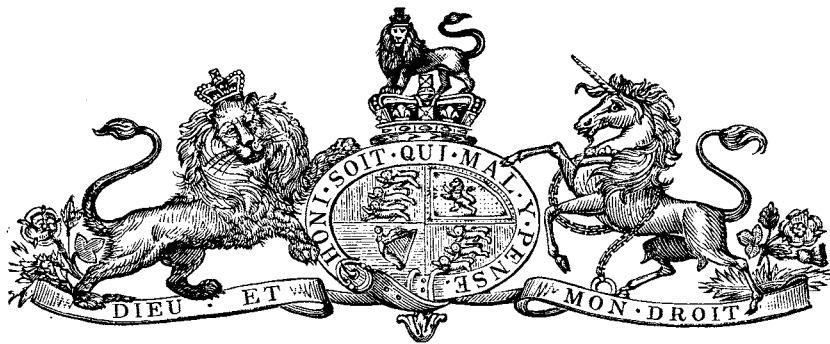


T A S M A N I A.



1892.

ANNO QUINQUAGESIMO-SEXTO

VICTORIÆ REGINÆ,

No. 57.

Amended by 57 Vict. No. 15
59 " " 27
61 " " 33
63 " " 36

AN ACT to further amend "The Marine Boards Act, 1889." A.D. 1892.

[Reserved, 21 December, 1892; Royal Assent proclaimed, 22 March, 1893.]

WHEREAS it is desirable to amend "The Marine Boards Act, 1889:" PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Marine Boards Amendment Act, 1892;" and, unless the context otherwise determines, the expression "the said Act" when used in this Act shall mean and include "The Marine Boards Act, 1889." Short title. 1892 Interpretation. 57 Vict. No. 34.

Load Lines.

2—(1.) The said Act shall be construed as if in the One hundred and fifty-first and One hundred and fifty-second Sections thereof the following Sub-section were inserted instead of the Sub-sections numbered (ii.) in those Sections respectively:— Compulsory marking of load line. [53 Vict. c. 9, s. 1.]

"ii. The centre of this disc shall be placed at such level below the deck line marked under the provisions of this Act as may be approved by the Governor in Council, and shall indicate the maximum load line in salt water to which it shall be lawful to load the ship."

(2.) Provided, that the position of the disc shall be fixed in accordance with the tables adopted by the Board of Trade of the United Kingdom or ~~Lloyd's Rules and Regulations~~, subject to such allowance as may be made necessary by any difference between the position of the deck line marked under the provisions of the said Act, and the position of the line from which freeboard is measured under the said tables, and subject also to such modifications (if any) of the tables and

57 Vic 15

Marine Boards Amendment.

A.D. 1892.

the application thereof as may from time to time be sanctioned by the Governor in Council.

(3.) In sanctioning any such modifications the Governor in Council shall have regard to any representations that may be made to him by any Marine Board or any Officer specially appointed for the survey of shipping by the Governor in Council for the purposes of this Act.

Position of disc.
[53 Vict. c. 9, s. 2]

3 The Governor in Council may appoint any officer of any Marine Board specially selected by the Board for that purpose to approve and certify on their behalf from time to time the position of any such disc as aforesaid and any alteration thereof, and may appoint fees to be taken in respect of any such approval or certificate.

Regulations.
Ib., s. 2.

4 The Governor in Council may make Regulations—

- i. Determining the lines or marks to be used in connection with the disc in order to indicate the maximum load line under different circumstances and at different seasons, and declaring that the provisions of the said Act are to have effect as if any such line were drawn through the centre of the disc;
- ii. As to the mode in which the disc and the lines or marks to be used in connexion therewith are to be marked or affixed on the ship, whether by painting, cutting, or otherwise;
- iii. As to the mode of application for and form of certificates under this Act; and
- iv. Requiring the entry of such certificates and other particulars as to the draught of water and freeboard of the ship in the official log-book of the ship or other publication thereof on board the ship, and as to delivering copies of such entries.

All such Regulations shall be published in the *Gazette*, and shall while in force have the same force and effect as if they were expressly enacted in this Act.

Ship marked under Imperial Act to be taken as marked under this Act.
[53 Vict. c. 9.]

5 Any ship marked with a load line in accordance with the provisions of "The Merchant Shipping Act, 1890," or marked by any authority recognised as competent for the purpose by any Order in Council made under the power contained in such last-mentioned Act, shall be deemed to be marked in accordance with this Act.

Definition of amidships.
Ib., s. 5.

6 For the purposes of the said Act, as amended by this Act, the expression "amidships" shall mean the middle of the length of the load water line as measured from the foreside of the stem to the aftside of the sternpost.

Life-saving Appliances.

Duty to carry boats and other appliances for saving life.
[51 & 52 Vict. c. 24, s. 1.]

7 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.

Power to make Regulations as to life-saving appliances.
Ib., s. 3.

8—(1.) The Governor in Council may from time to time make, rescind, and vary Regulations with respect to all or any of the matters mentioned in the Schedule to this Act.

(2.) All such Regulations shall be published in the *Gazette*, and shall, while in force, have the same force and effect as if they were expressly enacted in this Act.

Marine Boards Amendment.

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

A.D. 1892.

- i. If any ship required by Regulations 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 Regulations applicable to the ship ; or
- ii. 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
- iii. 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
- iv. If such appliances are not kept so as to be at all times fit and ready for use :

Penalty for breach of Regulations. [51 & 52 Vict. c. 24, s. 4.]

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.

10 In order to enforce compliance with the Regulations made under this Act, the following steps may be taken ; namely :—

Provisions for enforcing Regulations. *Ib.*, s. 5.

- i. Any Detaining Officer appointed under “The Marine Boards Act, 1889,” or any other person as the Board 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 Regulations, and shall for that purpose have all the powers given to Inspectors by Section Fifteen of *The Merchant Shipping Act, 1854*.
- ii. If any such Detaining Officer 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 in his opinion is requisite to remedy the same.
- iii. Every notice so given shall be communicated in such manner as the Board 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 the Detaining Officer or such person as aforesaid to the effect that the ship is properly provided with appliances for saving life at sea in pursuance of the Regulations.

11 The Regulations made under this Act shall not apply to any coast trade ship employed solely in fishing, and pleasure yachts.

Saving as to fishing vessels and yachts. *Ib.*, s. 6.

12—(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.

Saving as to offences under other law. *Ib.*, s. 7.

(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.

Marine Boards Amendment.

A.D. 1892.

Pilotage.

Inward bound vessels to receive a Pilot.

13 Section One hundred and eleven of the said Act is hereby repealed, and the following shall be and be deemed to be and may be cited as Section One hundred and eleven of the said Act; that is to say—

“ If the Master of any vessel not exempt from Pilotage, ~~or not employed in coasting only~~, arriving from any place beyond sea at or off any Port for which a Pilot is so licensed as aforesaid, and intending to enter such Port, does not immediately upon demand receive on board such vessel the licensed Pilot who first offers himself to conduct her into Port, or does not forthwith upon demand, and upon the Pilot producing if required his licence, give the vessel in charge to such Pilot, the Master so offending shall, over and above the amount which would have been payable for pilotage if the Pilot's services had actually been accepted, forfeit a penalty not exceeding Fifty Pounds.

“ Provided that the Master of any vessel not holding a Certificate of Exemption granted by the Marine Board of *Hobart* arriving from any place beyond sea at or off the Port of *Hobart*, and intending to enter such Port, shall not be liable to any penalty for not receiving on board such vessel any licensed Pilot who offers himself to conduct her into Port, or for not giving the vessel in charge to such Pilot; but every such vessel shall be liable to and shall pay the amount which would have been payable for Pilotage if the Pilot had actually been employed by the Master thereof”

expunged 59 Rec No 57

and being a vessel whose port of entry is within the colony of Tasmania

Certain vessels liable to pay Pilotage once in every year.

14 Notwithstanding anything to the contrary contained in Section One hundred and nine of the said Act, every vessel the Master whereof holds a Certificate of Exemption granted by the Marine Board of *Hobart* shall on entering the Port of *Hobart*, whether a Pilot be actually employed or not, pay the amount which would have been payable for Pilotage if a Pilot had been employed, unless such vessel shall already during the year then current have entered the said Port and paid a Pilotage Fee in respect of such entrance.

62 Rec No 36

Acts to be read together.

15 This Act and the said Act shall be read and construed together as one and the same Act, and the words and expressions used in this Act are to have the same meaning as those attached by the said Act to similar words and expressions.

Proceeding for penalties.

16 Any breach of this Act or of any Regulations made thereunder shall, where no other mode or remedy is by this Act specifically provided, be heard and determined in a summary way in the mode prescribed by *The Magistrates Summary Procedure Act*.

19 Vict. No. 8.

SCHEDULE.

Sect. 8.

MATTERS FOR WHICH THE REGULATIONS 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 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 method 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.