

No. 3 of 1886.

An Ordinance relating to Vessels carrying Passengers from any Port or Place in Ceylon to any other Port or Place in Ceylon.

(See No. 8 of 1891.)

WHEREAS it is expedient to provide regulations for licensing vessels carrying passengers from any port or place in Ceylon to any other port or place in Ceylon, and for securing the better safety and comfort of such passengers: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1 In this Ordinance—

The word "vessel" shall mean every description of decked vessel of the registered burden of over fifteen tons used in navigation, but shall not apply to any vessel propelled partly or wholly by steam, carrying upon any voyage from any port or place in Ceylon to any other port or place in Ceylon more than four passengers ;

Interpretation
clause :
" vessel "

The word "master" or "tindal" includes every person (other than a pilot) having command or charge of a vessel ;

" master "
" tindal "

The word "passenger" means a person above the age of twelve years, or two persons between the ages of one year and twelve years, but does not include a child under one year of age.

" passenger "

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Number of passengers to be carried in unlicensed vessel.

2 No vessel shall carry a greater number of passengers from any port or place in Ceylon to any other port or place in Ceylon than in the proportion of one passenger to every four tons of her registered burden without a license.

Number of passengers to be carried in licensed vessel.

3 Vessels may be licensed to carry passengers on any such voyage as aforesaid on the upper deck only, or both on upper deck and below it, in the following proportion and subject to the following conditions:—In the case of upper deck passengers, there shall be a clear space on deck of six superficial feet for each passenger; and in the case of below deck passengers, there shall be a clear space of eight superficial feet for each passenger on a deck or platform, or on the top of cargo or ballast, with not less than five feet clear between such deck, platform, cargo, or ballast and the upper deck. But no vessel shall be licensed as aforesaid unless provided with substantial bulwarks above the upper deck, and with suitable awnings to be spread whenever practicable, nor unless when carrying below deck passengers the required space for them is properly ventilated, and the cargo or ballast, in the absence of a deck or platform, is trimmed level and matted over.

Life-buoys and boats.

4 No vessel shall be licensed to carry passengers on any such voyage as aforesaid unless she is provided with two life-buoys; and also, according to her tonnage, with boats duly supplied with all requisites for use, and not being fewer in number nor less in their cubic contents than shall be required by the officer or other authorized person granting the license as hereinafter provided, anything which may be contained in the Merchant Shipping Ordinance, No. 7 of 1863, to the contrary notwithstanding; and such life-buoys and boats shall be kept so as to be at all times fit and ready for use.

Penalty on master of unlicensed vessel.

5 The master or tindal of any vessel which shall carry passengers on any such voyage as aforesaid, without a license, in a proportion exceeding that laid down in the 2nd section of this Ordinance, shall be liable to a fine not exceeding twenty rupees for each passenger in excess of such proportion.

Penalty on master of licensed vessel.

6 The master or tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, or who shall knowingly receive or allow to come on board such vessel a greater number of passengers than is specified in the license, intending to proceed to sea with such passengers on any such voyage, shall be liable for any such offence to a fine not exceeding twenty rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the license.

Penalty in respect of life-buoys and boats.

7 If any vessel hereinbefore required to be provided with life-buoys or boats shall proceed on any such voyage without being provided therewith; or if any of such life-buoys or boats are lost or rendered unfit for service in the

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course of the voyage through the wilful fault or negligence of the owner or master ; or if, in case of any of such life-buoys or boats 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 if such life-buoys and boats are not kept so as to be at all times fit and ready for use ; then, in any such case, if the owner is in fault, he shall incur a penalty not exceeding five hundred rupees, and if the master is in fault, he shall incur a penalty not exceeding one hundred rupees.

8 Passengers in a greater number than one passenger to every four tons of the burden of any vessel shall not be shipped except from such ports or places as shall be from time to time appointed by the Governor, by any order published in the *Government Gazette*; and the master or tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is above mentioned, shall be liable to a fine not exceeding twenty rupees for each passenger embarked.

9 It shall be at the discretion of the collectors of customs or such other persons as the Governor may from time to time appoint for the purpose to grant licenses to vessels under this Ordinance. The license shall describe the vessel, her tonnage and rig, the number of her life-buoys, boats, anchors, and cables, also the name of the owner and of the master or tindal, and the number of the crew, and shall specify the number of passengers she may carry and the space to be assigned for their accommodation ; Provided if any doubts shall arise whether any vessel about to proceed with passengers as aforesaid is seaworthy, so as to be fit for her intended voyage, and such doubts shall not be removed to the satisfaction of the collector of customs or such other person appointed by the Governor as aforesaid at the port or place from which such vessel is to be cleared out, it shall be lawful for such collector or other person to cause such vessel to be surveyed by such person as shall be appointed by the Governor for that purpose, and if it shall be reported by such surveyor that such vessel is not seaworthy with reference to such voyage, such vessel shall not be cleared out until such vessel shall have been rendered seaworthy.

10 The master or tindal of any vessel licensed to carry passengers who shall proceed on any such voyage without having laid in a supply of water and provisions for the passengers, according to a scale to be fixed by the collector of customs or such other person as the Governor may from time to time appoint for the purpose, and of which scale such master or tindal shall have had notice, shall be liable to a fine not exceeding one hundred rupees.

11 The master or tindal of any vessel licensed to carry passengers as hereinbefore provided shall sign and deliver, in duplicate, to the principal officer of customs at the place of embarkation, or to such other person as the Governor

Government to appoint ports or places for shipment of passengers when the number of passengers to be carried is greater than one to every four tons of burden.

Grant of license to vessels.

Supply of provisions on board passenger vessels plying coastwise.

List of passengers to be signed by master.

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Additional passengers.

may from time to time appoint for the purpose, a list substantially in the form A contained in the schedule to this Ordinance, of all passengers to be conveyed in such vessel, and such officer or other person, after satisfying himself of the correctness of the same, and that the number of passengers authorized is not exceeded, shall countersign and return one such list to the master or tindal, to be produced to the proper officer or person at the port or place to which the vessel is bound; and should any additional passengers engage to proceed by such vessel after such list has been so countersigned, the master or tindal may insert their number in the original list, obtaining the signature of the controlling officer or person as before. The officer in charge of the customs may withhold the port clearance till this provision is complied with.

Penalty for impeding entry or inspection.

12 The principal officer in charge of the customs at the place of embarkation, or any person authorized by him or by the Governor, shall be at liberty at all times to enter and inspect any passenger vessel and the fittings, provisions, and stores therein, and to muster the passengers and crew, and whoever impedes such entry, inspection, or muster, or refuses to allow the same, shall be liable to a fine not exceeding fifty rupees.

Penalty on landing passengers at a place other than at which he has contracted to land.

13 If any passenger in any vessel shall be landed at any port or place other than the port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea, or other unavoidable accident, the master shall for each offence be liable to a penalty not exceeding two hundred rupees.

Passenger's right of action preserved.

14 Nothing in this Ordinance contained shall take away or abridge any right of action which may accrue to any passenger or to any other person in respect of the breach or non-performance of any contract made with the master or owner of the vessel or his agent.

Adjudication of offences and recovery of penalties.

15 Any offence against this Ordinance, though the same may be beyond the jurisdiction of a police court by reason of the amount of punishment to which the offender is liable, shall and may nevertheless be inquired into, tried, and punished by the police court of the district in which the offence was committed, wholly or in part, or where the offender is found; and any fine imposed on the master or tindal of any vessel for a breach of this Ordinance may be recovered from the owner of such vessel or from his agent; and if the person directed to pay any penalty is the master or tindal of a vessel, and the same is not paid at the time and in the manner prescribed by the order of payment, the court ordering such payment may, in addition to the means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said vessel, her tackle, furniture, and apparel.

Sum ordered to be paid leviable by distress on vessel.

16 Any police magistrate imposing any penalties under this Ordinance may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings.

Application of penalties.

20* This Ordinance shall come into operation at such time as the Governor shall appoint by Proclamation† to be published in the *Government Gazette*.

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SCHEDULE A.

Name of Vessel.	Name of Master.	Tons per Register.	Port or Place of Embarkation.	No.	Port or Place at which Passengers have contracted to be landed.	Date of Departure.

19th January, 1886.

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