a port to which a ship has gone from the Colony may sign a statement in writing as to the number of persons which that ship brought to that port from the Colony and may transmit such statement to the Treasurer and any such statement which purports to be signed by such officer shall be accepted in all courts of law in the Colony as *primâ facie* evidence respectively of the number of persons on board such ship within the territorial waters of the Colony or of the number of persons on board such ship when such ship cleared and proceeded to sea from the Colony.

Administrator in Council to make regulations regulating number of passengers to be carried to other Leeward Islands.

Ord. 3/1902.

11. The provisions of section 4 shall not apply to ships leaving the Colony for the island of Redonda, nor to ships leaving the Colony with passengers only and proceeding direct to any other part of the Leeward Islands for the purpose of landing any such passengers, but the Administrator in Council may make such regulations as may be deemed necessary to regulate the number of passengers to be carried in such ships leaving the Colony for the island of Redonda or ships leaving the Colony with passengers only and proceeding direct to any other part of the Leeward Islands for the purpose aforesaid, which regulations when made shall have the same force as if forming part of this Ordinance. Such regulations may also modify or alter in regard to all such ships as in this section mentioned the provisions of section 6.

No open boat to take passengers without permission of Treasurer.

12. No open boat or other unregistered vessel shall take passengers to any place beyond the Colony without the permission of the Treasurer, and such permission shall not be granted unless in the opinion of the Treasurer the number of passengers proposed to be taken is such as can be carried with safety.

Penalties.

13. (1) If, in the case of any ship, any of the requirements of this Ordinance shall not be duly complied with, the master and the owner and the charterer, as the case may be, of such ship shall be jointly and severally liable to a penalty not exceeding four hundred and eighty dollars: Provided that nothing in this subsection contained shall increase or diminish any liability of any master under section 9.

(2) All penalties incurred under this Ordinance may be recovered summarily before a Magistrate under the provisions of the Magistrates Code of Procedure Act.

Cap. 46.

(3) The Administrator may, if he shall think fit, remit the whole or any part of any penalty or forfeiture incurred under the provisions of this Ordinance.

FIRST SCHEDULE.

RULE 1. Every ship shall carry at least one properly constructed boat and as many properly constructed rafts as may, in the opinion of the Treasurer be sufficient to carry all the passengers on board.

RULE 2. Every such boat shall be provided as follows :—

(*a*) with a full single-banked complement of oars;

(*b*) with two plugs for each plug hole, in case the boat has a plug hole, attached with lanyards, and one set and a half of thole pins, or crutches attached to the boat by sound lanyards;

(*c*) with a bailer which shall be attached to the boat by sufficiently long lanyards and kept ready for use;

(*d*) with a breaker or other vessel properly constructed and of sufficient size which shall be kept filled with fresh water;

(*e*) with means of making distress signals, such means to be approved by the Treasurer.

RULE 3. (*a*) The carrying capacity of such a boat shall be determined by the Treasurer.

(*b*) The space in each such boat shall be sufficient for the seating of the persons carried in it and for the proper use of the oars.

RULE 4. Every such raft shall be provided with at least two paddles, with 50 feet of rope to link it with other rafts, and with a breaker or other vessel which shall be kept filled with fresh water.

RULE 5. The boat or boats or rafts shall be either hung under davits or so placed that they can be readily and quickly got into the water.

RULE 6. Every ship shall carry at least one life-jacket or life-belt of a type approved by the Treasurer for each person on board.

RULE 7. (*a*) Every passenger ship shall carry not less than two life-buoys of a type approved by the Treasurer and fitted with buckets securely seized and with life lines 15 fathoms in length.

(*b*) The life-buoys shall be so placed as to be readily accessible to all persons on board and so that their position may be known to all persons on board.

RULE 8. Every mechanically propelled ship shall carry fire extinguishing appliances in such number and of such type as the Treasurer may prescribe.

RULE 9. Every ship shall be equipped with such wireless receiving and transmitting set or sets as may be approved by the Treasurer.

SECOND SCHEDULE.

FORM OF LIST OF PASSENGERS.

Name of Ship	Name of Master	Whither bound	Tons, per register

Names of Passengers including the Crew	Age	Port of Embarkation	Port of Destination

I hereby declare that the above list is complete, and that the above particulars are, to the best of my knowledge, information and belief, true and correct in every respect.

Dated this day of 19

Master.