Treasurer to Harbor Mas 7/1966

CHAPTER 148.

PASSENGERS (UNSEAWORTHY SHIPS)

3/1910
4/1956

29*th July*, 1910

Short title

1. This Ordinance may be cited as the Passengers (Unseaworthy Ships) Ordinance.

Notice of provisional detention to be served on owner.

Ord. 4/1956.

2. The Treasurer, if he has reason to believe, on complaint or otherwise, that any British ship being in a port of the Colony, is unsafe within the meaning of section 459 of the Merchant Shipping Act, 1894, of the Imperial Parliament, shall forthwith serve a notice of provisional detention on the owner, or on the master in the case of the owner not being resident in the Colony.

Notice to contain grounds of detention.

3. Every such notice of provisional detention shall contain particulars of alleged unseaworthiness and grounds of detention.

Ship to be detained for survey if owner is unable to satisfy Treasurer of her safety.

4. If the owner of the said ship, or in his absence the master, shall within forty-eight hours be unable to satisfy the Treasurer of the safety of the ship, she shall then be detained for survey.

Survey of ship.

5. The survey on any ship so detailed shall be performed by two surveyors, one of whom shall be appointed by the Treasurer and one by the owner or master thereof, with power to them to appoint a third in case of disagreement.

On report of Surveyors, sh may be detained subject to appeal.

6. The Treasurer, on receiving the report of those surveyors in writing, shall, if he thinks fit, detain such ship for alteration until seaworthy, subject to an appeal by the owner or master thereof within one week to a Magistrate.

Notice of appeal to be lodged.

7. Such notice of appeal shall state the grounds thereof, and, with all documents or affidavits, if any, in support thereof, must be lodged with the Registrar and filed in Court, and copies thereof served on the Treasurer in the usual way, when the Magistrate shall fix a day for hearing the same.

Powers of Magistrate on appeal.

8. Upon the hearing of any such appeal the Magistrate shall have power to receive such evidence besides the documents as he may think proper, and to give such necessary and consequential directions and to pronounce such judgment and make such order as to costs as he may think fit.

Appeal to Court of Appeal.

9. An appeal from the Magistrate shall lie to the Court of Appeal within fourteen days of the hearing before the Magistrate, such notice of appeal, whether on behalf of the Treasurer or the owner or master of the ship, to be as provided above in section 7.

Costs and compensation.

10. If it should appar that there was no sufficient reasonable and probable cause, by reason of the condition of the ship, or the act or default of the owner or otherwise, for the provisional detention of the ship as an unsafe ship, the Government 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 such detention and survey.

Recovery of costs.

11. If a ship is detained after survey as hereinbefore provided, or if it should appear that a ship provisionally detained was at the time of such detention an unsafe ship within the meaning of the said Merchant Shipping Act, the owner of the ship shall be liable to pay to the Treasurer all costs of, and incidental to, such detention or to detention and survey, and such costs shall, without prejudice to any other remedy, be recoverable in an action of debt in a summary way in any court having jurisdiction to try the same.