

No. XIII.

NAVIGATION ACT
FURTHER AMEND-
MENT.

An Act to further amend the “Navigation Act of 1871.” [18th *December*, 1879.]

Preamble.

WHEREAS in pursuance of the “Navigation Act of 1871” certain Regulations for the swinging of ships for the purpose of ascertaining and adjusting any deviation in their compasses were made by the Marine Board and approved by the Governor with the advice of the Executive Council which Regulations are set out in the Schedule to this Act And whereas doubts have arisen whether the said Regulations have the authority of law so far as they purport to authorize the imposition of fees or charges to be paid for the swinging of such ships as are therein described to the persons therein mentioned and it is expedient to remove such doubts And whereas it is also expedient

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expedient that power to frame Regulations for the proper control and management of certain jetties quays piers and landing-places should be given to the Marine Board and that a power of leasing or issuing licenses for the use of the same or of any portion thereof should be vested in the Colonial Treasurer And whereas it is expedient to amend the said "Navigation Act of 1871" in other particulars Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The Regulations set forth in the Schedule hereto shall be deemed and taken to have been lawfully made by the Marine Board under the one hundred and fifth section of the "Navigation Act of 1871" And from and after the commencement of this Act such Regulations shall be taken to be in full force and effect Provided always that it shall be lawful for the Governor with the advice of the Executive Council to rescind or alter such Regulations and to vary the scale of charges thereby prescribed for the swinging of ships.

Validation of Regulations for swinging ships.

2. It shall be lawful for the Governor with the like advice by notification in the *Government Gazette* to declare that any public jetty pier quay or landing-place now or hereafter to be constructed in any part of the harbour of Port Jackson or elsewhere within the jurisdiction of the Marine Board shall be under the control and management of the said Board And thereupon it shall be lawful for such Board to frame Regulations to be enforced under a penalty in any case not exceeding fifty pounds for the proper use and enjoyment of any such jetty pier quay or landing-place by the public and for the due control and management thereof which Regulations upon approval by the Governor with the like advice shall be published in the *Government Gazette* and thereafter have the full force of law.

How jetties &c. in Port Jackson and elsewhere may be placed under Marine Board.

3. It shall be lawful for the Colonial Treasurer to let any such public jetty pier or quay or any portion thereof for any term not exceeding three years reserving such rent and upon such conditions as he may think best for the public interest and whether by public auction or private contract and to issue to proprietors of steam ferry boats annual or other licenses to use any such jetty pier or quay or portion thereof for any period to be therein stated whether exclusively of other persons or otherwise Provided that the charge for any such license in respect of any jetty or pier or portion thereof if situated at the Circular Quay shall not be at a less rate than three hundred pounds sterling per annum for every one hundred feet of frontage to the water in all cases where the license purports to grant to the licensee the exclusive right of embarking and disembarking passengers or at a less rate than one hundred and fifty pounds sterling per annum if the license purports to grant to the licensee such a right in common with other persons And provided further that all such leases and licenses shall be revocable by three months notice from the Colonial Treasurer and shall in every case be issued subject to any Regulations to be made by the Marine Board under the next preceding section.

Leases and licenses for the use of jetties &c. by steam ferry boats.

4. For the purposes of voting at elections for and being eligible as candidates for the office of Wardens of the Marine Board owners of harbour and river steamers shall after the passing of this Act be held to be qualified under and for the purposes of the "Navigation Act of 1871" and the "Navigation Act Amendment Act of 1873" provided they are owners of the respective amounts of tonnage prescribed by the said first-mentioned Act.

Qualification of owners of harbour and river steamers.

5. In addition to the person mentioned in the eighty-second section of the "Navigation Act of 1871" as being liable to the penalty therein prescribed for any offence therein mentioned the owner

Concurrent liability of owner of harbour and river steamers in certain cases.

as

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as well as the master of any steamship or harbour and river steamer who after the passing of this Act shall commit the offence in the said section described shall be liable to the penalty therein prescribed.

Incorporation with
other Acts and short
title.

6. This Act shall be read with and as forming part of the "Navigation Act of 1871" and the "Navigation Act Amendment Act of 1873" and may be cited for all purposes as the "Navigation Act further Amendment Act of 1879."

SCHEDULE.

Regulations for Swinging Ships.

The Treasury New South Wales 4th October 1872. 7

HIS Excellency the Governor with the advice of the Executive Council has been pleased to approve of the following Regulations made by the Marine Board of New South Wales under the powers conferred on them by the one hundred and fifth section of the "Navigation Act of 1871" thirty-fifth Victoria number seven.

SAUL SAMUEL.

New South Wales }
Sydney to wit. }

IN pursuance and by virtue of the one hundred and fifth section of the "Navigation Act of 1871" We the Marine Board of New South Wales hereby make Regulations for the swinging of ships for the purpose of ascertaining and adjusting any deviation in their compasses.

1. Competent persons will be licensed to swing ships and furnish deviation cards and no deviation card will be recognized unless it bears the signature of one of the persons so licensed.

2. All iron ships about to carry passengers must be swung and provided with a deviation card before leaving port and all such ships trading out of any port within the jurisdiction must be swung once in six months and also before going to sea after material alteration or repairs or more frequently if the Marine Board should so direct.

Provided that on application to the Marine Board and on showing satisfactory reason therefor a departure from any of the foregoing Regulations may be sanctioned.

Applications must be made at the office of the Marine Board for the services of the licensed officers who are hereby authorized to charge fees on the following scale:—

	£	s.	d.
For vessels under 500 tons register	2	0	0
For vessels over 500 and under 750 tons register	2	10	0
For vessels over 750 tons register... ..	3	0	0

The common seal of the Marine Board of New South Wales was hereto affixed
this third day of September one thousand eight hundred and sevent-two.

FRANCIS HIXSON, President.

(L.S.) HUGH FAIRCLOUGH,
JOHN BROOMFIELD, } Wardens.
HENRY BURNS,
THOS. WATSON, }

JOHN B. WATT, Vice-President.