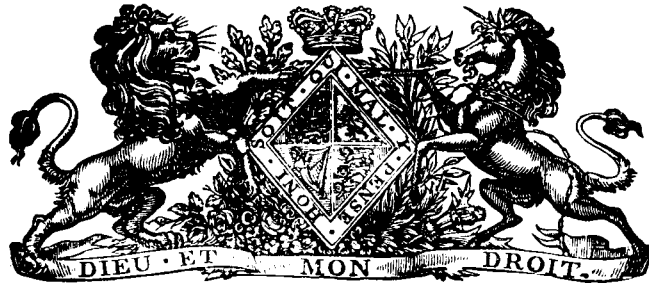


# New South Wales.



ANNO TRICESIMO QUINTO

## VICTORIÆ REGINÆ.

\*\*\*\*\*

### No. VII.

NAVIGATION.

An Act to incorporate a Board to be called "The Marine Board of New South Wales" to confer certain powers on such Board to consolidate and amend the Laws relating to the regulation of Steam-ships Pilotage and Pilots Harbours and Navigable Waters and Navigation and to make provision for the Examination of Masters Mates and Engineers and for other purposes. [*Reserved—22nd June, 1871.*]

**B**E it 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 (that is to say) :—

#### *Preliminary.*

Repeal clause.

1. The Acts enumerated in Schedule A shall be and the same are hereby repealed to the extent set forth therein Provided always that such repeal shall not affect or annul any offences committed penalties or liabilities incurred or privileges powers and exemptions conferred under the provisions of the said repealed Acts or any of them and any officer clerk or servant duly appointed under the aforesaid provisions shall be held to have been duly appointed under the provisions of this Act And every license certificate or other document and all rules and regulations now in operation under the provisions

*Navigation.*

provisions of the said repealed Acts or any of them shall continue and be as valid and operative as if issued or made under this Act or until the same shall be revoked rescinded suspended or otherwise rendered invalid by or under the provisions of this Act.

2. From and after the first election of Wardens under this Act the Steam Navigation Board of New South Wales established under the Steam Navigation Act of 1852 and the existing Pilot Board appointed by the Governor in Council shall be abolished.

Abolition of Steam Navigation and Pilot Boards.

3. So much of this Act as prescribes the mode of conducting the first election of Wardens and regulates the proceedings antecedent thereto shall come into operation on the first day of January one thousand eight hundred and seventy-two and the whole Act shall come into operation from and after the day of the holding of such election. This Act may be cited as the "Navigation Act of 1871" and the sections thereof are arranged in Parts in the following order—

Commencement short title and arrangement.

Part I.—Incorporation and General Powers of Marine Board.

II.—Steam Navigation and Regulation of Steam-ships.

III.—Pilots—Pilotage.

IV.—Examination and Certificates of Masters Mates and Engineers and cancellation and suspension of the same.

V.—Safety and Prevention of Accidents.

VI.—Regulation of Harbours Navigable Waters Ballast-lighters.

VII.—Legal Procedure—Miscellaneous provisions.

4. Nothing in this Act contained shall apply to any ship belonging to or in the service of Her Majesty And in the construction and for the purposes of this Act the following terms in inverted commas shall unless inconsistent with the context or subject matter have the respective meanings set against them (that is to say)—

Interpretation clause.

"Governor"—The Governor with the advice of the Executive Council.

"Jurisdiction"—The navigable waters lying within one nautical league of the coast and the inland navigable waters of the Colony of New South Wales.

"Ship"—Every description of vessel used in navigation not propelled by oars.

"Foreign-going ship"—Every registered ship employed in trading or going between any port or place within and any port or place without the jurisdiction.

"Coast-trade ship"—Every registered ship employed in trading or going between any ports or places within the jurisdiction also every registered steam-tug Provided that every such ship which shall be employed in trading between any ports of adjacent Colonies shall be deemed to be a coast-trade ship for the purposes of this Act.

"Master"—Every person except a pilot having command or charge of any ship.

"Pilot"—Any person not belonging to a ship who has the conduct thereof.

"Qualified pilot"—Any person duly licensed hereunder to conduct ships to which he does not belong.

"The Australasian Colonies"—New South Wales and its Dependencies Victoria Queensland Tasmania South Australia Western Australia and New Zealand.

"Justice"—Any Justice of the Peace.

"Harbour

*Navigation.*

“Harbour Master”—Any duly appointed Harbour Master or Assistant Harbour Master And in places where there is no Harbour Master (*eo nomine*) the pilot stationed at any harbour river or place.

“Person” shall include Bodies Corporate and Companies.

## PART I.

Incorporation and  
Constitution of  
Marine Board.

5. It shall be lawful for the Governor by letters patent under the Seal of the Colony to incorporate a Board by the name of the “Marine Board of New South Wales” to consist of seven Members that is to say a President and six Wardens of which Wardens three may be elected in manner hereinafter prescribed by the owners of Foreign-going and Coast trade ships registered in the Port of Sydney and the remainder shall be appointed by the Governor Provided always that in the event of no election taking place within the period of one calendar month after the time appointed for the holding of such election (which time shall be fixed by the Governor and published in the *Gazette*) it shall be lawful for the Governor to nominate and appoint three persons to be Wardens of such Board And any extraordinary vacancy occurring in the number of the said elective Wardens whether by death resignation disqualification or otherwise shall be filled up within one calendar month after it occurs And if any such vacancy shall not be so filled up as aforesaid it shall be lawful for the Governor to appoint any person to be a Warden of the said Board And the present Superintendent of Pilots shall be appointed by the Governor as the first President of the said Board and every succeeding President shall be appointed in like manner.

Seal of the Marine  
Board.

6. The said Marine Board shall have perpetual succession and a common seal and shall have power to sue and be sued in the name of the President of such Board and such seal shall have inscribed thereon the words “Marine Board of New South Wales” together with such device as the Governor may approve and a notice of the approval of such seal as aforesaid shall be published in the *Gazette*.

Three to form a  
quorum.  
Election of Wardens.

7. Any three members of the said Board shall be a quorum.

8. The first election of Wardens under this Act shall take place on the second day of April one thousand eight hundred and seventy-two and thereafter every election of Wardens shall take place on the first Monday of April in every third succeeding year and the Governor shall fix the place and mode of conducting all such elections as aforesaid and also in the case of any vacancy the day of election and not less than ten days notice of such day shall in every case be given and published in the *Gazette*.

Qualification of  
electors.

9. Owners of Foreign-going ships and of Coast trade ships registered at the Port of Sydney or at any other port in the Colony shall have votes at the election of Wardens of the said Board according to the following scale that is to say every registered owner of not less than one hundred tons in the whole of such shipping shall at every election have one vote for each Warden for one hundred tons two votes for two hundred and fifty tons three votes for four hundred and fifty tons four votes for seven hundred and fifty tons five votes for eleven hundred tons six votes for fifteen hundred tons and one vote for every five hundred tons over fifteen hundred tons owned by him but the votes of such owner for any one Warden shall not exceed ten and for the purpose of ascertaining the qualification of such electors the following rules shall be observed that is to say in the case of a ship registered in the name of one person such person shall be deemed to be the owner and in the case of a ship registered in distinct

*Navigation.*

distinct and several shares in the names of more persons than one the tonnage shall be apportioned among the owners as nearly as may be in proportion to their respective shares and each of such persons shall be deemed to be the owner of the tonnage so apportioned to him. And in the case of a ship or shares of a ship registered jointly without severance of interest in the names of more persons than one the tonnage shall if it is sufficient either alone or together with other tonnage (if any) owned by such joint owners to give a qualification to each of them be apportioned equally between the joint owners and each of such joint owners shall be deemed to be the owner of the equal share so apportioned to him but if it is not so sufficient the whole of such tonnage shall be deemed to be owned by such one of the joint owners resident or having a place of business at the said port of Sydney as is first named on the register. And in making any such apportionment as aforesaid any portion may be struck off so as to obtain a divisible amount and the whole amount of tonnage so owned by each person whether in ships or shares of or interests in ships shall be added together and if sufficient shall constitute his qualification.

10. The Collector of Customs shall on or before the first day of February in the year one thousand eight hundred and seventy-two and in every third succeeding year make out an alphabetical list of persons entitled to vote by virtue of this Act at the election of Wardens of the said Marine Board containing the Christian name surname and residence of each such person and the number of votes to which he is entitled and shall sign such list and cause a sufficient number of copies thereof to be printed and to be exhibited in some conspicuous place at the Custom House for two entire weeks next after such list has been made and shall keep true copies of such list and permit the same to be perused by any person without payment of any fee at all reasonable hours during the period last aforesaid.

List of voters to be made out.

11. The Colonial Treasurer shall within twenty-one days after the first day of February in the year one thousand eight hundred and seventy-two and in each succeeding third year nominate two Justices of the Peace to revise the said lists and such Justices shall between the twenty-first day of February and the first of March both inclusive in the year in which they are so nominated revise the list described in the next preceding section hereof at the Custom House or in some convenient place near thereto to be hired if necessary by the said Collector and shall give three clear days notice of such revision by advertising the same in the *Gazette* and one or more of the daily newspapers and by affixing a notice thereof on or near to the doors of such Custom House and shall make such revision by inserting in such list the name of every person who claims to have his name inserted therein and gives satisfactory proof to the said Justices of such his right and by striking out from such list the name of every person against the insertion of whose name therein a satisfactory objection shall have been established by proof to the said Justices adduced by any other person named in such list and the decision of the said Justices with respect to every such claim or objection shall be conclusive. And the said Justices shall immediately after the completion of such revision sign their names at the foot of the list so revised and such list so revised shall be the register of voters at elections of Wardens of the said Marine Board for three years from the second day of April then next ensuing inclusive to the first Monday of April in the third succeeding year and the said revised list when so signed shall be delivered to the Colonial Treasurer who shall if necessary cause a sufficient number of copies thereof to be printed and shall cause a copy to be delivered to every voter applying for the same upon payment of a sufficient fee.

Revision of lists.

*Navigation.*

Registers to be produced.

12. The said Collector of Customs if required shall for the assistance of the said Justices in revising the said list produce to them such registers books or documents in his possession or control as they may deem necessary.

Persons named in revised list qualified to vote.

13. Every person whose name is contained in such revised list and no other person shall be qualified to vote at the election of Wardens of the said Marine Board.

Qualification of elective Wardens of Marine Board.

14. Every person whose name is contained in such revised list and who is at the time of election the registered owner of not less than two hundred and fifty tons of shipping and no other person shall be qualified to be elected a Warden of the said Marine Board and if any person after having been so elected shall after such election at any time cease to be an owner of such quantity of tonnage such person shall be deemed and taken to have resigned and vacated his seat at the said Board and thereupon another member shall be elected in his place.

Error in election not to vitiate acts of Marine Board.

15. No act matter or thing done or commenced by the said Marine Board shall be invalidated or otherwise prejudicially affected by reason of any irregularity or informality in the election of any Warden of such Board or of any error in the list of voters hereinbefore mentioned or any irregularity in the making or revising of such list or by reason of any person acting as a Warden of such Board who is not duly qualified as hereinbefore directed.

Local Marine Boards may be established.

16. It shall be lawful for the Governor to establish Local Marine Boards for carrying into effect the provisions of this Act under the superintendence of the Marine Board of New South Wales at such seaports and other places within the jurisdiction as the said Governor may with the recommendation of the said last-mentioned Board direct and appoint And the Chairman and Members of such Local Marine Board shall be appointed by the Governor and all vacancies in such Board shall be filled in like manner Provided always that the Marine Board of New South Wales shall be the authority to carry into effect the provisions of this Act throughout the jurisdiction wheresoever no Local Marine Board shall have been appointed as herein provided.

*General Powers of Marine Board.*

Marine Board subject to control of Treasurer.

17. The Marine Board shall at all times furnish to the Colonial Treasurer such reports accounts vouchers and documents relating to any matter intrusted to or performed by the said Board as the said Treasurer shall by any writing under his hand addressed to the said Board or to the Secretary thereof from time to time require and all acts matters and things done and performed by the Marine Board shall be subject to the disallowance of the Governor.

Board may recommend the appointment of officers.

18. The Marine Board may from time to time recommend for appointment and the Governor may appoint and employ such Secretary Surveyors Inspectors and other officers and at such remuneration as he shall think adequate And the salaries or fees of all persons appointed and employed by such Board under the authority of this Act shall be paid out of the moneys appropriated by Parliament for that purpose.

Marine Board to carry out provisions of Part II of this Act.

What matters within the direction of Marine Board.

19. The Marine Board shall subject as aforesaid have and it is hereby invested with full powers to carry out the provisions of this Act relating to Steam Navigation and shall also be the department to undertake the general superintendence of all matters within its jurisdiction relating to the issue suspension and cancellation of certificates of competency and service—the framing of harbour regulations—the preservation of ports harbours havens and navigable creeks and rivers within the jurisdiction—the licensing appointment and

*Navigation.*

and removal of pilots—the regulation of light-houses—the superintendence of lights and other sea harbour or river marks—the placing or removing of moorings—the granting and regulation of licenses to ballast-lighters—the licensing and regulation of watermen's boats and boats plying for hire—steam and other ferry boats—harbour and river steamers—and the several matters hereinafter particularly described.

20. All documents whatever purporting to be issued or written by or under the direction of the Marine Board and purporting either to be sealed with the seal of such Board or to be signed by the Secretary or other duly authorized officer of such Board shall be received in evidence and shall be deemed to be issued or written by or under the direction of the said Board without further proof unless the contrary be shown. And all documents purporting to be certificates issued by the said Marine Board in pursuance of this Act and to be sealed with the seal of such Board or to be signed by any officer of such Board shall be received in evidence and shall be deemed to be such certificates without further proof unless the contrary be shown.

Certificates and documents purporting to be sealed or signed in a given manner to be received in evidence.

21. The Marine Board may from time to time prepare and sanction forms of various books instruments and papers required by this Act or any regulations thereunder and may from time to time make all necessary alterations therein and shall before finally issuing or altering any such form give such public notice thereof as may be deemed necessary and shall cause every such form to be sealed with such seal as aforesaid or marked with some other distinguishing mark and to be supplied at such moderate prices as the said Board may from time to time fix or may license any persons to print and sell the same and every such book instrument and paper as aforesaid shall be made in the form sanctioned by the said Board and no such book instrument or paper as aforesaid unless made in such form shall be admissible in evidence in any civil proceeding on the part of any owner or master of any ship and every such book instrument or paper if made in a form purporting to be a proper form and to be sealed or marked as aforesaid shall be taken to be made in the form hereby required unless the contrary shall be proved.

Marine Board to issue forms of instruments.

22. Every person who shall forge assist in forging or procure to be forged such seal or other distinguishing mark as aforesaid or who shall fraudulently alter assist in fraudulently altering or procure to be fraudulently altered any form issued by the Marine Board with the view of evading any of the provisions of this Act or any condition contained in such form shall for each offence be deemed guilty of a misdemeanor.

Penalties for forgery of seal and fraudulent alteration of forms.

23. The Marine Board may in cases where there is reason to suspect that the provisions of this Act are not complied with exercise the following powers that is to say—It shall be lawful for the said Board to require the owner master or any of the seamen of any British ship being within any port or place in the jurisdiction to produce any official log-books or other documents relating to such seamen or any member thereof in their respective possession or control and to require any such master to produce a list of all persons on board his ship and take copies of such official log-books or documents or of any part thereof to muster the crew of any such ship to summon the master to appear and give any explanation concerning such ship or her crew or the said official log-books or documents.

Marine Board may inspect documents and muster crews.

24. If upon requisition duly made any person shall refuse or neglect to produce any such official log-book or document as he is hereinbefore required to produce or to allow the same to be inspected or copied as aforesaid or impede any such muster of a crew as aforesaid

Penalty for refusing to produce documents &c.

or

*Navigation.*

or shall refuse or neglect to give any explanation which he is hereinbefore required to give or shall knowingly mislead or deceive any person hereinbefore authorized to demand any such explanation he shall for each such offence incur a penalty not exceeding twenty pounds.

Marine Board may  
appoint Inspectors.

25. The Marine Board may appoint any person to act as an Inspector to report to them upon any of the following matters that is to say—Upon the nature and causes of any accident or damage which any ship has sustained or caused or is alleged to have sustained or caused—whether the provisions of this Act or any regulations made thereunder have been complied with—and generally upon any matter whatsoever in relation to which jurisdiction authority or power is by this Act conferred upon the said Board.

Appointment and  
removal of surveyors

26. The Marine Board may from time to time recommend for the approval of the Governor such fit and proper persons to fill respectively the offices of shipwright surveyors and engineer surveyors under this Act and at such ports or places as they may think desirable And the Governor may thereupon appoint such persons to the said offices And the said Board may in like manner recommend the suspension or removal of any such shipwright or engineer surveyor and the temporary or permanent appointment of another in his stead.

Powers of Members  
of Marine Board  
Inspectors and Sur-  
veyors.

27. The Marine Board any Local Marine Board and every member deputed by the said Marine Board or Local Board to act in their behalf and every Inspector and Surveyor appointed in pursuance of the provisions of this Act shall have and exercise the following powers that is to say—

- (I.) They may at all reasonable times go on board any ship or vessel of what description soever to which any of the provisions of this Act extend for the purpose of examining the hull and machinery and making any report thereon required by the said Board.
- (II.) They may inspect any boats equipments or materials on board or belonging to any such ship or vessel to which the provisions of this Act extend.
- (III.) They may go on board any such ship or vessel and inspect the same for the purpose of inquiring into or reporting upon the nature and causes of any accident or damage which such ship or vessel has sustained or caused or is alleged to have sustained or caused.

The Marine Board and any Local Marine Board may by summons under the hand of the President or Chairman thereof require the attendance of all such persons as they think fit upon any inquiry authorized by the said Board and may require answers or returns to any questions and may require and enforce the production of all books papers log-books accounts agreements or other documents relating to any such inquiry as aforesaid and may administer oaths or in lieu thereof require any person examined to make and subscribe a statutory declaration of the truth of the statements made in his examination And any person who shall wilfully impede the Marine Board any Local Marine Board or any Member or Members thereof respectively deputed as aforesaid or any Inspector or Surveyor in the execution of their duty and all persons aiding or abetting therein may be apprehended and detained by any Member Inspector or Surveyor or by any person called to his assistance until such offender can be conveniently taken before a Justice and such offender and any person who refuses to attend as a witness when so required before any person authorized in that behalf or who refuses or neglects to make any answer or to furnish any return or to produce any document in his possession or power or to take any oath or subscribe any declaration as aforesaid shall for each offence incur a penalty not exceeding twenty pounds Provided always that no person shall be required in obedience to any summons to travel

Penalty.

Proviso for expenses  
of witnesses.

more

*Navigation.*

more than ten miles from his place of abode at the time of receiving such summons unless such reasonable allowances for expenses incident to his attendance to give evidence be tendered to him on the scale allowed in that behalf to a witness attending on subpoena to give evidence before the Supreme Court.

## PART II.

*Steam Navigation.*

28. The provisions contained in Part II of this Act and all regulations made thereunder by the Marine Board shall apply to all steam-ships whether the same be British ships owned wholly or in part by subjects of Her Majesty or Foreign ships which shall be engaged in the trade of conveying passengers from any port or place within the jurisdiction to any port or place in any other part of Her Majesty's dominions and to all harbour and river steamers.

Application of Part II.

29. The owner of every steam-ship constructed or intended to carry passengers shall during the actual employment of such ship in that capacity cause such steam-ship to be surveyed twice at least in every year at such convenient times as the Marine Board may direct by a Shipwright Surveyor and by an Engineer Surveyor appointed for the purposes of carrying into execution the provisions of this part of this Act by the said Marine Board as hereinbefore provided and shall obtain a declaration of the sufficiency and good condition of the hull of such steam-ship and of the boats and other equipments thereof hereby required where such hull is constructed either wholly or partly of wood and also if the said Board so require a statement of the number of passengers (whether deck passengers or other passengers) which such steam-ship is constructed to carry under the hand of such Shipwright Surveyor and a declaration of the sufficiency and good condition of the hull (where such hull is constructed of iron) and of the machinery of such steam-ship under the hand of such Engineer Surveyor and in such declaration it shall be distinguished whether such steam-ship is in construction and equipment adapted for sea service as well as for harbour river or lake service or for harbour river or lake service only and when any such steamship is adapted for harbour lake and river service only or for a limited coasting voyage such declaration shall state the local limits within which such steam-ship is in the judgment of such Surveyor adapted for plying and such owner shall transmit such declarations to the said Board within fourteen days after the dates thereof respectively Provided that it shall be lawful for the said Board to accept and recognize all certificates being unexpired and in legal operation issued under the provisions of any Act or Statute now or hereafter in force in the United Kingdom or in any of the Australasian Colonies to any steam-ship trading to or from any port or place within the jurisdiction and the acceptance of the certificate of any such steam-ship shall be as valid and effectual for all purposes as if such certificate had been issued under the provisions of this Act And provided always that it shall be competent for the said Board in their discretion to disallow and reject any such certificate whenever in their opinion the acceptance thereof would be attended with risk or uncertainty and any certificate so disallowed and rejected shall for and within the said jurisdiction be and be deemed to be a cancelled certificate.

All steam-ships to be surveyed and owners to transmit declarations to Marine Board.

Board may recognize certain certificates issued to steam-ships.



*Navigation.*

Times appointed for the surveys.

30. In all cases where the same may be possible such survey shall be made and such declaration transmitted in the course of the thirty days from and after the expiration of the certificate on last survey granted as hereinafter mentioned but if the owner of any such steam-ship as aforesaid be unable to have the same surveyed in the course of such thirty days as aforesaid either by reason of such steam-ship being absent from the jurisdiction during the whole of such period or by reason of such steam-ship or the machinery thereof being under repair or of such steam-ship being laid up in dock or for any other reason satisfactory to the Marine Board then the owner of such steam-ship shall have the same surveyed as aforesaid as soon thereafter as possible and shall transmit such declarations to the said Board within fourteen days after the date thereof together with a statement of the reasons which have prevented the survey of such steam-ship at the time hereinbefore prescribed and the owner of every such steam-ship in respect of which such declarations shall not have been transmitted at the times and in the manner hereinbefore directed shall except in any case in which the survey of such steam-ship shall have been prevented as hereinbefore provided forfeit and pay the sum of ten shillings for every day that the transmission of such declarations is delayed and such sum shall be paid upon the issue of the certificate hereinafter mentioned together with the fee hereinafter prescribed unless the said Board think fit in any case to remit such forfeiture or any part thereof.

Marine Board to grant certificates and transmit lists to be put up at Custom Houses.

31. Upon the receipt of such declarations the Marine Board shall register the same and if they are satisfied that the provisions of this part of this Act have been complied with shall cause to be transmitted to the master or owner of the steam-ship to which such declarations refer a certificate signed by the Secretary and President of the said Board that the provisions hereinbefore referred to with respect to the transmission of declarations in respect of such steam-ship have been complied with and such certificate shall be called a "Sea-going Certificate" where according to the declaration of the Surveyor such steam-ship is adapted for sea service as well as harbour river or lake service and such certificate shall be termed a "Limited Coasting Certificate" where according to such declaration such steam-ship is adapted for limited coasting voyages and a "Harbour or River Certificate" where according to such declaration such steam-ship is adapted for harbour river or lake service only and shall set out the local limits within which such steam-ship is to ply and where any such steam-ship is constructed to carry passengers and the said Board think fit so to do in order to prevent the overcrowding of such steam-ship with passengers they shall insert in such certificate the number of passengers whether deck passengers or other passengers which such steam-ship is constructed to carry or is authorized to carry by the Act of the Imperial Parliament intituled the "Passengers Act of 1855" or by any Act or Acts amending the same and the said Board shall from time to time transmit lists of the steam-ships in respect of which such certificates have been issued to the officers of Customs in all ports in the jurisdiction and such officers shall cause such lists to be put up in a conspicuous place in the Custom House at each port Provided always that in case of the absence or other disability of the said President of the Marine Board the Colonial Treasurer may with the approval of the Governor appoint some Warden of the said Board to act as Vice-President and such Vice-President shall have and exercise all the powers and authorities conferred by Part II. of this Act upon the said President.

The Board may cancel certificates and require fresh declarations.

32. The Marine Board may revoke and cancel such certificates or any certificates granted by virtue of the provisions of any Act  
or

*Navigation.*

or Acts heretofore in force in any case where such Board has reason to believe that the declarations of the sufficiency and good condition of the hull and machinery of any steam-ship or either of them have been fraudulently or erroneously made or that such certificate has otherwise been issued upon false or erroneous information or that since the making of such declaration the hull or machinery of such steam-ship has sustained any injury or is otherwise insufficient and in every such case the said Board may if they think fit require the owner to have the hull or machinery of such steam-ship again surveyed and to transmit a further declaration or declarations of the sufficiency and good condition thereof before re-issuing any certificate or granting a fresh one in lieu thereof and the said Board may at any time revoke any certificate for the purpose of inserting in any certificate to be issued in lieu thereof the number of passengers which the steam-ship to which such certificate relates is constructed to carry or is authorized to carry as aforesaid.

33. It shall be lawful for the President or Vice-President of the Marine Board in cases of emergency or where in his opinion the necessity of the case shall appear to warrant a departure from the regular course of procedure hereinbefore directed to exercise all the powers with respect to the grant and issue or suspension of certificates conferred on such Board by the next two preceding sections of this Act and any certificate so granted or suspended by such President or Vice-President shall have the same force and effect as a certificate issued or suspended by the said Board Provided always that the grant issue or suspension of such certificate shall in all cases be notified to the said Board by the said President or Vice-President at the first meeting thereof after such grant issue or suspension for their confirmation or disallowance.

Powers of President and Vice-President in cases of emergency.

34. No certificate of any steam-ship shall be held to be in force for the purposes of this Act for more than six months and no certificate shall be in force after notice to the owner or master of the vessel to which the same relates by the said Board that they have revoked the same Provided always that if any such steam-ship shall have been absent from the jurisdiction for the whole of the thirty days next before the expiration of the certificate last granted in respect of such steam-ship such last certificate (if not expressly cancelled or revoked) shall continue in force till the return of such steam-ship to the said jurisdiction or for twenty-one days afterwards.

How long certificates to continue in force.

35. The owner of every steam-ship requiring a certificate under this Act shall pay for every certificate granted by the Marine Board such sum as the said Board shall appoint not exceeding the sums following that is to say:—

Fees to be paid for certificates.

Where the tonnage of such steam-ship does not exceed fifty tons the sum of one pound

Where such tonnage exceeds fifty tons and does not exceed one hundred tons the sum of two pounds

Where such tonnage exceeds one hundred and does not exceed three hundred the sum of three pounds

And where such tonnage exceeds three hundred tons the sum of four pounds

36. Every person who knowingly and wilfully makes or assists in making a false or fraudulent declaration or certificate with respect to any steam-ship requiring a certificate under the Second Part of this Act or who knowingly and wilfully forges counterfeits or fraudulently alters or assists in forging counterfeiting or fraudulently altering any declaration or certificate required by the said part or any words or figures

Forgery of declaration or certificate to be a misdemeanor.

*Navigation.*

figures in any such declaration or certificate or the signature thereto shall be deemed guilty of a misdemeanor.

Copy of certificate to be placed in conspicuous part of steam-ship.

37. The owner or master of every steam-ship shall forthwith on receipt of any such certificate as aforesaid from the Marine Board cause the same or a true copy thereof in distinct and legible characters to be exhibited in some conspicuous part of the said steam-ship so long as such certificate shall be in force under a penalty not exceeding ten pounds.

Steam-ship not to proceed on her voyage without certificate.

Penalty on steam-ships going to sea &c. without certificate.

38. It shall not be lawful for any steam-ship to proceed to sea or upon any voyage or excursion with any passengers on board the owner or master of which has not received from the Marine Board a valid and unexpired certificate as hereinbefore provided. And if any such steam-ship shall proceed to sea or on any such voyage or excursion without having such certificate or a true copy thereof so exhibited as aforesaid the owner or master shall for every such offence incur the following penalties viz. :—the owner a penalty not exceeding one hundred pounds and the master a penalty not exceeding twenty pounds.

Penalty on owner &c. for carrying more passengers than specified in certificate.

39. It shall not be lawful to carry on board any steam-ship a greater number of passengers whether deck or other passengers than the numbers respectively stated in the certificate and the owner or master of any steam-ship on board which there shall be found a greater number of such passengers than the numbers thereof respectively specified in such certificate shall incur a penalty not exceeding twenty pounds and a further penalty of five shillings for every passenger over and above such specified number.

Penalties on drunken and disorderly passengers.

40. The following offenders (that is to say)—

(I.) Any person who being drunk or disorderly has been on that account refused admission into any duly surveyed passenger steam-ship by the owner or any person in his employ and who after having had the amount of his fare (if he has paid the same) returned or tendered to him nevertheless persists in attempting to enter such steam-ship—

(II.) Any person who being drunk or disorderly on board any such steam-ship is requested by the owner or any person in his employ to leave the same at any place in the Colony which such steam-ship shall visit and who having had the amount of his fare (if he has paid the same) returned or tendered to him refuses to comply with such request—

On persons molesting passengers.

(III.) Any person on board any such steam-ship who after warning by the master or any other officer of the steam-ship molests or continues to molest any passenger or who having got on board such steam-ship without the permission of the master or other officer in authority shall refuse to leave such steam-ship after being requested to do so by such master or officer—

On persons forcing their way on board ship when full.

(IV.) Any person who after having been refused admission into any such steam-ship by the owner or any person in his employ on account of such steam-ship being full and who after having had the full amount of his fare (if he has paid the same) returned or tendered to him nevertheless persists in attempting to enter the same—

On persons refusing to quit the ship when full.

(V.) Any person having got on board any such steam-ship who upon being requested on the like account by the owner or any person in his employ to leave such steam-ship before she has quitted the place at which such person got on board and who upon having the full amount of his fare (if he has paid the same) returned or tendered to him refuses to comply with such request—

For avoiding payment of fares.

(VI.) Any person who travels or attempts to travel in any such steam-ship without having previously paid his fare when demanded and with intent to avoid payment thereof—

(VII.)

*Navigation.*

(VII.) Any person who having paid his fare for a certain distance knowingly and wilfully proceeds in any such steam-ship beyond such distance without previously paying the additional fare for the additional distance when demanded and with intent to avoid payment thereof—

(VIII.) Any person who knowingly and wilfully refuses or neglects on arriving at the place or point to which he has paid his fare to quit any such steam-ship and—

(IX.) Any person on board any such steam-ship who does not when required by the master or other officer of such steam-ship either pay his fare or exhibit such ticket or other receipt (if any) showing the payment of his fare as is usually given to persons travelling by and paying their fare for such steam-ship—

shall for every such offence incur a penalty not exceeding twenty pounds Provided always that such liability in respect of the said penalty shall not affect the right to recover any fare lawfully payable by him.

41. Any person on board any such steam-ship who 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 such steam-ship or to obstruct impede or molest the crew or any of them in the navigation or management of such steam-ship or otherwise in the execution of their duty upon or about such steam-ship shall for every such offence incur a penalty not exceeding one hundred pounds.

Penalty for injuring steam-ship or molesting crew.

42. Every person who having committed any of the offences mentioned in the last two preceding sections or either of them refuses on application of the master to give his name and address or who on such application gives a false name or address shall incur a penalty not exceeding twenty pounds.

Penalty on offenders refusing to give their name and address.

43. It shall be lawful for the master or other officer of any duly surveyed passenger steam-ship and for all persons called by him to his assistance to detain any person who has committed any offence against any of the provisions of the two last preceding sections hereof and whose name and address are unknown to such officer and to convey such offender with all convenient despatch before some Justice without any warrant or other authority than this Act and such Justice shall have jurisdiction to try the case and shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

Apprehension of offenders.

44. Engineer and Shipwright Surveyors shall make such returns from time to time to the Marine Board with respect to the build dimensions draft burden rate of sailing room for fuel and the nature and particulars of machinery of the steam-ships surveyed by them as shall be required by the said Board and every owner master and engineer of any such steam-ship shall on demand give to such Surveyors all such information and assistance within his power as may be required by them for the purpose of such returns and every such owner master and engineer who on being applied to for that purpose wilfully refuses or neglects to give such information or assistance shall incur a penalty not exceeding fifty pounds.

Surveyors to make returns of the build &c. of steam-ships and owners &c. to give information for that purpose.

45. The said Surveyors shall execute their duties under the direction of the Marine Board and in the execution of such duties it shall be lawful for them to go on board any steam-ship at all reasonable times to inspect the same or any part thereof or any of the machinery boats equipments or articles on board thereof to which the provisions of the Second Part of this Act or any of the regulations to be made by virtue thereof apply not unnecessarily detaining or delaying such steam-ship from proceeding on any voyage and if in consequence of any accident to any such steam-ship or for any other reason they consider it necessary the said Board may require

Surveyors to act under direction of the Board to be allowed to go on board steam-ships to inspect &c.

*Navigation.*

such steam-ship to be taken into dock or placed on a slip or on any other convenient place to be surveyed And any person who obstructs or hinders any such Surveyor in going on board any such steam-ship or otherwise impedes him in the execution of his duty hereunder shall incur a penalty not exceeding fifty pounds.

Penalty on Surveyors demanding or receiving fees unlawfully.

46. Every Surveyor or other officer who demands or receives directly or indirectly from the owner or master of any steam-ship surveyed by him under the provisions hereof any fee or remuneration whatsoever for or in respect of such survey or otherwise than by the direction of the said Board shall incur a penalty not exceeding one hundred pounds.

Ironsteam-ships to be divided by water-tight partitions.

47. The owner of every steam-ship built of iron of one hundred tons burden or upwards the building of which shall have been commenced since the twenty-fourth day of July one thousand eight hundred and forty-seven and the owner of every steam-ship built of iron of less burden than one hundred tons the building of which shall have commenced after the twenty-eighth day of December one thousand eight hundred and fifty-two and all steam-ships used as steam-tugs the building of which shall be commenced after the passing of this Act shall cause the same to be divided by transverse water-tight partitions so that the fore part of such steam-ship shall be separated from the engine-room by one of such partitions and so that the after part of such steam-ship shall be separated from the engine-room by another of such partitions And the owner of any steam-ship hereinbefore required to be so divided which shall proceed to sea without being so divided shall incur a penalty not exceeding two hundred pounds.

Penalty on owner for neglect.

48. It shall not be lawful for any steam-ship liable to survey by the provisions of this Act to go to sea or steam upon any navigable waters within the jurisdiction without having two safety-valves upon each boiler one of which shall be out of the control and interference of the engineer except only for the purpose of opening the same and keeping it free and such safety-valve shall be deemed to be a necessary part of the machinery upon the sufficiency of which the Engineer Surveyor is to report as herein provided.

Steam-ships to carry safety-valves out of control of engineer and to be deemed a necessary part of machinery.

No steam-ship to proceed to sea without being provided with hose and signals.

49. No steam-ship shall proceed to sea unless provided with a hose adapted for the purpose of extinguishing fire in any part of such steam-ship and capable of being connected with her engines nor if carrying passengers without being provided with the following means of making signals of distress that is to say twelve blue-lights or twelve port-fires and one cannon with ammunition for at least twelve charges or with such other means of making signals as shall be approved by the Marine Board.

Accidents to be reported to Board.

50. Whenever any steam-ship has sustained or caused any accident occasioning loss of life or any serious injury to any person or has received any material damage affecting her seaworthiness or efficiency either in her hull or in any part of her machinery the owner or master of such steam-ship shall within twenty-four hours after the happening of such accident or damage or as soon thereafter as possible transmit through the Post Office to the Marine Board by letter signed by such master a report of such accident or damage and the probable occasion thereof stating the name of such steam-ship the port to which she belongs and the place where she is and if such master neglect so to do he shall for such offence incur a penalty not exceeding fifty pounds.

Notice to be given of apprehended loss of steam-ships.

51. If the owner of any steam-ship have reason to believe that such steam-ship has been wholly lost he shall with all possible despatch send notice thereof to the Marine Board and if he neglect so to do within a reasonable time he shall for such offence incur a penalty not exceeding fifty pounds.

*Navigation.*

52. Before any foreign owned steam-ship shall clear out or proceed on any voyage with passengers from any port within the jurisdiction to any port or place in Her Majesty's possessions the owner or charterer or in the absence of such owner or charterer one good and sufficient person on his behalf to be approved of by the Chief Officer of Customs at the port of clearance shall with the master of the said steam-ship enter into a joint and several bond in the sum of five hundred pounds to Her Majesty Her Heirs and Successors according to the form contained in Schedule B the condition of which bond shall be that the said steam-ship is in all respects seaworthy and that all the requirements herein prescribed and of any Regulations hereunder made have been and shall so long as the said steam-ship shall be engaged in the trade of so conveying passengers as aforesaid be in all respects well and truly fulfilled and performed and that the master of such steam-ship shall submit himself in like manner as a British subject being the master of a British steam-ship to the jurisdiction of such Courts and authorities as are hereby empowered to adjudicate on offences committed against this Act and the said Regulations and shall and will well and truly pay all penalties fines and forfeitures which he may be adjudged to pay in respect of any breach or non-performance of any of the requirements hereof or of the said Regulations.

Owner or charterer to enter into a bond of £500 before ship cleared out.

## PART III.

*Pilots and Pilotage.*

53. The Marine Board shall subject to the approval of the Governor be the department to do all or any of the following things within the jurisdiction that is to say :—

- To determine the qualifications to be required from persons applying to be licensed as pilots whether in respect of their age skill time of service character or otherwise To determine qualifications of pilots.
- To make regulations as to the approval and licensing of pilot-boats To make regulations as to pilot-boats.
- To make regulations for the government of the pilots licensed by them and for insuring their good conduct and constant attendance to and effectual performance of their duty either at sea or on shore To make regulations for the government of pilots.
- To grant licenses to pilots and apprentices and pilotage certificates as hereinafter described to masters and others and to fix the terms and conditions of such licenses and certificates and to make regulations for punishing any breach of such regulations as aforesaid committed by such pilots or apprentices or by such masters and others by the withdrawal or suspension of their licenses or certificates as the case may be or by the infliction of penalties recoverable as hereinafter directed Provided that no such penalty shall exceed the sum of twenty pounds and that every such penalty be capable of reduction at the discretion of the Justices by whom the same is inflicted To make regulations as to licenses and certificates.
- To regulate the mode of remunerating pilots. To regulate pilots' remuneration

54. There shall be payable and paid at every port or place within the jurisdiction at which there shall be a pilot establishment a pilotage rate upon every ship except as hereinafter excepted of fourpence per ton on her arriving at and on her departing from such port or place and one moiety of such rate in case of her being compelled to return into such port or place after having put out to sea or in case of her being compelled to put into such port or place through

New pilotage rates per ton.

*Navigation.***Minimum rate.**

through stress of weather or for repairs Provided that in respect of any such ship the amount of such rate shall not in any case be less than two pounds ten shillings for the port of Sydney or Newcastle nor less than one pound five shillings for any other port or place within the jurisdiction.

**Harbour and light rate.**

55. There shall be payable and paid at every port or place as aforesaid at which there shall be a pilot establishment upon every registered ship whether propelled by steam or otherwise (vessels employed in the whaling trade excepted) a half-yearly harbour and light rate of fourpence per ton And the payment of such half-yearly rate shall be made on or before the thirtieth day of June and the thirty-first day of December in each year to the Collector of Customs at such port or place And such half-yearly payment in respect of any such ship at any such port or place shall for the period for which the same shall have been made exempt such ship from any further charge for harbour and light rates at any other port or place as aforesaid where tonnage dues are now or may hereafter be leviable Provided that no harbour and light rate shall be levied on any ship compelled to put into any such port or place by stress of weather or to repair damages.

**Exemption from pilotage.**

56. Every registered ship whether propelled by steam or otherwise the master of which possesses a pilotage certificate and every such ship engaged in the whaling trade shall except in cases where the master thereof shall actually employ the services of a pilot be exempt from pilotage and every such ship shall from the time of her approaching within three leagues of such port or place as aforesaid up to the time of her anchoring keep flying such distinguishing flag as the Marine Board shall for that purpose direct And the master of such ship shall possess and shall show to the Collector or other authorized officer at such port or place if required by him the certificate of pilotage which he is required to possess under this Act.

**Master if examined and passed to receive a pilotage certificate enabling him to pilot particular ships.**

57. The master of any ship may upon giving due notice apply to the Marine Board to be examined as to his capacity to pilot the ship of which he is master or ships of the tonnage specified in Schedule C within the jurisdiction and such master shall if the said Board think fit thereupon be examined and if found competent a pilotage certificate may upon payment by him of the fees specified in the said Schedule be granted to him containing his name a specification of the ships in respect of which he has been examined and a description of the limits within which he is to pilot the same and such certificate shall enable the person therein named to pilot the ships therein specified of which he is acting as master at the time within the limits therein described without incurring any penalties for the non-employment of a qualified pilot And the provisions of this section shall be equally applicable to and available for any person who not being master of a ship shall nevertheless desire to obtain a pilotage certificate in view of his procuring a command.

**Fees for pilots' licenses.**

58. Every pilot shall pay the following license-fees that is to say for a first-class pilot's license the sum of three pounds and for a second-class pilot's license the sum of two pounds and the Marine Board shall have power to revoke or suspend the license of any pilot appointed by them and the pilotage certificate granted to any master or other person in such manner and for such period as they may deem expedient.

**Marine Board may revoke or suspend license and any pilotage certificate.****Licenses to be delivered up when required and returned on death.**

59. Every licensed pilot when required by the Marine Board shall produce or deliver up his license and on the death of any qualified pilot the person into whose hands his license happens to fall shall without delay transmit the same to the said Board and any pilot or person failing to comply with the provisions of this section shall incur a penalty not exceeding ten pounds.

*Navigation.*

60. If the master of any ship arriving at or off any port or place within the jurisdiction and intending to enter that port or place shall not receive on board such ship the first pilot who shall offer himself and demand to conduct such ship into such port or place or shall not forthwith on demand and upon the pilot so offering himself (producing if required his license as such pilot) give the ship in charge of such pilot or if the master of any ship shall proceed to sea or quit his station or anchorage from and within any such port or place without receiving on board a qualified pilot to conduct the said ship to sea every such master shall over and above the amount which would have been payable for pilotage if such pilot's services had been actually engaged incur a penalty not exceeding twenty pounds. Provided that nothing herein contained shall extend to any ship the master of which holds a valid certificate of pilotage in accordance with the provisions of this Act or to any ship engaged in the whaling trade.

Master of ships arriving to receive first pilot.

61. Any person not being duly licensed or holding a pilotage certificate found acting as a pilot for any ship either entering or navigating in or leaving any port or place within the said jurisdiction to which the provisions of this Act extend shall incur a penalty not exceeding fifty pounds.

Any person acting without license liable to penalty.

62. Every pilot in charge of any ship who shall be detained and remain on board any such ship for a period exceeding twenty-four hours after he shall have taken charge shall in case such detention shall have been occasioned by stress of weather or other unavoidable cause be entitled to demand and receive from the master owner or agent of such ship over and above the amount of pilotage chargeable by virtue of this Act or any regulation thereunder the sum of ten shillings for each and every day upon which he shall be so detained and such pilot shall not be bound to conduct such ship to sea until payment thereof shall have been duly made to him or shall have been secured to his satisfaction. And any sum of money to which any pilot may be entitled under this section may be recovered by him summarily in manner hereinafter directed in respect of the recovery and enforcement of penalties under this Act.

Pilots detained in ships longer than twenty-four hours except by stress of weather to be paid ten shillings per day in addition to ordinary pilotage.

Pilot not bound to take ship to sea until fees paid or secured to be paid.

63. When the master of any outward-bound ship who shall have applied for a pilot shall afterwards find that he does not require the services of a pilot on the day on which such pilot shall first have been appointed to attend and shall notify the same to the pilot immediately on his arrival to take charge of the said ship no payment shall be made in respect of such first attendance but if after any renewed application for a pilot such master shall again find that he is not prepared for sea such master owner or agent of such ship shall pay or secure to be paid to the pilot who may attend in consequence of any such renewed application the sum of ten shillings for each day that such pilot shall be so detained or for every such attendance although such pilot so attending shall quit the said ship by reason of his services on that day being dispensed with by the master at the time of such attendance and no pilot shall be bound to take such ship to sea until such payment shall have been made or secured to the satisfaction of the pilot entitled to the same.

When master of outward bound ship does not require the services of a pilot no demand to be made provided notice be given to pilot summoned to attend.

But pilot attending in consequence of renewed application to be paid ten shillings for every such attendance.

Pilot not bound to take ship to sea until expenses paid or secured to be paid.

64. As to every ship registered at any port in the United Kingdom or any British Possession the amount of tonnage specified in the certificate of registry shall for the purposes of this Act be deemed to be the tonnage of such ship.

Tonnage of British ships.

65. In case the tonnage of any ship entering any port or place within the jurisdiction shall not have been registered or any dispute shall arise as to the tonnage thereof the Collector of Customs shall measure

Provision for disputed tonnage.



*Navigation.*

measure such ship in manner prescribed by the Act of the Imperial Parliament in force for the time-being regulating the mode of measurement for British ships.

Pilots to bring ships  
to anchor on arrival.

66. The master of every ship on her arrival in any port or place within the jurisdiction shall cause such ship to be brought to anchor at such place as the licensed pilot if he shall be on board such ship or if not then at such place as the Harbour Master or his assistant shall direct. And every such master who refuses or neglects to comply with the requirements of this section shall incur a penalty not exceeding twenty pounds.

To whom rates &c.  
to be paid.

67. All rates and dues authorized by this Act shall be paid to the Collector of Customs and if at any port or place as aforesaid there shall be no such Collector then the pilot may demand and receive the same. And all such rates and dues shall be accounted for and paid to the Colonial Treasurer to be by him paid into the Consolidated Revenue Fund.

Ships not cleared  
till rates &c. paid.

68. No ship shall be cleared at any Custom House until all rates and dues authorized by this Act shall have been duly paid in respect thereof and a certificate shall have been granted to the master thereof by the Collector of Customs or pilot as the case may be that such payment has been duly made.

Limitation of  
liability of owner  
where pilotage is  
compulsory.

69. No owner or master of any ship shall be answerable to any person whatever for any loss or damage occasioned by the fault or incapacity of any qualified pilot acting in charge of such ship within the limits where the employment of such pilot is compulsory by law.

---

PART IV.

*Examinations and Certificates of Masters Mates and Engineers.*

Examination of  
masters and mates.

70. It shall be lawful for the Marine Board and also for any Local Marine Board at their respective ports to provide for the examination of persons who desire to qualify themselves as masters or mates of foreign-going or coast-trade ships or who wish to procure certificates of competency as hereinafter described and the said Marine Board may recommend and the Governor may appoint Examiners to conduct such examinations and any Member of the Marine Board or of any Local Marine Board of the port or place where the examination is held may be present and assist at any such examination.

Powers of Marine  
Board as to examina-  
tions.

71. The Marine Board may from time to time lay down rules as to the conduct of such examinations and as to the qualifications of the applicants and such rules shall be strictly adhered to by all examiners and no examiner shall be appointed unless he possesses a certificate of qualification to be from time to time granted or renewed by the said Board and the said Board may at any time depute any of its members or officers to be present and assist at any examination and if it appears to the said Board that the examinations for any two or more ports can be conducted without inconvenience by the same examiners it may require and authorize such examination to be so conducted.

Fees to be paid by  
candidates.

72. All persons to whom a certificate of service or competency shall be granted by the Marine Board shall pay for such certificate the respective fees specified in Schedules D and E to be paid into the Treasury to the account of the Consolidated Revenue.

*Navigation.*

73. Subject to the proviso hereinafter contained the Marine Board shall deliver to every applicant who is duly reported by the examiners to have passed his examination satisfactorily and to have given satisfactory evidence of his sobriety experience ability and general good conduct on board ship a certificate hereinafter called a "Certificate of Competency" to the effect that he is competent to act as master or as first second or only mate of a foreign-going ship or as master or mate of a coast-trade ship as the case may be. Provided that in every case in which the said Marine Board has reason to believe such report to have been unduly made such Board may remit the case either to the same or to any other Examiners and may require a re-examination of the applicant or a further inquiry into his testimonials and character before granting him a certificate.

Certificates of competency to be granted to those who pass.

74. Certificates of service differing in form from certificates of competency shall be granted as follows that is to say—

Certificate of service to whom deliverable.

- (I.) Every person who before the second day of April one thousand eight hundred and seventy-two served as master of a foreign-going ship or who has attained or attains a rank in the service of Her Majesty not lower than that of navigating sub-lieutenant shall be entitled to a certificate of service as master for foreign-going ships.
- (II.) Every person who before the second day of April one thousand eight hundred and seventy-two served as mate of a foreign-going ship shall be entitled to a certificate of service as mate for foreign-going ships.
- (III.) Every person who before the second day of April one thousand eight hundred and seventy-two has served as master of a coast-trade ship shall be entitled to a certificate of service as master for coast-trade ships.
- (IV.) Every person who before the second day of April one thousand eight hundred and seventy-two has served as mate of a coast-trade ship shall be entitled to a certificate of service as mate for coast-trade ships.
- (V.) Every person who before the second day of April one thousand eight hundred and seventy-two has served as master of a steam-ship of the class known or used as harbour and river steamers plying on the waters of any harbour or river or on any navigable waters within the jurisdiction shall be entitled to a certificate as master for harbour and river steamers.

And each of such certificates of service shall contain particulars of the name place and time of birth and of the length and nature of the previous service of the person to whom the same is delivered and the Marine Board shall deliver such certificates of service to the various persons so respectively entitled thereto upon their proving themselves to have attained such rank or to have served as aforesaid and upon their giving a full and satisfactory account of the particulars aforesaid.

75. On and after the second day of April one thousand eight hundred and seventy-two every steam-ship which is required by this Act to have a master possessing a certificate from the Marine Board shall also have an engineer or engineers possessing a certificate from the said Board as follows that is to say—

ENGINEERS' CERTIFICATES.

- (I.) Engineers' certificates shall be of three grades viz.—"First Class Engineers' Certificates" and "Second Class Engineers' Certificates" and "Third Class Engineers' Certificates."
- (II.) Every foreign-going steam-ship of one hundred nominal horse power or upwards shall have as its first and second engineers two certificated engineers the first possessing a "first class engineer's certificate" and the second possessing a "second class engineer's certificate" or a certificate of the higher grade.

Steam-ships to carry certificated engineers.

(III.)

*Navigation.*

- (III.) Every foreign-going steam-ship of less than one hundred nominal horse power shall have as its only or first engineer an engineer possessing a "second class engineer's certificate" or a certificate of the higher grade.
- (IV.) Every coast-trade steam-ship shall have as its only or first engineer an engineer possessing a "second class engineer's certificate" or a certificate of the higher grade.
- (V.) Every harbour and river steamer shall have as its only or first engineer an engineer possessing a "third class engineer's certificate" or a certificate of the higher grade.

Penalty on uncertificated engineers going to sea &c.

76. Every person who having been engaged to serve in any of the above capacities in any such steam-ship as aforesaid goes to sea or plies in any harbour and river steamer as aforesaid in that capacity without being at the time entitled to and possessed of such certificate as is required by the next preceding section and every person who employs any person in any of the above capacities in such ship without ascertaining that he is at the time entitled to and possessed of such certificate as is required by this section shall for each such offence incur a penalty not exceeding fifty pounds.

Examinations for engineers' certificates of competency.

77. The Marine Board shall from time to time cause examinations to be held of persons who may be desirous of obtaining certificates of competency as engineers. And for the purpose of such examinations the Governor upon the recommendation of the said Board may appoint examiners and award the remuneration to be paid to them and the said Board shall lay down rules as to the qualification of applicants and as to the times and places of examination and generally do all such acts as it thinks expedient in order to carry into effect the examinations of such engineers as aforesaid.

Fees to be paid by applicants for examination.

78. All applicants for examination shall pay such fees not exceeding the sums specified in Schedule E as the Marine Board shall direct and such fees shall be paid to such persons as the said Board shall appoint for that purpose and shall be by them paid into the Treasury to the account of the Consolidated Revenue.

Certificates of competency to be delivered to those who pass.

79. The Marine Board shall deliver to every applicant who is duly reported to have passed the examination satisfactorily and to have given satisfactory evidence of his sobriety experience and ability a certificate of competency as first class engineer or as second class engineer as the case may be.

Engineers' certificates of service to be delivered on proof of service.

80. Certificates of service for engineers differing in form from certificates of competency shall be granted as follows that is to say—

- (I.) Every person who before the second day of April one thousand eight hundred and seventy-two has served as first engineer in any foreign-going steam-ship of one hundred nominal horse power or upwards or who has attained or attains the rank of engineer in the service of Her Majesty or shall be entitled to a "first-class engineer's certificate" of service.
- (II.) Every person who before the second day of April one thousand eight hundred and seventy-two has served as second engineer in any foreign-going steam-ship of one hundred nominal horse power or upwards or as first or only engineer in any other steam-ship or harbour and river steamer or who has attained or attains the rank of first-class assistant engineer in the service of Her Majesty shall be entitled to a "second-class engineer's certificate" of service.

And each of such certificates of service shall contain particulars of the name place and time of birth and the length and nature of the previous service of the person to whom the same is delivered and the Marine Board shall deliver such certificates of service to the various persons

*Navigation.*

so respectively entitled thereto upon their proving themselves to have attained such rank or to have served as aforesaid and upon their giving a full and satisfactory account of the particulars aforesaid.

81. No foreign-going ship of a tonnage of or above three hundred tons shall go to sea from any port or place within the jurisdiction unless the master first and second mates of such ship shall have obtained and possess valid certificates either of competency or service appropriate to their several stations in such ship or of a higher grade and no such ship of a tonnage under three hundred tons shall so go to sea as aforesaid unless the master and first and only mate of such ship shall possess the like certificates and no coast-trade ship of a tonnage exceeding one hundred tons shall so go to sea as aforesaid unless the master and first or only mate of such ship shall possess a like certificate and no coast-trade ship of a tonnage not exceeding fifty tons shall so go to sea as aforesaid unless the master of such ship shall possess a like certificate and no master of a harbour and river steamer shall ply within the jurisdiction unless such master shall possess a like certificate. Provided always that the holder of any unexpired certificate of competency of service granted to him in accordance with the provisions of any Act or Statute in force for the time being in Great Britain or in any of the British Colonies shall be taken to be for the purposes of this Act the holder of a valid certificate. And every person who having been engaged to serve in any of the aforesaid capacities goes to sea in such capacity without being at the time entitled to and possessed of such a certificate as hereinbefore required or who employs any person in any of the aforesaid capacities without ascertaining that such person is at the time entitled to and possessed of such certificate as aforesaid shall for each such offence incur a penalty not exceeding fifty pounds.

No foreign-going or coast-trade ship to proceed to sea without certificates of master and mates.

82. No foreign-going steam-ship or coast-trade steam-ship shall go to sea from any port and no harbour and river steamer shall ply within the jurisdiction unless in addition to the requirements contained in the next preceding section hereof every engineer serving on board such foreign-going or coast-trade steam-ship or harbour and river steamer shall have obtained and possess a valid certificate either of competency or of service appropriate to his station in such ship or of a higher grade and every person who having been engaged to serve as chief or assistant engineer on board any foreign-going or coast-trade steam-ship as aforesaid goes to sea as such chief or assistant engineer or as engineer on board any harbour and river steamer without being at the time entitled to and possessed of such a certificate as hereinbefore required and every master of any such ship or steamer who shall employ any person as such chief assistant or other engineer to serve on board such ship or steamer without ascertaining that he is at the time entitled to and possessed of an appropriate certificate shall for each such offence incur a penalty not exceeding fifty pounds.

No steam-ship to proceed to sea without certificates to engineers.

83. Every certificate of competency for a foreign-going ship or foreign-going steam-ship shall be deemed to be of a higher grade than the corresponding certificate for a coast-trade ship or coast-trade steam-ship and shall entitle the lawful holder thereof to go to sea in the corresponding grade in either of such last-mentioned ships or to serve in a harbour and river steamer but no certificate for a coast-trade ship or coast-trade steam-ship shall entitle the holder to go to sea as master mate or engineer of a foreign-going ship or foreign-going steam-ship.

Certificate for foreign-going ship or steam-ship available for coast-trade ship or steam-ship.

84. All certificates whether of competency or service shall be made in duplicate and one part shall be delivered to the person entitled to the certificate and the other shall be kept and recorded by the Secretary of the Marine Board or by such other person as the said Board

Certificate &c. to be recorded.

*Navigation.*

Board shall appoint for that purpose And all cancellations suspensions alterations or other proceedings in anywise affecting any certificate made or taken by such Board in pursuance of the powers herein contained shall be notified by such Board to such Secretary or other person as aforesaid and be by him entered in the record of certificates and a copy purporting to be certified by such Secretary or other person as aforesaid of any certificate shall be *prima facie* evidence of such certificate and a copy purporting to be so certified as aforesaid of any entry made as aforesaid in respect of any certificate shall be *prima facie* evidence of the truth of the matters stated in such entry.

Duplicates and entries to be evidence.

In case of loss copy to be granted.

85. Whenever any master mate or engineer proves to the satisfaction of the Marine Board that he has without fault on his part lost or been deprived of any certificate already granted to him the said Board shall upon payment of such fee (if any) as it directs cause a copy of the certificate to which by the record so kept as aforesaid he appears to be entitled to be made out and certified as aforesaid and to be delivered to him and any copy which purports to be so made and certified as aforesaid shall be as valid and effectual as the original certificate.

Penalties for false representation forging altering fraudulently using or lending any certificate.

86. Every person who makes or procures to be made or assists in making any false representation for the purpose of obtaining for himself or for any other person a certificate either of competency or of service or who forges assists in forging or procures to be forged or fraudulently alters assists in fraudulently altering or procures to be fraudulently altered any such certificate or any official copy of such certificate or who fraudulently makes use of any such certificate or any copy of such certificate which is forged altered cancelled suspended or to which he is not justly entitled or who fraudulently lends his certificate to or allows the same to be used by any other person shall for each offence be deemed guilty of a misdemeanor.

*Cancellation and Suspension of Certificates.*

Marine Board to have power to investigate cases of alleged incompetency and misconduct.

87. If the Marine Board or any local Marine Board has reason to believe that any master mate or engineer is from incompetency or misconduct unfit to discharge his duties the said Marine Board may either institute an investigation or may direct the local Marine Board at or nearest to the place at which it may be convenient for the parties and witnesses to attend to institute the same and thereupon such persons as the Marine Board may appoint for the purpose or as the case may be the Local Marine Board shall with the assistance of a local stipendiary Magistrate (if any) and if there is no such Magistrate of a competent legal assistant to be appointed by the Marine Board conduct the investigation and may summon the master mate or engineer to appear and shall give him full opportunity of making a defence either in person or otherwise and shall for the purpose of such investigation have all the powers given by the First Part of this Act to Inspectors appointed by the Marine Board and may make such order with respect to the costs of such investigation as they may deem just and shall on the conclusion of the investigation make a report upon the case to the said Marine Board and in cases where there is no Local Marine Board before which the parties and witnesses can conveniently attend or where such Local Marine Board is unwilling to institute the investigation the said Marine Board may direct such investigation to be instituted before two Justices or a stipendiary Magistrate and thereupon such investigation shall be conducted and the results thereof reported in the same manner and with the same powers in and with which formal investigation into wrecks and casualties are directed to be

*Navigation.*

be conducted and the results thereof reported under the provisions contained in the eighth part of the Imperial Act seventeenth and eighteenth Victoria chapter one hundred and four save only that if the Marine Board so directs the person bringing the charge of incompetency or misconduct to the notice of the said Board shall be deemed to be the party having the conduct of the case.

88. The Marine Board may suspend or cancel the certificate (whether of competency or of service) of any master mate or engineer in the following cases that is to say—

Marine Board may cancel or suspend certificates in certain cases.

- (I.) If upon any investigation made in pursuance of the last preceding section he is reported to be incompetent or to have been guilty of any gross act of misconduct drunkenness or tyranny.
- (II.) If upon any investigation conducted under the provisions contained in the eighth part of the Imperial Act seventeenth and eighteenth Victoria chapter one hundred and four or upon any investigation made by a Naval Court constituted under the said Act it is reported 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.
- (III.) If he is suspended by the order of any lawfully constituted Admiralty Court or of any Naval Court constituted as aforesaid.
- (IV.) If he is shown to have been convicted of any offence.
- (V.) If upon any investigation or inquiry respecting any shipwreck collision or other casualty or respecting any charge of incompetency or misconduct against any master mate or engineer instituted by the Marine Board (which said Board is hereby declared to be a Court for the purposes mentioned in the two hundred and forty-second section of the Imperial Act seventeen and eighteen Victoria chapter one hundred and four and for the more effectual carrying out thereof to have so far as the same may be applicable all the powers hereinbefore in section twenty-eight of this Act conferred on the said Board) the said Board shall report that the loss or abandonment of or serious damage to any ship or that a loss of life has been caused by the wrongful act or default of any such master mate or engineer or that he has been guilty of any gross act of misconduct drunkenness or tyranny Provided that no certificate of a master mate or engineer issued by the Board of Trade of the United Kingdom shall be so suspended or cancelled until the said report shall have been confirmed by the Governor.

And every master mate or engineer whose certificate is cancelled or suspended shall deliver it to the Marine Board or as it directs and in default shall for each offence incur a penalty not exceeding fifty pounds and the Marine Board may at any subsequent time grant to any person whose certificate has been cancelled a new certificate of the same or of any lower grade.

89. The following rules shall be observed with respect to the cancellation and suspension of certificates that is to say—

Rules as to cancellation and suspension of certificates.

- (I.) Every Local Marine Board Court or tribunal shall at the conclusion of the case or as soon afterwards as possible state in open Court the decision to which they may have come with respect to cancelling or suspending any certificate and shall in all cases send a full report upon the case with the evidence to the Marine Board and shall also if they shall determine to cancel or suspend any certificate forward such certificate to the said Marine Board with their report.
- (II.) It shall be lawful for the Marine Board if they think the justice of the case require it to re-issue and return any certificate which has been cancelled or suspended or shorten the time for which it

*Navigation.*

is suspended or grant a new certificate of the same or any lower grade in place of any certificate which has been cancelled or suspended.

- (III.) No certificate shall be cancelled or suspended under this section unless a copy of the report or a statement of the case upon which the investigation is ordered has been furnished to the owner of the certificate before the commencement of the investigation nor in the case of investigations conducted by Justices or a stipendiary Magistrate unless one assessor at least appointed in manner directed by the four hundred and thirty-fourth section of the Imperial Act seventeenth and eighteenth Victoria chapter one hundred and four expresses his concurrence in the report.

Certificates to be delivered up.

90. Every master mate or engineer whose certificate is or is to be suspended or cancelled in pursuance of this Act shall upon demand of the local Marine Board Court or tribunal by which the case is investigated or tried deliver his certificate to them or if it is not demanded by such Board Court or tribunal shall upon demand deliver it to the Marine Board or as it directs and in default shall for each offence incur a penalty not exceeding fifty pounds.

## PART V.

*Safety and Prevention of Accidents.*

Boats for sea-going ships.

91. The following rules shall be observed with respect to boats and life-buoys Provided always that nothing in this or the following section contained shall affect any Imperial enactment relating to the carriage of passengers at sea or any regulation made in pursuance of the provisions thereof now in force—

- (I.) No decked ship except ships used solely as steam-tugs and ships engaged in the whale fishery shall proceed to sea from any port or place within the jurisdiction unless she is provided according to her tonnage with boats duly supplied with all requisites for their use and not being fewer in number nor less in their cubic contents than the boats the number and cubic contents of which are specified in the Table in Schedule F for the class to which such ship belongs.
- (II.) No ship carrying more than ten passengers shall proceed to sea from any port or place as aforesaid unless in addition to the boats hereinbefore required she is also provided with a life-boat furnished with all requisites for use or unless one of her boats hereinbefore required be rendered buoyant after the manner of a life-boat.
- (III.) No such ship as last aforesaid shall proceed to sea unless she is also provided with two life-buoys.

And such boats and life-buoys shall be kept so as to be at all times fit and ready for use.

Penalties on masters and owners neglecting to provide boats and life-buoys.

92. In any of the following cases that is to say—
- (I.) If any ship hereinbefore required to be provided with boats or life-buoys proceeds to sea without being so provided therewith or if any of such boats or life-buoys are lost or rendered unfit for service in the course of the voyage through the wilful fault or negligence of the owner or master or
- (II.) If in case of any of such boats or life-buoys being accidentally lost or injured in the course of the voyage the master wilfully neglects to replace or repair the same on the first opportunity or
- (III.) If such boats and life-buoys are not kept so as to be at all times fit and ready for use.

Then

*Navigation.*

Then if the owner appears to be in fault he shall incur a penalty not exceeding one hundred pounds and if the master appears to be in fault he shall incur a penalty not exceeding fifty pounds.

93. No officer of Customs shall grant a clearance or transire for any ship hereinbefore required to be provided with boats or with life-buoys unless such ship is duly so provided and if any such ship attempts to go to sea without clearance or transire any such officer may detain her until she is so provided.

Officers of Customs not to clear ships not complying with above provisions.

94. On and after the second day of April one thousand eight hundred and seventy-two or such later day as may be fixed for the purpose by proclamation in the *Gazette* by order of the Governor the regulations contained in Schedule G shall come into operation and be of the same force as if they were enacted in the body of this Act but it shall be lawful for the Governor from time to time on the recommendation of the Marine Board by proclamation as aforesaid to annul or modify any of the said regulations or make new regulations in addition thereto or in substitution therefor and any alterations in or additions to such regulations made in manner aforesaid shall be of the same force as the regulations in the said Schedule.

LIGHTS FOG-SIGNALS AND SAILING RULES.

Enactment of regulations concerning lights fog-signals and sailing rules.

95. The Marine Board shall cause the said regulations and any alterations therein or additions thereto hereafter to be made to be printed and shall furnish a copy thereof to any owner or master of a ship who applies for the same and production of the *Gazette* in which any proclamation containing such regulations or any alterations therein or additions thereto is published or of a copy of such regulations alterations or additions signed or purporting to be signed by the Secretary of the said Board or sealed or purporting to be sealed with the seal of the said Board shall be sufficient evidence of the due making and purport of such regulations alterations or additions.

Regulations to be published.

96. All owners and masters of ships shall be bound to take notice of all such regulations as aforesaid and shall so long as the same continue in force be bound to obey them and to carry and exhibit no other lights and to use no other fog signals than such as are required by the said regulations. And in case of wilful default the master or the owner of the ship if it appear that he was in fault shall for each occasion upon which any regulation is infringed incur a penalty not exceeding fifty pounds in addition to his liability for any damages that may have been occasioned by such default.

Owners and masters bound to obey regulations.

97. In case any damage to person or property arises from the non-observance by any ship of any regulation made in pursuance of this Act such damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of such ship at the time unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the regulation necessary.

Breaches of regulations to imply wilful default of person in charge.

98. If in any case of collision it appears to the Court before whom the case is tried that such collision was occasioned by the non-observance of any regulation made by or in pursuance of this Act the ship by which such regulation has been infringed shall be deemed to be in fault unless it is shown to the satisfaction of Court that the circumstances of the case made a departure from the regulation necessary.

If collision ensues from breach of regulations ship to be deemed in fault.

99. The following steps may be taken in order to enforce compliance with the said regulations that is to say—

Inspection for enforcing regulations.

(1.) Any surveyor appointed under this Act or such other person as the Marine Board may appoint for the purpose may inspect any ships for the purpose of seeing that such ships are properly provided



*Navigation.*

provided with lights and with the means of making fog-signals in pursuance of the said regulations and shall for that purpose have the powers given to Inspectors under this Act.

- (II.) If any such Surveyor or person finds that any ship is not so provided as aforesaid 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.
- (III.) Every notice so given shall be communicated in such manner as the Marine Board may direct to the Collector of Customs at every port from which such ship may seek to clear or at which her transire is obtained and no collector to whom such communication is made shall clear such ship outwards or grant her a transire or allow her to proceed to sea without a certificate under the hand of one of the said surveyors or persons appointed by the said Board as aforesaid to the effect that the said ship is properly provided with lights and with the means of making fog-signals in accordance with the said regulations.

Existing rules as to harbours to continue in force.

100. Any rules or regulations concerning the lights or signals to be carried by vessels navigating the waters of any harbour river or other inland navigation within the jurisdiction or concerning the steps to be taken by such vessels for avoiding collision made under the authority of any Act or Acts of Council shall continue and be of full force and effect until the regulations in Schedule G shall be proclaimed as hereinbefore provided. Provided always that it shall be lawful for the Governor upon the recommendation of the Marine Board to make from time to time any alterations or additions to or to rescind any such rules or regulations which he shall deem necessary. And all such alterations additions or rescissions shall be published in the *Gazette* at least one calendar month before the same shall commence to have legal operation and effect.

In harbours &c. where no rules exist rules may be made.

101. In the case of any harbour river or other inland navigation for which no such rules or regulations have been or can lawfully be made it shall be lawful for the Governor upon application by the Municipal Council or other legal authority having jurisdiction over and upon the waters of such harbour river or inland navigation or if there be no such Municipal Council or local authority upon application from persons interested in the navigation of such waters to make under the recommendation of the Marine Board rules and regulations concerning the lights or signals to be carried and concerning the means to be taken by vessels navigating such waters for avoiding collision and such rules and regulations when so made shall so far as regards such vessels have the same effect as the regulations contained in Schedule G.

In case of collision ships to assist each other.

102. In every case of collision between two ships it shall be the duty of the person in charge of each ship if and so far as he can do so without danger to his own ship and crew to render to the other ship her master crew and passengers if any such assistance as may be practicable and as may be necessary in order to save them from any danger caused by such collision and in case he fails to do so and no reasonable excuse for such failure is shown the collision shall in the absence of proof to the contrary be deemed to be an act of misconduct or a default for which his certificate if any may be cancelled or suspended.

Carriage of dangerous goods.

103. No person shall be entitled to carry in any ship or to require the master or owner thereof to carry therein any aquafortis oil of vitriol gunpowder nitro-glycerine or any other goods which are of a dangerous nature and if any person carries or sends by any ship any goods of a dangerous nature without distinctly marking their nature on the outside of the package containing the same and giving notice

*Navigation.*

notice in writing to the master or owner at or before the time of carrying or sending the same to be shipped he shall for every such offence incur a penalty not exceeding one hundred pounds And the master or owner of any ship may refuse to take on board any parcel or package that he suspects to contain goods of a dangerous nature and may to satisfy himself of the contents thereof require such parcel or package to be opened in his presence.

104. No cargo live stock provisions water or stores shall be allowed to be carried or stowed on board any ship or vessel of what nature soever by the master or owner thereof which would endanger the safety of such ship or vessel or if she shall be engaged in carrying passengers interfere with their comfort And the Marine Board may require the master or owner of any steam-ship entitled by her certificate to carry a certain quantity of live stock to provide such fittings for such stock as the said Board may deem requisite And the said Board or any of the officers of such Board shall be the proper authority to determine whether in any case the safety of the ship is endangered or the comfort of the passengers interfered with And any master or owner who shall after notification from such Board or officer that his ship or vessel is loaded in any manner as hereinbefore prohibited proceed to sea or get under weigh shall incur a penalty not exceeding one hundred pounds.

Ships not to be loaded so as to endanger their safety &c.

105. It shall be lawful for the Marine Board to make regulations for the swinging of ships for the purpose of ascertaining and adjusting any deviation in their compasses And such regulations after approval by the Governor shall be published in the *Gazette* and shall after such publication have the same force and effect as if the same were enacted in the body of this Act.

Provision as to swinging to ascertain deviation of compasses.

106. It shall be lawful for the Marine Board to make regulations fixing the load water line of all foreign-going and coast trade ships and of all lighters and punts whatsoever constructed or employed for the purpose of carrying wool or other produce And no such ship lighter or punt shall be loaded in such a way as to immerse such line whether the same be actually delineated or its position only fixed under a penalty on the master or owner thereof not exceeding one hundred pounds. And such regulations shall be approved published and have effect in manner provided in the next preceding section hereof.

Board to make loading regulation.

## PART VI.

*Regulation of Harbours Navigable Waters Ballast Lighters.*

107. In the construction of Part VI. of this Act the following terms in inverted commas shall bear the meanings and include the persons or things set against them respectively that is to say:—

Interpretation of terms used in Part VI.

“Navigable Waters”—Any port harbour haven roadstead channel navigable river or creek or arm of the sea within the jurisdiction.

“Vessel”—Any ship boat barge punt craft or other vessel of whatever description and however propelled.

“Lading”—Any cargo coal ashes ballast rubbish gravel shingle earth stone wreck refuse matter or other material matter or thing of what nature soever.

“Master”—Every person having command or charge of a vessel.

“Discharge”—

*Navigation.*

“Discharge”—Unlade throw out deposit or allow to fall overboard.

“Public Place”—Any public pier quay or place for landing goods or passengers and any place on which the discharging of lading shall be prohibited.

Lading to be discharged only on dry land or authorized place.

108. The master of any vessel riding or being in any navigable waters from which any lading shall be discharged except upon land where the tide or water never flows or runs or except upon places already duly authorized by Government or to be authorized in manner hereinafter enacted as places where lading may be discharged shall for every such offence incur a penalty not exceeding fifty pounds.

Penalty.

And not on public place.

109. If from any vessel in any navigable waters any lading shall be discharged without proper authority upon any public place and shall not within twenty-four hours thereafter be removed to some place already duly authorized or to be authorized as aforesaid the master of such vessel shall for every such offence incur a penalty not exceeding twenty pounds.

Penalty.

Tarpaulin to be used in taking lading.

110. If in taking lading into any vessel or in discharging lading from any vessel into any other vessel or from a vessel to any place there shall not be used a tarpaulin so stretched and spread or such other contrivance as effectually to prevent such lading or any part thereof from falling into any navigable waters the master of each such vessel shall for every such offence incur a penalty not exceeding twenty-five pounds.

Penalty.

Vessels sunk or stranded to be removed.

111. If any vessel shall after the second day of April one thousand eight hundred and seventy-two be sunk stranded or run on shore in any port or place within the jurisdiction so as to impede navigation and the owner or owners of such vessel shall not remove the same together with all portions of the wreck within ten days after such owner or owners or other person shall be required so to do by notice from the Marine Board And if such owner or owners as aforesaid shall not remove such vessel within such period or such further period as the said Board may allow for that purpose it shall and may be lawful for any two Justices and they are hereby authorized and required upon the complaint of any person appointed by the said Board to issue their warrant for seizing and removing such ship or vessel and also the rigging and tackle thereof in such manner as such Justices shall order and direct and for causing the same to be sold and out of the money arising from such sale to pay the charges and expenses incurred by such seizure removal or sale paying the overplus if any to the owner or owners of such vessel and if the money arising from such sale shall not be sufficient to defray such charges and expenses the excess of such charges and expenses beyond the amount of the money arising from such sale shall be chargeable to and against the owner or owners of such vessel and if not paid within five days after having been demanded by authority of such Justices shall be levied and recovered in manner hereinafter directed And

In default to be removed and sold.

Removal of anchors.

if any anchor kedge or mooring shall not be weighed in any port harbour or river within the jurisdiction within forty-eight hours after the same has been slipped parted or cut from and the permission in writing of the Harbour Master of such port harbour or river has not been previously obtained to allow such anchor kedge or mooring to remain unweighed such Harbour Master may cause the same to be weighed at the expense and risk of the owner or master of the ship or vessel to which such anchor kedge or mooring belongs which expenses may be recovered as hereinafter directed Provided that if the owner or master of such ship cannot be found or no buoy-rope has been attached to such anchor kedge or mooring the same shall be forfeited

*Navigation.*

forfeited and sold and the proceeds applied to the payment of such expenses and the surplus if any shall be paid into the Treasury to the account of the Consolidated Revenue.

112. If any tree or trees be felled on the bank of any navigable waters so that any part of such tree or trees shall be in or over such waters or within high-water or flood mark and the same be not removed within ten days after having been so felled the owner or occupier of the land from which such tree or trees shall have been so felled shall incur a penalty not less than one pound and not exceeding ten pounds for every tree so cut and not removed in addition to the actual cost of removing the same such cost to be assessed by the Justices at the time of imposing such penalty.

Trees in or over navigable waters to be removed.

Penalty.

113. If any timber or other bulky article be left on any public pier or quay for more than three days so as to interrupt or hinder the free use thereof it shall be lawful for the Marine Board and they are hereby authorized and required to seize and remove such timber or other article and to sell the same by public auction and with or out of the money arising from such sale to pay the charges and expenses of such seizure removal and sale paying the overplus if any to the owner Provided always that twenty-four hours' notice in writing to remove such articles signed by the President of the said Board Collector of Customs or any Justice be given to the owner or his agent or to the consignee or person having charge of such timber or other article before such seizure or sale shall take place.

Timber or other bulky articles not to be left on any pier.

114. If any person shall remove or wilfully injure or destroy any lightship light-moorings buoy beacon or sea-mark being public property and used for the convenience of navigation within the jurisdiction such person shall be deemed guilty of a misdemeanor and if any person shall negligently injure or destroy any such public property as aforesaid he shall incur a penalty not exceeding fifty pounds.

Penalty for persons wilfully injuring beacons or sea-marks.

115. Whenever any ship shall arrive at any port or place within the jurisdiction the Harbour Master of such port or place shall appoint the place where such ship shall cast anchor and as often as the master of such ship shall be desirous of removing the same from one place of mooring or anchorage to another such master shall notify to the Harbour Master his desire and the said Harbour Master shall with all convenient speed unless he see good and sufficient reason to the contrary direct the removal thereof and if the removal is effected by any officer of the Harbour Department for every such service so performed such Harbour Master shall be entitled to receive the several fees and charges set forth in figures in Schedule II and the amount which shall be so collected by the said Harbour Master shall be paid into the Treasury to be applied as hereinafter is directed.

Duties of the Harbour Master.

Harbour Master's fees.

116. It shall be lawful for the Harbour Master of any port or place within the jurisdiction to require the master of any ship or vessel which shall be anchored or moored in such place or manner as to impede the navigation in such port or place or for other reasons to remove such ship or vessel to such place therein as he may direct and any such master who shall refuse or neglect to remove his ship or vessel when so required shall incur a penalty not exceeding twenty pounds and in case there shall be no crew or an insufficient crew or insufficient tackling or appliances on board such ship or vessel to remove her as and when so required the said Harbour Master may cause such ship or vessel to be removed and supplied and may recover in a summary way from the master or owner the expenses incurred in such removal.

Harbour Master may remove ship under certain circumstances.

Penalty.

117. The Harbour Master or pilot of any port or place as last aforesaid may for the purpose of removing any ship or vessel from one place of moorage or anchorage to another cause such ship or vessel to

Harbour Master may fasten warps to ships &c.

*Navigation.*

Penalty.

Liability for damages sustained in removal.

be made fast to any other ship or vessel being at anchor or moored to any warp buoy wharf jetty or pile and any person who shall offer any resistance or impediment to such Harbour Master or pilot in the exercise of the power hereby conferred or who shall cast off or cut any such warp or fastening shall incur for every such offence a penalty not exceeding ten pounds Provided always that nothing in this section contained shall disentitle the master or owner of any ship or vessel to which any warp or fastening shall have been attached as hereinbefore provided by direction of the said Harbour Master or pilot from recovering damages for any injury such ship or vessel may have sustained by reason of such warping from the master or owner of the ship or vessel so being removed.

Vessels to slack down cables top yards and rig in booms when required by Harbour Master.

118. In order to facilitate the removal of ships from their berths at any wharf or place of mooring or for other reasons the Harbour Master may require the cables hawsers or other fastenings of any ship to be slacked down or hove in her yards and spritsail yards topped or braced fore and aft driver and jibbooms to be rigged in and any master who upon being so required shall refuse or neglect to comply with the requirements of this section or any of them shall incur a penalty not exceeding twenty pounds.

Marine Board to define the Fairway.

119. The Marine Board and any Local Marine Board with the approval of the said Marine Board may define by such bearings or otherwise as they may deem most convenient the limits of the "Fairway" of any port or place within the jurisdiction within which it shall be unlawful for any ship or vessel to bring up under a penalty on the master thereof not exceeding five pounds.

Rules to be observed by all ships navigating harbours.

120. The master of any steam-ship or harbour and river steamer whilst navigating such steam-ship or steamer in any harbour port or channel within the jurisdiction which by proclamation of the Governor published in the *Gazette* shall be declared to be a harbour port or channel where such steam-ships and steamers shall proceed at a reduced speed to be defined in such proclamation shall proceed at such reduced speed under a penalty not exceeding fifty pounds And the master of every ship or vessel navigating any harbour river channel port or place within the jurisdiction shall so far as may be practicable keep on that side of the fairway or mid-channel thereof which lies on his starboard hand And any such master who shall neglect to comply with the said rule shall incur a penalty not exceeding five pounds and be further liable for any damage he may cause by any departure from the said rule unless he can show that circumstances rendered such departure necessary the proof of which shall be upon such master.

Penalty.

Penalty.

Marine Board and Local Marine Board to be conservators of navigable waters.

121. The Marine Board shall be the proper authority to act as conservators of the navigable waters of Port Jackson and of all other navigable waters within their jurisdiction Provided always that every Local Marine Board shall on its establishment as hereinbefore provided act as such conservators in respect of the navigable waters within its jurisdiction and the following powers are hereby conferred on the Marine and every Local Marine Board :—

Every such Board as aforesaid may frame regulations (to be approved published and take effect in like manner as the regulations hereinbefore lastly described)—

- (I.) Prohibiting the throwing overboard of sick or the carcasses of dead animals from any ship or vessel within such limits in any navigable water as the said Board shall prescribe under a penalty not exceeding twenty pounds
- (II.) Prohibiting under a like penalty as lastly herein prescribed the throwing any sick or dead animal into or leaving such animal on the shore of any navigable waters

(III.)

*Navigation.*

- (III.) Prohibiting owners lessees or occupants of manufactories chemical works slaughter-houses and other establishments from allowing refuse matter to be deposited or flow into navigable waters in the vicinity of any city town or municipality under a penalty not exceeding fifty pounds and not less than five pounds for every day that such regulation is infringed.

122. The following rules as to the licensing and regulation of ballast and coal lighters may be enforced by the Marine Board Provided always that the said rules may from time to time with the consent of the Governor be altered added to or rescinded by the said Marine Board.

REGULATION OF  
BALLAST AND COAL  
LIGHTERS.  
—  
Rules as to ballast  
lighters.

- (I.) No ballast lighters or other vessels to be employed in ballasting loading or unloading ships with stone coal or other material shall be allowed to be used without being licensed in the name of the owner or owners of such vessel from the Marine Board
- (II.) No ballast lighter or other vessel so employed shall be entitled to a license unless she be legibly named or numbered and marked at each end and on each side with white or yellow lines and figures showing the displacement for every five tons weight on board such vessel and the owner or master of any such lighter on board which a cargo in excess of the quantity allowed in the license is found shall incur a penalty not exceeding twenty pounds
- (III.) Any master or owner of a ballast or coal lighter refusing to allow the Marine Board or any person acting under its order to inspect or remeasure the same or test the accuracy of the measurement of such lighter or obstructing any person so employed shall for every such offence incur a penalty not exceeding five pounds
- (IV.) It shall be lawful for the Marine Board or any person acting under its order to appoint the times when ballast and coal lighters shall be measured and the method in which the measurement shall be made
- (V.) A register shall be kept open for the inspection of masters of ships or others of all licensed ballast and coal lighters their owners names and tonnage capacity
- (VI.) Any person found supplying ballast or coal to any vessel from any other than a licensed lighter shall incur a penalty not exceeding five pounds
- (VII.) It shall be lawful for the Marine Board to cancel or suspend the license of any owner or master of a ballast or coal lighter who shall be found to the satisfaction of such Board to have defrauded or attempted to defraud the master owner or charterer of any ship by altering the marks or figures on such lighter or to have been guilty of such other misconduct as in the opinion of the said Board shall constitute a sufficient cause for the cancellation or suspension of his license And a record shall be made in the Register Book of Cargo Lighters of all licenses granted cancelled or suspended and of all matters and things appertaining thereto
- (VIII.) Every master of a ship shall have power to inspect any lighter bringing ballast or coal alongside such ship for the purpose of ballasting or loading her and any master of a lighter refusing to allow such master of a ship to examine the said lighter during her discharge of ballast or coal or to pump out water from the said lighter when requested to do so shall for each offence incur a penalty not exceeding one pound
- (IX.) Nothing contained in the above regulations shall be applicable to the transshipment of ballast or coal from one foreign-going or coast-trade ship into another.

*Navigation.*

## PART VII.

LEGAL PROCEDURE.  
MISCELLANEOUS.Jurisdiction to follow  
offence and offenders.

123. For the purpose of giving jurisdiction under this Act every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose or in any place in which the offender or person complained against may be.

Service of summons  
&c. when good.

124. Service of any summons or other process in any legal proceeding under this Act shall be deemed good service if made personally on the person to be served or if made at his last known place of abode or business or if made on board any ship or vessel to which he belongs and accompanied with a statement of the purport thereof to the person being or appearing to be in command or charge of such ship or vessel.

Burden of proof that  
a ship is exempted.

125. If in any legal proceeding under this Act any question arises whether any ship is or is not within the provisions of this Act or of some part thereof such ship shall be taken to be within such provisions unless proof to the contrary is adduced.

Proof of issue and  
transmission of cer-  
tificates.

126. All certificates purporting to be issued in pursuance of this Act by the Marine or any Local Marine Board and to be signed as hereinbefore required shall be taken to have been so issued and signed unless the contrary is proved and every document purporting to be an office copy of any such certificate as aforesaid and to be signed in the manner hereinbefore required for the signature of such certificate shall be received in evidence and shall be deemed to be a true copy of the original of which it purports to be a copy and in proving the transmission of any such certificate from the said Board to any master or owner of a steam-ship or to any other person required by this Act to possess such a certificate it shall be sufficient to prove that the same was duly received by some officer of Customs or other officer or person in the public service and was by him delivered to or left at the place of abode or business of such master owner or other person or was forwarded to him through the General Post Office.

Misdemeanors—  
how punishable.

127. All misdemeanors created by this Act may be prosecuted by information at the suit of Her Majesty's Attorney or Solicitor General and shall be punishable with fine or imprisonment or both as such Court thinks fit.

Penalties &c. how  
recoverable.

128. All offences against this Act or any regulation made under this Act in respect of which any pecuniary penalty is by this Act imposed and all proceedings for the recovery of any expenses or sum of money by this Act made payable or recoverable shall (unless otherwise hereinbefore provided for) be heard and determined in a summary way by and before any two Justices of the Peace under the provisions of the Act or Acts in force for the time-being regulating proceedings on summary convictions and if such penalty or sum of money be not paid either immediately after the conviction or order or within the time appointed by such conviction or order the same shall be levied by distress and sale of the offenders goods and chattels And on failure of distress shall be enforced in manner directed by the said Act or Acts And all persons aggrieved by any such conviction or order may appeal therefrom in the manner and subject to the conditions prescribed by the Act regulating appeals to Quarter Sessions.

Appeal.

Application of  
penalties.

129. Any Justices or Court imposing any penalty under this Act of which no specific application is herein provided may if they think fit direct that a part not exceeding one moiety thereof shall be applied to compensate any person for any wrong or damage which he may

*Navigation.*

may have sustained by reason of the default in respect of which such penalty is imposed and subject to such directions or specific application as aforesaid all such penalties shall be paid into the Colonial Treasury to be applied to the public uses of the Colony.

130. No indictment shall be preferred for any offence against this Act unless under the direction of the Marine or Local Marine Board and no suit or proceeding shall be commenced for the recovery of any penalty or forfeiture for any such offence except where such penalty or forfeiture is made payable to the owner of a vessel and except in any other cases in which directions to the contrary are hereinbefore contained unless under the direction of the said Board and in any indictment preferred or suit or proceeding instituted under this Act the averment that the said Board have directed the same to be preferred or instituted shall be sufficient proof of the fact unless the contrary is shown.

Indictments to be preferred by direction of the Marine Board.

131. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act and made summarily recoverable thereunder unless the complaint respecting such offence be made within six months next after the commission of such offence.

Penalties to be sued for within six months.

132. No conviction under this Act shall be quashed for want of form or be removed by *certiorari* or otherwise into the Supreme Court and no warrant of commitment or order for imprisonment shall be held void by reason of any defect therein provided it be therein alleged that the person has been convicted or ordered to be imprisoned and there be a good and valid conviction or an offence to sustain the same.

No *certiorari*.

133. The master of every ship to which this Act applies shall provide himself with a copy thereof and also of all regulations made by virtue of this Act by the Marine Board with respect to the exhibition of lights and shall at all times keep the same on board his ship and in case he refuse or neglect to do so shall be subject to a penalty not exceeding five pounds.

Copy of this Act &c. to be kept on board ship.

Penalty for neglect.

134. Any Stipendiary Magistrate may exercise the powers hereinbefore in any part of this Act conferred on two or more Justices.

Stipendiary Magistrate to exercise power of Justices.



## Navigation.

## SCHEDULES.

## SCHEDULE A.

No. of Act.	Title of Act.	Extent of Repeal.
3 Wm. 4 No. 6 ...	An Act for the better preservation of the Ports Harbours Havens Roadsteads Channels Navigable Creeks and Rivers in New South Wales and the better regulation of Shipping in the same.	The unrepealed sections.
4 Wm. 4 No. 7 ...	An Act for regulating the Police in the Town and Port of Sydney and for removing and preventing nuisances and obstructions therein.	So much of the unrepealed sections as relate to the licensing and regulating of Boatmen and boats carrying passengers for hire within the Harbour of Port Jackson.
6 Wm. 4 No. 7 ...	An Act for amending " <i>An Act for the better preservation of the Ports Harbours Havens Roadsteads Channels Navigable Creeks and Rivers in New South Wales and the better regulation of Shipping in the same.</i> "	
7 Wm. 4 No. 2 ...	An Act for the Amendment of the Law respecting Pilots and Pilotage.	The whole.
4 Vic. No. 17 .....	An Act for the further and better regulation and government of Seamen within the Colony of New South Wales and its Dependencies and for establishing a Water Police.	Section 27.
6 Vic. No. 10 .....	An Act to amend an Act intituled " <i>An Act for the better preservation of the Ports Harbours Havens Roadsteads Channels Navigable Creeks and Rivers in New South Wales and the better regulation of Shipping in the same.</i> "	The whole.
7 Vic. No. 12 .....	An Act further to amend an Act intituled " <i>An Act for the better preservation of the Ports Harbours Havens Roadsteads Channels Navigable Creeks and Rivers in New South Wales and the better regulation of Shipping in the same.</i> "	All the unrepealed sections except such as relate to Wharfage Rates.
8 Vic. No. 16 .....	An Act to make further provision for payment of Wharfage Rates and to amend the Laws for the regulation of Shipping in certain cases.	Sections 9 10 11 12 13 and so much of section 14 as relates to Pilotage Rates.
11 Vic. No. 15 .....	An Act to amend the Laws for the payment of Pilotage on shipping and to secure the payment of Harbour and other Dues on Shipping.	The whole.
14 Vic. No. 37 .....	An Act for regulating payments to be made to Pilots on account of the detention of outward-bound Ships or Vessels.	Unrepealed sections.
16 Vic. No. 46 .....	An Act to consolidate and amend the Laws relating to Steam Navigation and to the Boats and Lights to be carried and the Signals to be made by sea-going Vessels.	The unrepealed sections.
17 Vic. No. 37 .....	An Act to apply the provisions of the New South Wales Steam Navigation Act of 1852 to Foreign Vessels engaged in the Colonial Passenger Trade.	The whole.
22 Vic. No. 4.....	An Act to increase the Rates of Pilotage and to impose certain Harbour Dues and to provide further for the Pilot Establishments of New South Wales.	The whole.

---

*Navigation.*


---

## SCHEDULE B.

*Form of Bond to be given by Owner or Charterer and Master.*

KNOW ALL MEN BY THESE PRESENTS That we are held and firmly bound unto Her Majesty Queen Victoria in the sum of Five Hundred Pounds of good and lawful money of Great Britain to be paid to Her said Majesty the Queen Her Heirs and Successors to which payment well and truly to be made we bind ourselves and every of us jointly and severally for and in the whole our Heirs Executors and Administrators and every of them firmly by these presents.

Sealed with our seals

Dated this        day of        18    .

---

Now the Condition of this obligation is such that if the steam-ship whereof        is Master is in all respects seaworthy and if all and every the requirements of the Navigation Act of 1871 and of any Regulations made by the Marine Board of New South Wales have been and shall be well and truly fulfilled and performed and if the Master for the time being of the said ship shall submit and conform himself in like manner as a British subject being the Master of a British passenger steamer to the jurisdiction of the Courts and Magistrates in Her Majesty's Possessions which are by the said Act empowered to adjudicate on offences committed against the said Act and the said Regulations and if moreover all penalties fines and forfeitures which the Master of such ship may be adjudged to pay for or in respect of the breach or non-fulfilment of any such requirements as aforesaid shall be well and truly paid then this obligation to be void otherwise to remain in full force and virtue.

Signed sealed and delivered by the above-bounden  
in the presence of

---

I hereby certify that the above Bond was duly signed sealed and delivered by the  
said                                Master of the said steam-ship                                and by the  
said

(Signature)

{ Chief Officer of Customs

(Date)

{ of the Port of

*Navigation.*

## SCHEDULE C.

*Scale of Fees to be paid for Pilotage Certificate.*

	£	s.	d.
For ships not exceeding 50 tons .....	1	10	0
Exceeding 50 and not exceeding 100 .....	2	0	0
„ 100 „ 150 .....	2	10	0
„ 150 „ 200 .....	3	0	0
„ 200 „ 300 .....	4	0	0
Exceeding 300 tons .....	5	0	0

Provided that in all cases where a Certificate of Pilotage for a higher rate of tonnage is granted the amount paid for the original fee shall be deducted from the fee chargeable for such certificate.

## SCHEDULE D.

*Fees for Certificates of Service.*

	£	s.	d.
For a master of a foreign-going ship... ..	2	0	0
„ of a coast-trade ship.....	1	0	0
„ of a harbour and river steamer .....	1	0	0
For a mate of a foreign-going ship.....	1	0	0
„ of a coast-trade ship.....	0	10	0
For a first-class engineer's certificate.....	1	10	0
For a second-class „ .....	1	0	0

## SCHEDULE E.

*Fees for Certificates of Competency.*

	£	s.	d.
For a master of a foreign-going ship.....	2	10	0
„ of a coast-trade ship.....	1	10	0
„ of a harbour and river steamer .....	1	10	0
For a first mate of a foreign-going ship .....	1	10	0
For a second mate of a foreign-going ship or mate of coast-trade ship .....	1	0	0
For a first-class engineer's certificate.....	2	0	0
For a second-class „ .....	1	10	0
For a third-class „ .....	1	0	0

Navigation.

SCHEDULE F.

TABLE.

Number and dimensions of Boats with which sea-going ships are to be provided.

REGISTERED TONNAGE.		COLUMN 1. To be carried by Sailing-ships and steam-ships.			COLUMN 2. To be carried by Sailing-ships and by Steam-ships when they do not carry the boats in Col. 3.			COLUMN 3. To be carried by Steam-ships which do not carry the boats in Col. 2.			TOTAL NUMBER OF BOATS.									
Sailing-ships.	Steam-ships.	Boats.			Boats.			Launches.			Boats.			Life Boats.			Sailing Ship.	Steam-ships.		
		Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.			Depth.	
Tons.	Tons.	ft.	ft.in.	ft.in.	ft.	ft.in.	ft.in.	ft.	ft.in.	ft.in.	ft.	ft.in.	ft.in.	ft.	ft.in.	ft.in.	ft.	ft.in.	ft.in.	
.....	1,000 & upwards.	1 18	5 6	2 3	2 24	5 6	2 6	1	27	8 6	3 8	2 22	5 6	2 6	2 28	8 6	3 6			7
.....	800 to 1,000 ...	1 18	5 6	2 3	2 26	6 6	2 8	1	26	8 0	3 8	2 22	5 6	2 6						4 or 5
800 & upwards	500 to 800.....	1 18	5 6	2 3	2 24	5 6	2 6	1	26	8 0	3 8	2 22	5 6	2 6						4 or 5
600 to 800 .....	360 to 500.....	1 16	5 6	2 3	2 24	5 6	2 6	1	25	7 0	3 6	2 22	5 6	2 6						4 or 5
400 to 600 .....	240 to 360.....	1 16	5 6	2 3	1 22	5 6	2 5	1	22	6 6	3 3	2 22	5 6	2 6						3 or 4
200 to 400 .....	120 to 240.....	1 14	5 0	2 2				1	20	6 0	3 0	2 22	5 6	2 6						2 or 3
100 to 200 .....	60 to 120.....	1 14	5 0	2 2				1	16	5 6	2 9	2 18	5 6	2 4						2 or 3
Under 100 .....	Under 60 .....	1 14	5 0	2 2																1

NOTE.—In sailing-ships carrying the number of boats above specified and steam-ships carrying the larger of the two numbers above specified the boats are to be considered sufficient if their aggregate cubic contents are equal to the aggregate cubic contents of the boats specified.

In steam-ships carrying the smaller of the two numbers above specified one of the boats must be a launch of the capacity specified in column 2.

In sailing-ships of 200 tons burden and under not carrying passengers a dingy may be substituted for the boat in column 1.

In sailing-ships of 150 tons burden and under not carrying passengers a substantial boat of capacity sufficient to carry the crew may be substituted for those above specified.

In all steam-ships two paddlebox boats may be substituted for any two of the boats in column 3.

SCHEDULE G.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

CONTENTS.

Article 1. Preliminary.

Rules concerning Lights.

2. Lights to be carried as follows :—
3. Lights for steam-ships.
4. Lights for steam-tugs.
5. Lights for sailing-ships.
6. Exceptional lights for small sailing-vessels.
7. Lights for ships at anchor.
8. Lights for pilot vessels.
9. Lights for fishing vessels and boats.

Rules concerning Fog Signals.

10. Fog Signals.

Steering and Sailing Rules.

11. Two sailing-ships meeting.
12. Two sailing-ships crossing.
13. Two ships under steam meeting.
14. Two ships under steam crossing.
15. Sailing ship and ship under steam.
16. Ships under steam to slacken speed.
17. Vessels overtaking other vessels.
18. Construction of Articles 12 14 15 and 17.
19. Proviso to save special cases.
20. No ship under any circumstances to neglect proper precautions.

*Navigation.*

REGULATIONS FOR PREVENTING COLLISIONS AT SEA &C.

*Preliminary.*

Art. 1. In the following rules every steam-ship which is under sail and not under steam is to be considered a sailing-ship and every steam-ship which is under steam whether under sail or not is to be considered a ship under steam.

*Rules concerning Lights.*

Lights.

Art. 2. The lights mentioned in the following Articles numbered 3 4 5 6 7 8 and 9 and no others shall be carried in all weathers from sunset to sunrise:—

Lights for steam-ships.

Art. 3. Seagoing steam-ships when under weigh shall carry:

(a.) *At the foremast head* a bright white light so fixed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass so fixed as to throw the light ten points on each side of the ship viz. from right ahead to two points abaft the beam on either side and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least five miles

(b.) *On the starboard side* a green light so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles

(c.) *On the port side* a red light so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass so fixed as to throw the light from right ahead to two points abaft the beam on the port side and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles

(d.) The said green and red side lights shall be fitted with inboard screens projecting at least three feet forward from the light so as to prevent these lights from being seen across the bow.

Lights for steam-tugs.

Art. 4. Steam-ships when towing other ships shall carry two bright white mast-head lights vertically in addition to their side-lights so as to distinguish them from other steam-ships Each of these mast-head lights shall be of the same construction and character as the mast-head lights which other steam-ships are required to carry.

Lights for Sailing-ships.

Art. 5. Sailing-ships under weigh or being towed shall carry the same lights as steam-ships under weigh with the exception of the white mast-head lights which they shall never carry.

Exceptional lights for small sailing-vessels.

Art. 6. Whenever as in the case of small vessels during bad weather the green and red lights cannot be fixed these lights shall be kept on deck on their respective sides of the vessel ready for instant exhibition and shall on the approach of or to other vessels be exhibited on their respective sides in sufficient time to prevent collision in such manner as to make them most visible and so that the green light shall not be seen on the port side nor the red light on the starboard side.

To make the use of these portable lights more certain and easy the lanterns containing them shall each be painted outside with the colour of the light they respectively contain and shall be provided with suitable screens.

Lights for ships at anchor.

Art. 7. Ships whether steam-ships or sailing-ships when at anchor in roadsteads or fairways shall exhibit where it can best be seen but at a height not exceeding twenty feet above the hull a white light in a globular lantern of eight inches in diameter and so constructed as to show a clear uniform and unbroken light visible all round the horizon and at a distance of at least one mile.

Lights for pilot vessels.

Art. 8. Sailing pilot vessels shall not carry the lights required for other sailing vessels but shall carry a white light at the mast-head visible all round the horizon and shall also exhibit a flare-up light every fifteen minutes.

Lights for fishing vessels and boats. Fog signals.

Art. 9. Open fishing-boats and other open boats shall not be required to carry the side-lights required for other vessels but shall if they do not carry such lights carry a lantern having a green slide on the one side and a red slide on the other side and on the approach of or to other vessels such lantern shall be exhibited in sufficient time to prevent collision so that the green light shall not be seen on the port side nor the red light on the starboard side.

Fishing vessels and open boats when at anchor or attached to their nets and stationary shall exhibit a bright white light.

Fishing vessels and open boats shall however not be prevented from using a flare-up in addition if considered expedient.

*Rules concerning Fog Signals.*

Art. 10. Whenever there is fog whether by day or night the fog signals described below shall be carried and used and shall be sounded at least every five minutes viz. :—

(a.) Steam-ships under weigh shall use a steam whistle placed before the funnel not less than eight feet from the deck.

(b.) Sailing ships under weigh shall use a fog-horn.

(c.) Steam-ships and sailing ships when not under weigh shall use a bell.

*Steering*

*Navigation.*

*Steering and Sailing Rules.*

Art. 11. If two sailing-ships are meeting end on or nearly end on so as to involve risk of collision the helms of both shall be put to port so that each may pass on the port side of the other.

Art. 12. When two sailing-ships are crossing so as to involve risk of collision then if they have the wind on different sides the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side except in the case in which the ship with the wind on the port side is close hauled and the other ship free in which case the latter ship shall keep out of the way but if they have the wind on the same side or if one of them has the wind aft the ship which is to windward shall keep out of the way of the ship which is to leeward.

Art. 13. If two ships under steam are meeting end on or nearly end on so as to involve risk of collision the helms of both shall be put to port so that each may pass on the port side of the other.

Art. 14. If two ships under steam are crossing so as to involve risk of collision the ship which has the other on her own starboard side shall keep out of the way of the other.

Art. 15. If two ships one of which is a sailing ship and the other a steam-ship are proceeding in such directions as to involve risk of collision the steam-ship shall keep out of the way of the sailing-ship.

Art. 16. Every steam-ship when approaching another ship so as to involve risk of collision shall slacken her speed or if necessary stop and reverse and every steam-ship shall when in a fog go at a moderate speed.

Art. 17. Every vessel overtaking any other vessel shall keep out of the way of the said last-mentioned vessel.

Art. 18. Where by the above rules one of two ships is to keep out of the way the other shall keep her course subject to the qualifications contained in the following Article.

Art. 19. In obeying and construing these rules due regard must be had to all dangers of navigation and due regard must also be had to any special circumstances which may exist in any particular case rendering a departure from the above rules necessary in order to avoid immediate danger.

Art. 20. Nothing in these rules shall exonerate any ship or the owner or master or crew thereof from the consequences of any neglect to carry lights or signals or of any neglect to keep a proper look-out or of the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case.

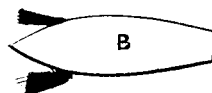
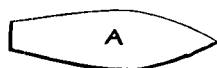
NOTE.—The two articles numbered 11 and 13 respectively only apply to cases where ships are meeting end on or nearly end on in such a manner as to involve risk of collision. They consequently do not apply to two ships which must if both keep on their respective courses pass clear of each other. The only cases in which the said two articles apply are when each of the two ships is end on or nearly end on to the other in other words to cases in which by day each ship sees the masts of the other in a line or nearly in a line with her own and by night to cases in which each ship is in such a position as to see both the side lights of the other. The said two articles do not apply by day to cases in which a ship sees another ahead crossing her own course or by night to cases where the red light of one ship is opposed to the red light of the other or where the green light of one ship is opposed to the green light of the other or where a red light without a green light or a green light without a red light is seen ahead or where both green and red lights are seen anywhere but ahead.

DIAGRAMS

*To illustrate the use of the Lights carried by Vessels at Sea and the manner in which they indicate to the Vessel which sees them the position and description of the Vessel that carries them.*

WHEN BOTH RED AND GREEN LIGHTS ARE SEEN.

A sees a red and green light ahead A knows that a vessel is approaching her on a course directly opposite to her own as B.



If A sees a white mast-head light above the other two she knows that B is a steam-vessel

WHEN

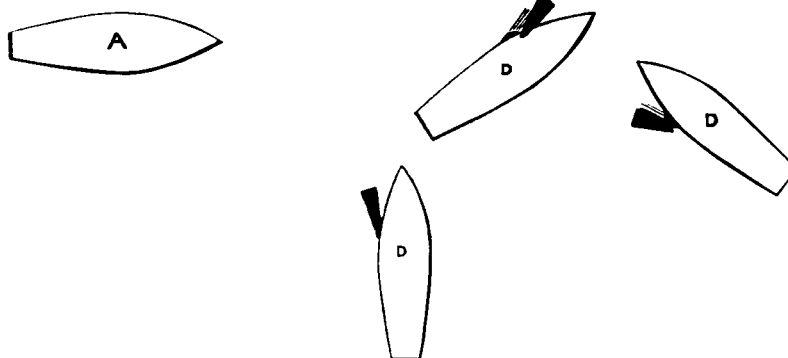
*Navigation.*

**WHEN THE RED AND NOT THE GREEN LIGHT IS SEEN.**

A sees a red light ahead or on the bow A knows that either—1 a vessel is approaching her on her port bow as B



or 2 a vessel is crossing in some direction to port as D D D.



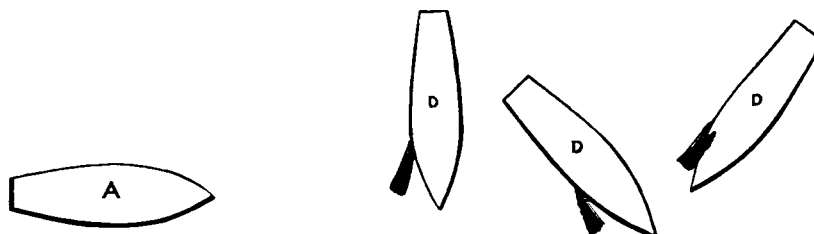
If A sees a white mast-head light above the red light A knows that the vessel is a steam-vessel and is either approaching her in the same direction as B or is crossing to port in some direction as D D D.

**WHEN THE GREEN AND NOT THE RED LIGHT IS SEEN.**

A sees a green light ahead or on the bow A knows that either—1 a vessel is approaching her on the starboard bow as B



or 2 a vessel is crossing in some direction to starboard as D D D.



If A sees a mast-head light above the green light A knows that the vessel is a steam vessel and is either approaching her in the same direction as B or is crossing to starboard in some direction as D D D.

NOTE.—The foregoing regulations are exactly the same as those issued on the 9th January 1863 and the 30th July 1868 by the Queen in Council. It is stated in the notice of the Board of Trade issued on 2nd September 1865 that these regulations apply to all ships whatever their nationality within the limits of British jurisdiction and to British and French ships whether in British jurisdiction or not They also apply to ships belonging to the following countries and places whether in British jurisdiction or not:—

Country or Place.	Date of Gazette containing Order in Council.	Country or Place.	Date of Gazette containing Order in Council.
Austria ... ..	1st May 1863.	Netherlands ... ..	15th Sept. 1863.
Argentine Republic ... ..	15th Sept. 1863.	Norway ... ..	15th Sept. 1863.
Belgium ... ..	1st May 1863.	Oldenburgh ... ..	1st May 1863.
Brazil ... ..	28th July 1863.	Peru ... ..	28th July 1863.
Bremen ... ..	28th July 1863.	Portugal ... ..	1st May 1863.
Chile ... ..	20th Nov. 1863.	Prussia ... ..	1st May 1863.
Denmark (Proper) ... ..	5th Feb. 1864.	Roman States ... ..	20th Nov. 1863.
Equator (Republic of the) ... ..	28th July 1863.	Russia ... ..	28th July 1863.
Hamburg ... ..	28th July 1863.	Schleswig ... ..	5th Feb. 1864.
Hanover ... ..	1st May 1863.	Spain ... ..	28th July 1863.
Hawaiian Island ... ..	30th June 1865.	Sweden ... ..	28th July 1863.
Hayti ... ..	1st May 1863.	Turkey ... ..	20th Nov. 1863.
Italy ... ..	1st May 1863.	United States (sea-going ships)	30th Aug. 1864.
Lubeck ... ..	28th July 1863.	United States (inland waters)	2nd Dec. 1864.
Mecklenburg-Schwerin ... ..	1st May 1863.	Uruguay ... ..	28th July 1863.
Morocco ... ..	28th July 1863.		

---

*Navigation.*


---

## SCHEDULE H.

*Harbour Removal Dues.*

A TABLE of the Dues payable for removing ships from one place to another—

	£	s.	d.
For any ship not exceeding 300 tons .....	1	0	0
Exceeding 300 tons and not exceeding 400 tons.....	1	5	0
do. 400 do. 500 tons.....	1	10	0
do. 500 do. 600 tons.....	1	15	0
do. 600 do. 800 tons.....	2	0	0
do. 800 do. 1,000 tons.....	2	10	0
do. 1,000.....	3	0	0

---