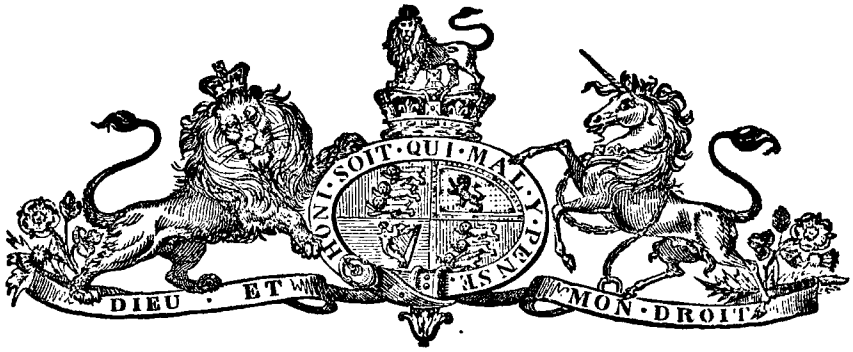


ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. LXXIX.

An Act to consolidate and amend the Laws relating to the Regulation of Steam Navigation, and to the Boats and Lights to be carried by Sea-going Vessels. [7th *August* 1851.]

WHEREAS it is expedient to consolidate and amend the Laws relating to the Regulation of Steam Navigation, and to the Boats and Lights to be carried by Sea-going Vessels: Be it therefore 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,

I. That an Act passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of Steam Navigation, and for requiring Sea-going Vessels to carry Boats*, and another Act passed in the Twelfth Year of the Reign of Her present Majesty, intituled *An Act for the further Regulation of Steam Navigation, and for limiting in certain Cases the Number of Passengers to be conveyed in Steam Vessels*, shall be repealed from the Time that this Act comes into operation as herein-after provided,

9 & 10 Vict. c. 100. and 11 & 12 Vict. c. 81. repealed from the Time this Act comes into operation, except, &c.

Existing Certificates to continue in force.

vided, except as to any Penalties incurred thereunder, and also except as to any Certificates of the Sufficiency of Steam Vessels issued thereunder by the Lords of the Committee of Privy Council for Trade, which Certificates, unless the same be cancelled or revoked under the Provisions of this Act, shall remain and be in force as if this Act had been passed and had come into operation before the issuing thereof, and they had been issued thereunder.

The Naval Department of the Board of Trade to assist in the Execution of this Act.

II. And be it enacted, That the Persons from Time to Time appointed to assist the Lords of the said Committee in the Execution of the Mercantile Marine Act, 1850, and who are herein-after referred to as the Naval Department of the Board of Trade, shall assist the Lords of the said Committee in the Execution of this Act.

Survey of Steam Vessels and Number of Passengers.

And with respect to the Provision to be made for ensuring the periodical Survey of Steam Vessels, be it enacted as follows:

Steam Vessels to be surveyed, and Owners to transmit Declarations to Board of Trade twice a Year.

III. The Owner of every Steam Vessel constructed or intended to carry Passengers (except Vessels which fall within the Definition of Foreign-going Ships contained in the Mercantile Marine Act, 1850, and are employed in the Conveyance of the Royal Public Mails or Despatches under Contract with and under the Superintendence of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral,) shall cause such Steam Vessel to be surveyed twice at least in every Year, at the Times herein-after directed, by a Shipwright Surveyor and by an Engineer Surveyor appointed for the Purposes of this Act by the Lords of the said Committee, such Shipwright Surveyor in the Case of an Iron Steam Vessel being a Person properly qualified to survey Iron Steam Vessels, and shall obtain a Declaration of the Sufficiency and good Condition of the Hull of such Steamer, and of the Boats and other Equipments thereof, required by this Act, and also, if the Lords of the said Committee so require, a Statement of the Number of Passengers (whether Deck Passengers or other Passengers) which such Vessel is constructed to carry, under the Hand of such Shipwright Surveyor, and a Declaration of the Sufficiency and good Condition of the Machinery of such Steamer under the Hand of such Engineer Surveyor, and in such Declarations it shall be distinguished whether such Vessel is in Construction and Equipments adapted for Sea Service as well as for River or Lake Service, or for River or Lake Service only; and when any such Vessel is adapted for Lake and River Service only, such Declaration shall state the local Limits within which such Vessel is in the Judgment of the Surveyor adapted for plying; and in the Case of Sea-going Vessels the Declaration of One of the Surveyors shall contain a Statement that he

he is satisfied that the Compasses have been properly examined and adjusted; and such Owner shall transmit such Declarations to the Lords of the said Committee within Fourteen Days after the Dates thereof respectively.

Survey of Steam Vessels and Number of Passengers.

IV. In all Cases where the same may be possible such Surveys shall be made in the Months of *April* and of *October* and such Declarations shall be transmitted on or before the Thirtieth Day of *April* and the Thirty-first Day of *October* respectively, or if the last preceding Survey of any such Steam Vessel were not made in either of those Months, then such Survey shall be made and such Declaration transmitted in the course of the Thirty Days next before the Expiration of Six Months next after the Date of the Certificate granted as herein-after mentioned upon the last preceding Survey; but if the Owner of any such Steam Vessel as aforesaid be unable to have the same surveyed in the Month of *April* or *October*, as the Case may be, or in the course of such Thirty Days as aforesaid, either by reason of such Vessel being absent from the United Kingdom during the whole of those Periods respectively, or by reason of such Vessel or the Machinery thereof being under Construction or Repair, or of such Vessel being laid up in Dock, or for any other Reason satisfactory to the Lords of the said Committee, then the Owner of such Steam Vessel shall have the same surveyed as aforesaid as soon thereafter as possible, and shall transmit such Declarations to the Lords of the said Committee, within Fourteen Days after the Date thereof, together with a Statement of the Reasons which have prevented the Survey of such Vessel at the Time herein-before prescribed; and the Owner of every such Steam Vessel in respect of which such Declarations shall not have been transmitted at the Times and in the Manner herein-before directed shall, except in any Case in which the Survey of such Vessel shall have been prevented as herein-before is provided, forfeit and pay the Sum of Ten Shillings for every Day that the sending of such Declarations is delayed, and such Sum shall be paid upon the Issue of the Certificate herein-after mentioned, together with the Fee herein-after mentioned, unless the Lords of the said Committee think fit in any Case to remit such Forfeiture or any Part thereof.

Times appointed for the Surveys.

V. Upon the Receipt of such Declarations the Lords of the said Committee shall register the same, and, if they are satisfied that the Provisions of this Act have been complied with, shall cause to be transmitted to the Master or Owner of the Steam Vessel to which such Declarations refer a Certificate, signed by One of the Secretaries to the said Committee, or by some One or more of the Members of the Naval Department of the Board of Trade, or the Secretary to such

Board of Trade to grant Certificates, and transmit Lists, to be put up at Custom Houses.

Survey of Steam Vessels and Number of Passengers.

such Department, that the Provisions of the Law with respect to the Transmission of Declarations in respect of such Vessel have been complied with; and such Certificate shall be called a "Sea-going Certificate" where, according to the Declaration of the Surveyor, such Vessel is adapted for Sea Service as well as River or Lake Service; and such Certificate shall be called a "River Certificate" where, according to such Declaration, such Vessel is adapted for River or Lake Service only, and shall set out the local Limits within which such Vessel is to ply; and where any such Vessel is constructed to carry Passengers, and the Lords of the said Committee think fit so to do, in order to prevent the over-crowding of such Vessel with Passengers, they shall insert in such Certificate the Number of Passengers, whether Deck Passengers or other Passengers, which such Vessel is constructed to carry; and the Lords of the said Committee shall from Time to Time transmit Lists of the Vessels in respect of which such Certificates have been issued to the Officers of Customs in all Ports in the United Kingdom, and such Officers shall cause such Lists to be put up in a conspicuous Place in the Custom House at each Port.

Board of Trade may cancel Certificates, and require fresh Declarations.

VI. The Lords of the said Committee may revoke and cancel such Certificates in any Case where they have Reason to believe that the Declarations of the Sufficiency and good Condition of the Hull and Machinery of any Vessel, or either of them, have been fraudulently or erroneously made, or that such Certificate has otherwise been issued upon false or erroneous Information, or where they have Reason to believe that since the making of such Declarations the Hull or Machinery of such Vessel has sustained any Injury, or is otherwise insufficient; and in every such Case the Lords of the said Committee may, if they think fit, require the Owner to have the Hull or Machinery of such Vessel 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 Lords of the said Committee 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 Vessel to which such Certificate relates is constructed to carry.

How long Certificates to continue in force.

VII. No Certificate bearing Date on any Day between the First of *April* and the Fifteenth of *May* in any Year shall be held to be in force, for the Purposes of this Act, after the Fifteenth Day of *November* following, and no Certificate bearing Date on any Day between the First of *October* and the Fifteenth of *November* following shall be held to be in force for the Purposes of this Act after the Fifteenth Day of *May* following, and no Certificate bearing Date on any

any Day not falling within the Periods before defined shall be held to be in force after the Expiration of Six Months from the Date thereof, and no Certificate shall be in force after Notice to the Owner or Master of the Vessel to which the same relates by the Lords of the said Committee that they have revoked the same: Provided always, that if any Steam Vessel shall have been absent from the United Kingdom for the whole of the Month of *April* or the whole of the Month of *October* in any Year, or the whole of the Thirty Days next before the Expiration of Six Months from the Date of the Certificate last granted in respect of such Vessel, the Certificate previously granted to such Vessel (if not expressly cancelled or revoked) shall continue in force till the Return of such Vessel to the United Kingdom, and for Twenty-one Days afterwards.

Survey of Steam Vessels and Number of Passengers.

Proviso.

VIII. The Owner of every Steam Vessel requiring a Certificate under this Act shall pay for every Certificate granted by the Lords of the said Committee such Sum as the Lords of the said Committee appoint, not exceeding the Sums following; that is to say,

Where the Tonnage of such Vessel does not exceed One hundred Tons, a Sum not exceeding Two Pounds:

Where such Tonnage exceeds One hundred Tons and does not exceed Three hundred Tons, a Sum not exceeding Three Pounds:

Where such Tonnage exceeds Three hundred Tons, a Sum not exceeding Four Pounds:

Fees to be paid for Certificates.

And such Fees, as well as such Forfeitures as herein-before mentioned, shall be paid to the Lords of the said Committee, or as they may direct, and shall be applied towards defraying the Expenses incurred in execution of this Act; and the Lords of the said Committee may regulate the Manner in which such Fees and Forfeitures are to be received, and in which they are to be kept, and in which they are to be accounted for.

Application of Fees and Forfeitures.

IX. Every Person who knowingly and wilfully makes or assists in making a false or fraudulent Declaration or Certificate with respect to any Vessel requiring a Certificate under 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 this Act, or any Words or Figures in any such Declaration or Certificate, or the Signature thereto, shall be deemed guilty of a Misdemeanor, or shall be liable, on summary Conviction, to a Penalty not exceeding Fifty Pounds, or to Imprisonment, with or without Hard Labour, not exceeding One Month.

Forgery of Declaration or Certificate to be a Misdemeanor, or subject Person summarily convicted to Fine or Imprisonment.

Survey of Steam Vessels and Number of Passengers.

Copy of Certificate to be placed in conspicuous Part of Vessel.

X. The Owner or Master of every Steam Vessel shall forthwith on Receipt of any such Certificate as aforesaid by him or his Agent from the Lords of the said Committee cause the same or a true Copy thereof, in distinct and legible Characters, to be put up in some conspicuous Part of the Vessel, so as to be visible to all Persons on board the same, and shall cause it to be continued so put up so long as such Certificate remains in force and such Vessel is in use, and in default such Owner, or if he can prove the Default to have been caused by the Master, such Master shall for every Offence be liable to a Forfeiture or Penalty not exceeding Ten Pounds.

Vessel not to proceed on her Voyage without Certificate.

XI. It shall not be lawful for any Steam Vessel (other than any such Mail Packet as aforesaid) to proceed to Sea or upon any Voyage or Excursion with any Passengers on board the Owner of which has not transmitted to the Lords of the said Committee the Declarations herein-before required, and the Owner or Master of which has not received from them a Certificate that the Provisions of the Law in that respect have been complied with as herein-before provided for, such Certificate being a Certificate applicable to the Voyage or Excursion on which such Vessel is proceeding; and no Officer of Her Majesty's Customs shall clear out any Steam Vessel (other than any such Mail Packet as aforesaid) for Sea or for any Voyage or Excursion, with Passengers on board, or grant to the Owner or Master thereof any Transire or other Customs Document necessary for the Conduct thereof, unless upon the Production of such Certificate as aforesaid (being a Certificate then in force); and if the Owner or Master of any Steam Vessel (other than any such Mail Packet as aforesaid) proceed to Sea or on any Voyage or Excursion, with any Passengers on board, without having such Certificate as aforesaid, or a true Copy thereof in distinct and legible Characters on board, and so put up as aforesaid in some conspicuous Part of the Vessel, (such Certificate being a Certificate then in force,) the Owner thereof shall for such Offence be liable to a Penalty not exceeding One hundred Pounds, and the Master of such Vessel shall also be liable to a further Penalty not exceeding Twenty Pounds.

No Officer of the Customs to clear out, &c. any Steam Vessels, but upon Production of Certificate.

Penalty on Owners and Masters of Vessels proceeding without Certificate.

Penalty on Owner, &c. for carrying more Passengers than specified in Certificate.

XII. If in any such Certificate the Number of Passengers which the Vessel to which such Certificate relates is constructed to carry is stated, it shall not be lawful to carry on board thereof any greater Number of Passengers, whether Deck Passengers or other Passengers, than the Numbers thereof respectively stated in such Certificate; and if the Owner or Master or other Person in charge of any such Vessel receive on board thereof, or if such Vessel shall at any Time have

have on board, any greater Number of Passengers, whether Deck Passengers or other Passengers, than the Numbers thereof respectively specified in such Certificate, the Owner or the Master or other Person having charge thereof shall forfeit a Sum not exceeding Twenty Pounds, and shall also forfeit Five Shillings for every Passenger over and above the Number so specified in the Certificate as aforesaid. *Survey of Steam Vessels and Number of Passengers.*

XIII. If any Person, after having been refused Admission into any Steam Vessel by the Owner or Person in charge thereof, or by any Person in the Employ of the Owner thereof, on account of such Steam Vessel being full, and after having had the full Amount of his Fare (if he has paid the same) returned or tendered to him, shall nevertheless persist in attempting to enter the same, or if any Person, having got on board any Steam Vessel, be requested, on the like Account, by the Owner or Person in charge thereof, or by any Person in the Employ of the Owner, to leave such Steam Vessel before the same has quitted the Place at which such Person got on board, and shall refuse so to do after having had the full Amount of his Fare (if he has paid the same) returned or tendered to him, then and in either of such Cases such Person shall for such Offence forfeit and pay to the Owner of such Vessel any Sum not exceeding Forty Shillings. **Penalty on Persons forcing their Way on board when Vessels are full.**

XIV. If any Person travel or attempt to travel in any Steam Vessel that has been duly surveyed in conformity with the Provisions of this Act without having previously paid his Fare, and with Intent to avoid Payment thereof, or if any Person having paid his Fare for a certain Distance knowingly and wilfully proceed in any such Vessel beyond such Distance without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof, or if any Person knowingly and wilfully refuse or neglect, on arriving at the Point to which he has paid his Fare, to quit such Vessel, every such Person shall for every such Offence forfeit and pay to the Owner of such Vessel a Sum not exceeding Five Shillings, in addition to the Fare payable by him. **Penalty on Persons refusing to pay their Fares or to quit the Vessel.**

XV. 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 of the Vessel or other Person in the Employ of the Owner thereof, to give his Name and Address, or who on such Application gives a false Name or Address, shall forfeit and pay to the Owner of such Vessel a Sum not exceeding Twenty Pounds. **Penalty on Offenders refusing to give their Name and Address.**

XVI. The Lords of the said Committee may from Time to Time appoint such Number of fit and proper Persons to be Shipwright Surveyors **Power for Board of Trade to appoint and**

remove Shipwright Surveyors, &c., and fix Rates of Remuneration.

Surveyors and Engineer Surveyors for the Purposes of this Act, at such Ports or Places as they think proper, and may from Time to Time remove such Surveyors or any of them, and they may from Time to Time fix, alter, or vary the Rates of Remuneration to be received by such Surveyors.

Surveyors to make Returns of the Build, &c. of Vessels, and Owners, &c. to give Information for that Purpose.

XVII. The said Surveyors shall make such Returns from Time to Time to the Lords of the said Committee with respect to the Build, Dimensions, Draft, Burden, Rate of Sailing, Room for Fuel, and the Nature and Particulars of Machinery of the Vessels surveyed by them, as shall be required by the Lords of the said Committee; and every Owner, Master, and Engineer of any such Vessel 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 be liable to a Penalty not exceeding Five Pounds.

Surveyors to act under Direction of the Board of Trade: to be allowed to go on board Steam Vessels to inspect, &c.

XVIII. The said Surveyors shall execute their Duties under the Direction of the Lords of the said Committee; and in the Execution of such Duties it shall be lawful for them to go on board any Steam Vessel at all reasonable Times, and 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 this Act or any of the Regulations to be made by virtue thereof apply, not unnecessarily detaining or delaying the Vessel from proceeding on any Voyage, and, if in consequence of any Accident to any such Vessel or for any other Reason they consider it necessary so to do, to require the Vessel to be taken into Dock for the Purpose of surveying the Hull thereof; and any Person who hinders any such Surveyor from going on board any such Steam Vessel, or otherwise impedes him in the Execution of his Duty under this Act, shall be liable to a Penalty not exceeding Five Pounds.

Penalty on Surveyors demanding or receiving Fees unlawfully.

XIX. Every such Surveyor who demands or receives, directly or indirectly, from the Owner or Master of any Vessel surveyed by him under the Provisions of this Act, any Fee or Remuneration whatsoever for or in respect of such Survey, otherwise than as the Agent, and by the Direction of the Lords of the said Committee, shall be liable to a Penalty not exceeding Fifty Pounds at the Suit of any Person whomsoever.

Build of Iron Steamers.

Iron Steamers to be

XX. That the Owner of every Steam Vessel built of Iron, of One hundred Tons Burthen or upwards, the building of which shall

Build of Iron Steamers.

shall have been commenced since the Twenty-eighth Day of *August* in the Year of our Lord One thousand eight hundred and forty-six, and the Owner of every Steam Vessel built of Iron of less Burthen than One hundred Tons, the building of which shall have commenced after the passing of this Act, except Vessels used solely as Steam Tugs, shall cause the same to be divided by transverse Water-tight Partitions, so that the Fore Part of the Vessel shall be separated from the Engine Room by One of such Partitions, and so that the After Part of such Vessel shall be separated from the Engine Room by another of such Partitions; and it shall not be lawful for the Officers of Her Majesty's Customs, or for any other Person, to grant a Certificate of *British* Registry to, or to clear out or grant a Transire to, or allow to proceed to Sea, any Iron Steamer of One hundred Tons Burthen or upwards, built since the said Twenty-eighth Day of *August* One thousand eight hundred and forty-six, or to any Iron Steamer of less Burthen than One hundred Tons built after the passing of this Act, except as aforesaid, unless the same be so divided as aforesaid; and if any Steamer herein-before required to be so divided proceeds to Sea without being so divided, the Owner shall be liable to a Penalty not exceeding One hundred Pounds.

divided by Water-tight Partitions.

Officers of Customs not to grant Certificates, except so divided.

Penalty on Owner for Neglect.

Safety Valves.

And with regard to Safety Valves, be it enacted as follows:

XXI. After the Thirty-first Day of *March* One thousand eight hundred and fifty-two it shall not be lawful for any Steam Boat, of which Surveys are required by the Provisions of this Act, to go to Sea, or to steam upon the Rivers of the United Kingdom, without having a Safety Valve upon each Boiler, free from the Care of the Engineer, and out of his Control and Interference; 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 Vessels to carry Safety Valves out of Control of Engineer, and to be deemed a necessary Part of Machinery.

Boats, &c. in Sea-going Vessels.

And with respect to the Boats and other Equipments to be provided for Sea-going Vessels, be it enacted as follows:

XXII. No decked Vessel, except Vessels used solely as Steam Tugs, shall proceed to Sea from any Port or Place in the United Kingdom whatsoever unless it shall be provided, according to its 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 following Table; provided that the said Limits of Dimension be not considered applicable to Vessels engaged in the Whale Fishery:

Sea-going Vessels to be provided with the Number of Boats and of the Dimensions herein mentioned.

TABLE.

Registered Tonnage.		Column 1. To be carried by Sailing Vessels and Steam Vessels.								Column 2. To be carried by Sailing Vessels and by Steam Vessels, unless they carry the Boats in No. 3.				Column 3. To be carried by Steam Vessels which do not carry the Boats in Col. 2.				Total Number of Boats.	
		Boats.				Boats.				Launches.				Boats.					
Sailing Vessels.	Steam Vessels.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Sailing Vessels.	Steam Vessels.
Tons.	Tons.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		
800 and upwards	500 and upwards	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	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	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	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	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	2 or 3
Under 100	Under 60	1	14	5 0	2 2	—	—	—	—	—	—	—	—	—	—	—	—	1	1

as the Case may be.

Note.—In the Case of Steam Vessels, Two Paddlebox Boats may be substituted for any Two of the Boats in Column 3.

And no such Vessel carrying more than Ten Passengers shall proceed to Sea unless, in addition to the Boats herein-before required, it also be provided with a Life Boat furnished with all Requisites for Use, or unless One of its Boats herein-before required be rendered buoyant after the Manner of Life Boats; and no such Vessel shall proceed to Sea with Passengers as aforesaid unless it also be provided with Two Life Buoys, to be kept ready for immediate Use: Provided, that the Enactments with respect to Boats and Life Buoys herein contained shall not apply in any Case in which a Certificate has been duly obtained under the Ninth Section of the Passengers Act, 1849.

Enactments with respect to Boats and Life Buoys in Sect. 9 of 12 & 13 Vict. c. 33. not to be affected.

No Steamer to proceed to Sea without being provided with a Hose, and Signals.

XXIII. No Steam Vessel, except Vessels used solely as Steam Tugs, shall proceed to Sea unless it shall be provided with a Hose adapted for the Purpose of extinguishing Fire in any Part of the Vessel, and capable of being connected with the Engines of the Vessel, 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, in the Discretion of the Master or Owner of such Vessel, with such other Means of making Signals as shall have been previously approved by the Lords of the said Committee.

XXIV. If

Boats, &c. in Sea-going Vessels.

XXIV. If any such Steam or other Vessel as aforesaid proceed to Sea without being provided with such Boats and other Equipments as herein-before required for such Vessel, or if any of such Boats or other Equipments be lost or rendered useless in the course of the Voyage through the wilful Fault or Negligence of the Owner or Master, or if in case of any of such Boats or Life Buoys being accidentally lost or injured in the course of the Voyage the Master or other Person having charge of the Vessel wilfully neglect to replace or repair the same on the first convenient Opportunity, then and in every Case where the Owner shall appear to be in fault he shall be liable to a Penalty not exceeding One hundred Pounds, and in every Case where the Master or other Person having charge of the Vessel shall appear to be in fault he shall be liable to a Penalty not exceeding Fifty Pounds.

Penalties on Masters, &c. neglecting to provide Boats, Equipments, &c.

XXV. It shall not be lawful for any Officer of Customs to clear out, or to grant a Transire to, or allow to proceed to Sea, any such Steam or other Vessel as aforesaid, unless the same is provided with such Boats and other Equipments as herein-before required for such Vessel; and in any Case in which any Vessel is delayed by reason of Non-compliance with any of the Provisions herein-before contained the Tide-waiter left on board shall be maintained at the Expense of the Master or Owner of such Vessel until such Provisions are complied with.

Officers of Customs not to clear out Vessels not complying with the above Provisions.

Lights, and Provisions against Accidents from Collision.

And with respect to the Lights to be carried, and other Provision to be made for guarding against Accidents from Collision, be it enacted as follows:

Admiralty to make Regulations as to Lights.

XXVI. The Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall from Time to Time make Regulations requiring the Exhibition of such Lights, by such Classes of Vessels, whether Steam or Sailing Vessels, within such Places and under such Circumstances as they think fit, and may from Time to Time revoke, alter, or vary the same, and they shall cause such Regulations to be published in the *London Gazette*, and to be otherwise publicly made known, and such Regulations shall come into operation on a Day to be named in such Gazette, and they shall cause such Regulations to be printed, and shall furnish a Copy thereof to any Owner or Master of a Vessel who applies for the same, and Production of the Gazette containing such Regulations shall be sufficient Evidence of the Purport and due making thereof; and all Owners and Masters or Persons having charge of Vessels shall be bound to take notice of the same, and shall, so long as the same continue in force, exhibit such Lights, and no others, at such Times, within

Penalty on Owners and Masters failing to obey them.

Lights, and Provisions against Accidents from Collision.

within such Places, in such Manner, and under such Circumstances as are enjoined by such Regulations; and in case of Default the Master or other Person having charge of any Vessel, or the Owner of such Vessel, if it appear that he was in fault, shall for each and every Occasion upon which such Regulations are infringed forfeit and pay a Sum not exceeding Twenty Pounds: Provided always, that all Regulations made by the said Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, under the Authority of the said recited Acts or either of them, and in force at the passing of this Act, together with the Penalties applicable thereto, shall continue and be in force as if the same had been made under this Act, until the same be revoked.

Existing Regulations to continue in force till revoked.

Rules to be observed by Vessels passing each other.

XXVII. Whenever any Vessel proceeding in One Direction meets a Vessel proceeding in another Direction, and the Master or other Person having charge of either such Vessel perceives that if both Vessels continue their respective Courses they will pass so near as to involve any Risk of a Collision, he shall put the Helm of his Vessel to Port, so as to pass on the Port Side of the other Vessel, due Regard being had to the Tide and to the Position of each Vessel with respect to the Dangers of the Channel, and, as regards Sailing Vessels, to the keeping of each Vessel under Command; and the Master of any Steam Vessel navigating any River or narrow Channel shall keep as far as is practicable to that Side of the Fairway or Mid-channel thereof which lies on the Starboard Side of such Vessel; and if the Master or other Person having charge of any Steam Vessel neglect to observe these Regulations or either of them, he shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Owners not entitled to Compensation in certain Cases of Collision, but Master to be liable to Penalty.

XXVIII. If in any Case of a Collision between Two or more Vessels it appear that such Collision was occasioned by the Nonobservance either of the foregoing Rules with respect to the passing of Steamers or of the Rules to be made as aforesaid by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral with respect to the Exhibition of Lights, the Owner of the Vessel by which any such Rule has been infringed shall not be entitled to recover any Recompence whatsoever for any Damage sustained by such Vessel in such Collision, unless it appears to the Court before which the Case is tried that the Circumstances of the Case were such as to justify a Departure from the Rule; and in case any Damage to Person or Property be sustained in consequence of the Nonobservance of any of the said Rules, the same shall in all Courts of Justice be deemed, in the Absence of Proof to the contrary, to have been occasioned

sioned by the wilful Default of the Master or other Person having the Charge of such Vessel, and such Master or other Person shall, unless it appears to the Court before which the Case is tried that the Circumstances of the Case were such as to justify a Departure from the Rule, be subject in all Proceedings, whether civil or criminal, to the legal Consequences of such Default.

Lights, and Provisions against Accidents from Collision.

XXIX. Whenever any Steam Vessel (other than a Ship of War) 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, Master, or other Person having the Charge of such Vessel 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 Lords of the said Committee, by Letter signed by such Master or other Person, a Report of such Accident or Damage, and the probable Occasion thereof, stating the Name of the Vessel, the Port to which she belongs, and the Place where she is; and if such Master or other Person neglect so to do he shall for such Offence be liable to a Penalty not exceeding Fifty Pounds.

Accidents to be reported to Board of Trade.

XXX. If the Owner of any Steam Vessel have Reason, owing to the Nonappearance of such Vessel, or to any other Circumstance, to apprehend that such Vessel has been wholly lost, he shall as soon as conveniently may be send Notice thereof in like Manner to the Lords of the said Committee, and if he neglect so to do within a reasonable Time he shall for such Offence be liable to a Penalty not exceeding Fifty Pounds.

Notice to be given of apprehended Loss of Steam Vessels.

Inspection of Steam Vessels.

And with regard to the Provision to be made for the Inspection of Steam Vessels, be it enacted as follows:

Board of Trade may send Inspectors on board Vessels whenever necessary.

XXXI. The Lords of the said Committee may from Time to Time, whenever it seems expedient to them so to do, appoint any of the Surveyors to be appointed by them as aforesaid, or any other fit Person, as an Inspector, to go on board any Ship or Vessel, to report to them whether the Provisions of this Act, or the Regulations made under or by virtue of this Act, have been complied with, and also whether the Hull and Machinery of such Vessel, if the same be a Steam Vessel, are sufficient and in good Condition, or to report to them upon the Nature and Causes of any Accident or Damage which such Vessel has sustained or caused, or is said to have sustained or caused.

Inspection of Steam Vessels.

Powers of Inspectors.

XXXII. It shall be lawful for any such Inspector as aforesaid, and also for any Person being a Member of the said Naval Department of the Board of Trade, to go on board any Steam Vessel at all reasonable Times, and 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 this Act or any of the Regulations to be made by virtue thereof apply, not unnecessarily detaining or delaying the Vessel from proceeding on any Voyage; and in all Cases of Accident or Damage such Inspector or other Person may make such Inquiries, and require Answers or Returns thereto, as to the Nature, Circumstances, and Causes of such Accident or Damage, as he thinks fit, and may, by Summons under his Hand, require the Attendance of all Persons whom he thinks fit to call before him upon any Question or Matter connected therewith or relating thereto, and may administer Oaths, and examine such Persons upon Oath, and may require and enforce the Production upon Oath of all Log Books, Accounts, Agreements, or other Papers or Writings in anywise relating to any such Matter as aforesaid, or in lieu of requiring and administering an Oath may require any Person to make and subscribe a Declaration of the Truth of the Matters respecting which he has been examined or interrogated: Provided always, that no Person shall be required, in obedience to any Summons from such Inspector or other Person, to travel more than Ten Miles from his actual Abode at the Time of receiving such Summons, unless such reasonable Allowance for Expenses in respect of his Attendance to give Evidence and of his Journeys to and from the Place where he may be required to attend for that Purpose be made and tendered to him as would be allowed to any Witness attending on Subpœna to give Evidence before any of Her Majesty's Courts at *Westminster;* and in case of any Dispute as to the Amount of such Expenses the same shall be referred by such Inspector, or other Person, to One of the Masters of Her Majesty's Court of Queen's Bench, and such Master shall, on a Request made to him for that Purpose under the Hand of such Inspector or other Person, ascertain and certify the proper Amount of such Expenses.

Proviso for Expenses of Witnesses.

Penalty for obstructing Inspectors.

XXXIII. If any Person wilfully impede such Inspector or other Person in the Execution of any Part of his Duty, whether on board any Ship or Vessel or elsewhere, every Person so offending, and all Persons aiding and assisting therein, may be seized and detained by such Inspector or other Person, or by any Persons called by him to his Assistance, until such Offender can be conveniently taken before some Justice of the Peace or other Officer having proper Jurisdiction; and every such Offender, and also every Person who refuses

to

to attend as a Witness before any such Inspector or other Person, when required so to do, in the Manner hereby directed, or who refuses or neglects to make any Answer, or to give any Return, or to produce any Document in his Possession, or to make or subscribe any Declarations which such Inspector or other Person is hereby empowered to require as aforesaid, shall for each Offence be liable to a Penalty not exceeding Five Pounds.

Legal Proceedings.

And with respect to legal Proceedings for enforcing the Provisions of this Act, be it enacted as follows:

Misdemeanors or Offences to be prosecuted by Information or Indictment.

XXXIV. All Misdemeanors or Offences created by this Act may be prosecuted by Information at the Suit of Her Majesty's Attorney General, or by Indictment or other appropriate legal Proceeding in any Court having appropriate Jurisdiction in any of Her Majesty's Dominions, and shall be punishable with Fine or Imprisonment, or both, as such Court thinks fit; and all Penalties and other Sums of Money hereby made payable or recoverable may be recovered, with Costs, and all Offences hereby made punishable may, unless previously punished as Misdemeanors, be prosecuted and punished, and the Costs of such Prosecution recovered, by some appropriate summary Proceeding, before Two or more Justices, or before a Judge exercising Maritime Jurisdiction, or other Officer or Officers having appropriate Jurisdiction in any Part of Her Majesty's Dominions; and all such summary Proceedings, if instituted in *England* or *Wales*, shall, so far as is consistent with the Provisions of this Act, be carried on in the Manner directed by an Act passed in the Session of the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders.*

11 & 12 Vict. c. 43.

Sheriffs in Scotland authorized to exercise Jurisdiction under 11 G. 4. & 1 W. 4. c. 69. to have same Powers, &c. as Justices exercise under this Act.

XXXV. Every Sheriff in *Scotland* shall, within his own County, and in all Places in which Sheriffs are authorized to exercise Jurisdiction in virtue of the Act of the Session of the Eleventh Year of King *George* the Fourth and First Year of King *William* the Fourth, Chapter Sixty-nine, have such Powers and be entitled to exercise such Jurisdiction under this Act as any Justices have or are entitled to exercise under the Provisions of this Act; and any Proceedings instituted under this Act before any such Sheriff may be conducted in the same Way as any summary Proceedings before any Sheriff Court in *Scotland* may for the Time being be lawfully conducted; and every Deliverance, Sentence, and Conviction of any Sheriff under this Act shall be final, and not subject to any Review whatsoever.

XXXVI. For

Legal Proceedings.

Jurisdiction to be where the Offence is committed and wherever Offender is.

XXXVI. 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 to be good if made personally, or at Abode, or on board Ship, &c.

XXXVII. Service of any Summons or other Matter 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 Vessel to which he belongs, and accompanied with a Statement of the Purport thereof to the Person in command or appearing to be in command or charge of such Vessel.

Proof of Issue and Transmission of Certificates.

XXXVIII. All Certificates purporting to be issued in pursuance of this Act by the Lords of the said Committee, and to be signed as herein-before 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 herein-before 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 Lords of the said Committee to the Master or Owner of any Steam Vessel it shall be sufficient to prove that the same was duly received by some Officer of Customs or other public Servant, and was by him delivered to or left at the Place of Abode or Business of such Master or Owner, or delivered to any Person in charge or appearing to be in charge of the Vessel to which the same relates.

Burden of Proof that a Ship is exempted.

XXXIX. If in any legal Proceeding under this Act any Question arises whether any Vessel is or is not within the Provisions of this Act, such Vessel shall be taken to be within such Provisions, unless Proof to the contrary is adduced.

Application of Penalties.

XL. Any Justice or other Court imposing any Penalty under this Act of which no specific Application is herein provided may, if he or 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 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 applied as the Lords of the said Committee direct, in aid of the Expenses to be incurred in execution of this Act.

XLI. No

Legal Proceedings.

Indictments to be preferred by Direction of the Board of Trade or of Commissioners of Customs.

XLI. No Indictment shall be preferred for any Offence against this Act, unless under the Direction of the Lords of the said Committee or of the Commissioners of Her Majesty's Customs, 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 herein-before contained, unless in the Name of some public Officer under the Direction of the Lords of the said Committee or of the said Commissioners respectively; and in any Indictment preferred or Suit or Proceeding instituted under this Act the Averment that the Lords of the said Committee or the Commissioners of Her Majesty's Customs have directed the same to be preferred or instituted shall be sufficient Proof of the Fact, unless the contrary is shown.

Penalties to be sued for within Six Months.

XLII. 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 before such Justice within Six Months next after the Commission of such Offence.

No Proceeding to be void for Informality or removed by Certiorari.

XLIII. No Conviction, Order, or other Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or otherwise into any Superior Court.

Distress not unlawful for Want of Form.

XLIV. No Distress levied in any Proceeding under this Act shall be deemed unlawful, nor shall any Person making the same be deemed a Trespasser, on account of any Defect of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Parties aggrieved by such Defect or Irregularity may recover Satisfaction for the special Damage in an Action.

Parties aggrieved may appeal to Quarter Sessions on giving Security.

XLV. If any Person shall think himself aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this Act, he may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless within One Month next after the making of such Determination or Adjudication Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the

Legal Proceedings.

Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

XLVI. At the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they judge reasonable, and they may make such Order concerning the Costs both of the Adjudication and of the Appeal as they think reasonable.

Miscellaneous.

Not to affect 12 & 13 Vict. c. 33.

XLVII. Nothing in this Act contained shall be taken to repeal or alter any of the Provisions of the "Passengers Act, 1849."

Not to extend to Ships of War or Foreign Vessels.

XLVIII. Nothing in this Act contained shall apply to any Ship belonging to Her Majesty, nor to any Vessel not being a *British* Vessel or a Vessel owned wholly or in part by *British* Subjects, nor to any Steam Ferry Boat working in Chains commonly called a Steam Floating Bridge.

Nothing to affect Privileges of Corporation of London.

XLIX. Nothing in this Act contained shall prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, Jurisdiction, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor of the said City for the Time being, nor prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being as Conservator of the River *Thames*, or otherwise, or the Lord Mayor and Court of Aldermen, or the Lord Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, under or by virtue of any Act of Parliament, did or might lawfully claim, use, or exercise.

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

L. The Master of every Steam Vessel 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 Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, with respect to the Exhibition of Lights, and shall at all Times keep the same on board his Vessel, and in case he refuse or neglect to do so shall be subject to a Penalty not exceeding Five Pounds.

Penalty for Neglect.

LI. This

LI. This Act shall come into operation on the Thirty-first of *December* after the passing thereof, and may be cited as "The Steam Navigation Act, 1851." Commencement of Act. Short Title.

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