

No. XXX.

An Act to amend in certain particulars the
Navigation Act of 1871. [*Reserved—24th*
April, 1873.]

NAVIGATION ACT
AMENDMENT.

WHEREAS it is expedient that the Navigation Act of 1871 should be amended in respect of certain matters defined in the interpretation clause to the said Act and also in respect of certain other provisions in the said Act contained Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act shall be read with and as forming part of the Navigation Act of 1871 hereinafter termed the Principal Act and may be cited as the "Navigation Act Amendment Act of 1873."

2. The word "owner" wheresoever occurring in the Principal Act or in this Act shall be taken to include the manager or secretary of any body corporate or company.

3. In the meanings respectively set against the terms "foreign-going ship" and "coast-trade ship" in the fourth section of the Principal Act the word "British" shall in each case be inserted between the word "registered" and the word "ship" And the proviso in the said section attached to the meaning set against the term "coast-trade ship" is hereby repealed and the following proviso substituted therefor viz.:—"Provided that every such ship which shall be employed in trading between any ports of adjacent Colonies may be deemed to be a coast-trade ship for such purposes of this Act as the Marine Board may deem fit."

4. The word "third" and the words "for three years" wheresoever occurring in the tenth and eleventh sections of the Principal Act are hereby declared to be expunged and the said sections shall be read and construed as if the said words had been omitted therefrom.

5. The Marine Board is hereby authorized to license and regulate all watermen and boatmen plying for hire and to determine the rates to be charged by such boatmen or watermen over or upon any navigable waters within their jurisdiction And the nineteenth section of the Principal Act shall be read and construed as if the words "watermen" and "boatmen" had been inserted immediately before the words "watermen's boats" in the said section.

6. The forty-third section of the Principal Act is hereby amended by substituting the word "three" for the word "two" and the fifty-sixth section of the said Act by substituting the words "flag or flags" for the word "flag" And the said sections shall be read and construed as if the words so substituted were contained therein instead of the words "two" and "flag" respectively.

7. The owner of any steam-ship which shall proceed to sea or steam upon any navigable waters within the jurisdiction in contravention of the requirements contained in section forty-eight or section forty-nine of the Principal Act shall incur a penalty not exceeding in either case one hundred pounds recoverable and to be applied in the manner directed by the said Act.

Navigation Act Amendment.

Meaning of "foreign owned steam-ship" in section 52.

8. The expression "foreign-owned steam-ship" in section fifty-two of the Principal Act shall be construed to include only such steam-ships as do not belong to owners resident or carrying on business within the Queen's dominions.

Provision as to payment of harbour and light rates.

9. The payment in respect of any ship in pursuance of the provisions of the fifty-fifth section of the Principal Act at any port or place within the jurisdiction of the half-yearly harbour and light rate imposed by the said section shall exempt such ship from any further charge at any such port or place for harbour and light rates for the period of six calendar months from the date of such payment.

Amendment of section 73.

10. The seventy-third section of the Principal Act is hereby amended by the insertion of the words "or master of a harbour and river steamer" after the words "mate of a coast-trade ship" in the said section contained.

Provisions of Part IV to apply to persons "acting" as master mate or engineer.

11. Every person who acting in the capacity of master mate or engineer on board any ship steam-ship or steamer shall proceed to sea or ply in any harbour or river steamer without holding a valid certificate of service or competency shall incur the like penalties respectively as are prescribed in Part IV of the said Principal Act in the case of persons engaged to serve in any of the said capacities And the provisions of the said Part relating to certificates shall equally apply to owners and other persons acting or purporting to act in any of the capacities aforesaid as to persons under engagement to serve in the same.

Section 74.

12. The delivery by the Marine Board of the certificates of service specified in section seventy-four of the said Principal Act to the persons therein specified shall be conditional on such persons satisfying the said Board generally of their competency to serve in the respective grades for which such certificates are sought.

Amendments in sections 29 79 81 86 101 113 and 127.

13. The following amendments are hereby declared to be made in sections twenty-nine seventy-nine eighty-one eighty-six one hundred and one one hundred and thirteen and one hundred and twenty-seven of the said Principal Act that is to say:—

In section twenty-nine the words "British Possessions" are substituted for the words "Australasian Colonies."

In section seventy-nine the words "or third" are inserted between the words "second" and "class."

In section eighty-one the words "under one hundred tons" are substituted for the words "not exceeding fifty tons" the word "or" is inserted before the words "of service" in the proviso to the said section and the word "Possessions" for the word "Colonies."

In section eighty-six after the word "service" the words "or of pilotage" are inserted.

In section one hundred and one the word "local" is substituted for the word "legal."

In section one hundred and thirteen the word "wharf" is inserted before the word "pier."

In section one hundred and twenty-seven the word "the" is substituted for the word "such."

Penalty on offence under section 122.

14. The owner or master of any lighter or other vessel which shall be employed in ballasting loading or unloading ships with stone coal or other material without being licensed as required under the one hundred and twenty-second section of the Principal Act shall incur a penalty not exceeding twenty pounds recoverable and to be applied in manner directed by the said Act.

Power to make penal regulations &c.

15. It shall be lawful for the Marine Board to make regulations imposing penalties in no case to exceed the sum of ten pounds for the violation or infringement of any regulation made by the said Board

Promissory Oaths Declaratory.

Board in pursuance of the powers conferred by the said Principal Act or by this Act or for the neglect of any duty or obligation imposed by the said Act or by this Act in respect of which violation or neglect no other penalty has been prescribed And such penalties may be recovered and applied in manner directed by the said Principal Act.

16. There shall be chargeable for every license granted by the Marine Board or any Local Marine Board to the owner or master of a ballast lighter and for every license granted to a waterman to ply for hire in the harbour of Port Jackson or on any navigable waters within the jurisdiction the respective sums specified in Schedule A hereto.

License fees for ballast lighters and watermen.

17. The unrepealed sections of the Act of Council fourth Victoria number four intituled "*An Act to amend an Act entitled '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'*" are hereby repealed.

Repeal of unrepealed sections of 4 Vic. No. 4.

SCHEDULE A.

	£	s.	d.
For a ballast lighter's license	1	0	0
For a waterman's license	0	10	0