CHAPTER 23.

An Act to make better provision as to the appointment of deputies for Recorders, Stipendiary Magistrates, and Clerks of the Peace. [10th August 1888.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provision as to deputies of recorders, magistrates, and clerks of the peace.

1.—(1.) If at any time it appears to the authority having power to appoint a recorder or a stipendiary magistrate or a clerk of the peace for any place or county, that the recorder, magistrate, or clerk of the peace for that place or county is, by reason of illness, absence, or any other cause, incapable of appointing or removing a deputy, the authority may exercise that power on his behalf, and in so doing may assign out of his salary or stipend a suitable remuneration to any deputy appointed under the power.

(2.) Every deputy appointed under this section shall, during the time for which he is appointed, have all the powers and privileges and perform all the duties of the recorder, magistrate, or clerk of the peace for whom he is appointed.

Short title.

2. This Act may be cited as the Recorders, Magistrates, and Clerks of the Peace Act, 1888.

CHAPTER 24.

An Act to amend the law with respect to the Appliances to be carried by British Merchant Ships for saving Life at Sea. [10th August 1888.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Duty to carry boats and other appliances for saving life.

1. It shall be the duty of the owner and master of every British ship to see that his ship is provided, in accordance with rules under this Act, with such boats, life jackets, and other appliances for saving life at sea as, having regard to the nature of the service on which the ship is employed, and the avoidance of undue encumbrance of the ship's deck, are best adapted for securing the safety of her crew and passengers.

Appointment of consultative committee for framing rules.

2.—(1.) For the purpose of preparing and advising on rules to be made under this Act, the President of the Board of Trade shall immediately after the passing of this Act, and may from time to time, appoint a committee, the members of which shall be nominated by him in accordance with the First Schedule to this Act.

(2.) Each member of the committee shall hold office for two years from the date of his appointment, but shall be eligible for re-appointment.

(3.) There shall be paid to the members of the committee, out of the Mercantile Marine Fund, such travelling and other allowances as the Board of Trade from time to time may fix.

(4.) Her Majesty the Queen may from time to time, by Order in Council, alter the First Schedule to this Act.

Power to make rules as to life-saving appliances.

3.—(1.) The Board of Trade may, from time to time, make, rescind, and vary rules with respect to all or any of the matters mentioned in the Second Schedule to this Act.

(2.) All rules made under this Act shall have effect as if they had been enacted in this Act, and shall be judicially noticed.

(3.) All rules made under this Act shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not sitting, within three weeks after the beginning of the then next meeting of Parliament, and shall not come into operation until they have lain for forty days before both Houses of Parliament during the session of Parliament.

Penalty for breach of rules.

4.—(1.) In any of the following cases, namely:—

(*a.*) If any ship required by rules under this Act to be provided with appliances for saving life at sea proceeds on any voyage or excursion without being so provided, in accordance with the rules applicable to the ship; or

(*b.*) If any of the appliances with which she is so provided 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

(*c.*) If, in case of any such appliances being lost or injured in the course of the voyage, the master wilfully neglects to replace or repair the same on the first opportunity; or

(*d.*) If such appliances are not kept so as to be at all times fit and ready for use;

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.

17 & 18 Vict. c. 104.

(2.) Penalties incurred under this section may be recovered and dealt with in manner provided by the Merchant Shipping Act, 1854, and the Acts amending the same with respect to penalties incurred under those Acts.

Provisions for enforcing rules.

5. In order to enforce compliance with the rules made under this Act the following steps may be taken, namely:—

(*a.*) Any surveyor appointed under the Fourth Part of the Merchant Shipping Act, 1854, or any such other person as the Board of Trade may appoint for the purpose, may inspect a ship for the purpose of seeing that the ship is properly provided with appliances for saving life at sea in pursuance of the rules, and shall for that purpose have all the powers given to inspectors by section fourteen of the Merchant Shipping Act, 1854:

(*b.*) If any such surveyor or person finds that any ship is not so provided, he shall give to the master or owner notice in writing,

pointing out the deficiency and also what is in his opinion requisite to remedy the same:

(*c.*) Every notice so given shall be communicated, in such manner as the Board of Trade may direct, to the collector of customs at any port in which the ship may seek to clear or at which her transire is to be obtained, and a collector to whom any such communication is made shall not clear a 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 Board of Trade as aforesaid, to the effect that the ship is properly provided with appliances for saving life at sea in pursuance of the rules.

Saving as to sea fishing boats. 31 & 32 Vict. c. 45.

6. The rules made under this Act shall not apply to any sea-fishing boat which is for the time being registered in pursuance of the Sea Fisheries Act, 1868.

Saving as to offences under other law.

7.—(1.) Nothing in this Act shall prevent any person from being liable under any other Act, or otherwise, to any other or higher penalty or punishment than is provided for an offence by this Act.

Provided that a person shall not be punished twice for the same offence.

(2.) If the court before which a person is charged with an offence punishable by virtue of this Act thinks that proceedings ought to be taken against him for the offence under any other Act or otherwise, the court may adjourn the case to enable such proceedings to be taken.

Repeal.

8. As from the date at which the first rules made under this Act come into operation the enactments specified in the Third Schedule to this Act shall be repealed to the extent therein mentioned.

Provided that this repeal shall not affect—

(*a.*) the past operation of any enactment hereby repealed; nor

(*b.*) anything duly done or suffered thereunder; nor

(*c.*) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(*d.*) any legal proceeding in respect of any such penalty, forfeiture, or punishment.

Construction of Act.

9. Expressions used in this Act shall have the same meaning as in the Merchant Shipping Act, 1854, and the Acts amending the same.

Short title.

10. This Act may be cited as the Merchant Shipping (Life Saving Appliances) Act, 1888.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

CONSTITUTION OF THE COMMITTEE.

(1.) Three shipowners selected by the Council of the Chamber of Shipping of the United Kingdom.

(2.) One shipowner selected by the Shipowners Associations of Glasgow, and one shipowner selected by the Liverpool Steamship Owners Association and the Liverpool Shipowners Association conjointly.

(3.) Two shipbuilders selected by the Council of the Institution of Naval Architects.

(4.) Three persons practically acquainted with the navigation of vessels selected by the shipmasters societies recognised by the President of the Board of Trade for this purpose.

(5.) Three persons being or having been able-bodied seamen selected by seamen's societies recognised by the President of the Board of Trade for this purpose.

(6.) Two persons selected conjointly by the Committee of Lloyd's, the Committee of Lloyd's Register Society, and the Committee of the Institute of London Underwriters.

Section 3.

SECOND SCHEDULE.

MATTERS FOR WHICH THE RULES ARE TO PROVIDE.

(1.) The arranging of British ships into classes, having regard to the services in which they are employed, to the nature and duration of the voyage, and to the number of persons carried.

(2.) The number and description of the boats, life-boats, life-rafts, life-jackets, and life-buoys to be carried by British ships, according to the class in which they are arranged, and the mode of their construction, also the equipments to be carried by the boats and rafts, and the methods to be provided to get the boats and other life-saving appliances into the water; such methods may include oil for use in stormy weather.

(3.) The quantity, quality, and description of buoyant apparatus to be carried on board ships carrying passengers, either in addition to or in substitution for boats, life-boats, life-rafts, life-jackets, and life-buoys.

Section 8.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
17 & 18 Vict. c. 104.	Merchant Shipping Act, 1854.	Sections two hundred and ninety-two, two hundred and ninety-three, and two hundred and ninety-four, except so far as they relate to sea-fishing boats registered in pursuance of the Sea Fisheries Act, 1868.
18 & 19 Vict. c. 119.	Passengers Act, 1855 -	Section twenty-seven from the beginning of the section to "immediate use at sea."
36 & 37 Vict. c. 85. -	Merchant Shipping Act, 1873.	Section fifteen.