

## PART IV PASSENGER SHIPS

### *Survey of Passenger Steamers*

#### **208. Every passenger steamer to have certificate of survey**

(1) *Every passenger steamer shall be surveyed once at least in each year in the manner provided in this Part; and no ship (other than a steam ferry boat working in chains) shall proceed to sea or on any voyage or excursion with more than twelve passengers on board, unless there is in force in respect of the ship a certificate as to survey under this Part, applicable to the voyage or excursion on which the ship is about to proceed, or that voyage or excursion is in respect of which the Minister of Transport has exempted the ship from the requirements of this subsection. (No.15 of 1966)*

(2) A passenger steamer plying or carrying passengers to or from any port or place in the Federation, or attempting to do so, may be detained until such certificate as aforesaid is produced to the Port Officer *unless the voyage or excursion on which she is about to proceed is one in respect of which she has been exempted as aforesaid. (No.15 of 1966)*

(3) No steamer having a certificate granted -

(a) by the Ministry of Transport;

(b) by the Government of any part of Her Majesty's dominions where such certificate has been declared under section 284 of the Merchant Shipping Act, 1894, to be of the same force as if granted under that Act; or

(c) by the Government of any part of Her Majesty's dominions whose certificate is accepted by the *Surveyor-General of Ships (LN 332/58)* as being equivalent to a certificate granted under this Part;

shall so long as such certificate remains in force and applicable to the voyage on which the vessel is about to proceed require a certificate of survey under this Ordinance.

(4) Where a foreign steamer is a passenger steamer within the meaning of this Ordinance and the *Surveyor-General of Ships (LN 332/58)* is satisfied by the production of a foreign certificate of survey attested by a British consular officer at a port out of Her Majesty's dominions (not being a port in respect of official surveys at which Her Majesty in Council has under the proviso to section 363 of the Merchant Shipping Act, 1894, ordered that section of the said Act shall not apply) that the ship has been officially surveyed at that port and that such foreign certificate is to the like effect and has been granted after a like survey as, and in such manner as to be equally efficient with, the certificates granted for the same purpose under this Ordinance if such certificate is in force and applicable to the voyage or excursion on which the steamer is about to proceed, such certificate shall be of the same force as if it were a passenger steamer's certificate issued under this Part.

(5) The *Minister (LN 332/58)* may make rules to enable the number of passengers specified in a certificate of any of the kinds referred to in sub-sections (3) and (4) to be increased to such

number as the space in the steamer available for passengers under this Part will admit, and to provide that the certificate shall then have effect as if such increased number were substituted for the number specified in it but no increase in the number of passengers shall be made unless the steamer is equipped in the manner required by this Part.

(6) *Deleted (A792/91).*

(7) For every certificate issued under sub-section (4) such fees shall be paid as are prescribed by the *Minister. (LN 332/58)*

## **209. Surveys and declaration of survey**

(1) Subject to the provisions of the last preceding section, the owner, agent or master of every passenger steamer shall cause the same to be surveyed by a Surveyor of Ships appointed under this Ordinance.

(2) The Surveyor of Ships, if satisfied on the survey that he can with propriety do so, shall deliver to the owner, agent or master a declaration of survey in the form approved by the Surveyor-General of Ships.

## **210. Surveyors may direct repairs**

If the Surveyor of Ships finds that any steamer under survey by him is not provided in all respects as prescribed by this Ordinance, or requires repairs or additions to the vessel, or her machinery, boats, equipment, or articles on board thereof, the Surveyor shall give notice in writing to that effect to the person having the vessel surveyed, pointing out the deficiencies or defects, and requiring the same to be supplied, or made good; and shall not grant a declaration of survey till the same are supplied or made good to his satisfaction.

## **211. Transmission of declaration**

(1) The owner, agent or master of a passenger steamer surveyed shall, within fourteen days after the receipt by him of a declaration of survey, transmit it to the *Surveyor-General of Ships. (LN 332/58)*

(2) If an owner, agent or master fails without reasonable cause so to transmit a declaration of survey, he shall forfeit a sum not exceeding *fifty (792/91)* dollars for every day during which the

transmission is delayed, and any sum so forfeited shall be payable on the granting of a certificate in addition to the fee, and shall be applied in the same manner as the fee.

## **212. Issue of passenger steamer's certificate**

On the receipt of the declaration of survey, the *Surveyor-General of Ships (LN 332/58)* shall, if satisfied that this Part has been complied with, issue in duplicate a passenger steamer's certificate, that is to say, a certificate stating such compliance and stating, according to the declaration -

- (a) the voyage or class of voyages upon which the steamer is fit to ply, or the limits beyond which the steamer is not fit to ply; and
- (b) the number of passengers which the steamer is fit to carry, distinguishing, if necessary, the number to be carried in each part of the steamer, and any conditions and variations to which the number is subject.

## **213. If correctness of survey doubted Minister may order second survey**

(1) If any steamer is surveyed under this Ordinance, and if the Surveyor declines to grant any declaration of survey, or grants a declaration of survey with which the owner, agent or master of the steamer is dissatisfied, the *Minister (LN 332/58)* may, on the application of such owner, agent or master and on his paying such fee as is fixed by the *Minister (LN 332/58)* in each case, appoint two or more other competent surveyors to survey the said steamer.

### **Proceedings thereon**

(2) The surveyors so appointed shall forthwith survey the said steamer, and shall either decline to grant any declaration of survey, or shall grant such declaration of survey as under the circumstances seems to them proper.

### **To be final**

(3) If the surveyor appointed under this section unanimously agree as to the terms of a declaration of survey granted by them, such refusal or such declaration of survey shall be final and conclusive; but, if they do not agree, the refusal originally made, or the declaration of

surveys originally granted by the Surveyor who surveyed the said steamer in the first instance shall remain and be of full force and effect.

### **Re-survey after work completed**

(4) If the surveyors decline to grant a declaration under this section unless and until certain works required by them are done to their satisfaction, as soon as the work is done the steamer may be again surveyed by the same surveyors or by any surveyors authorized under this Ordinance, who may grant or refuse a declaration at their discretion.

### **Fees**

(5) For every survey made under this section such fees shall be paid as are fixed by the *Minister*.  
(LN 332/58)

### **214. Transmission of certificate**

(1) The *Surveyor-General of Ships (LN 332/58)* shall transmit the passenger steamer's certificate in duplicate to the Port Officer at the port mentioned by the owner, agent or master of the steamer for the purpose, or at the port where the owner, agent or master or his agent resides, or where the steamer has been surveyed, or is for the time lying.

(2) The *Surveyor-General of Ships (LN 332/58)* shall cause notice of the transmission to be given to the master or owner or his agent, and the officer to whom the certificate has been transmitted shall, on the owner, master or agent applying and paying the proper fee and other sums, if any, mentioned in this Ordinance as payable in that behalf, deliver to him both copies of the certificate.

(3) In proving the issue of a passenger steamer's certificate it shall be sufficient to show that the certificate was duly received by the said officer, and that due notice of the transmission was given to the owner, master or agent.

### **215. Fees for certificate**

The grantee of a passenger steamer's certificate shall pay the fees specified in the Fourth Schedule.

### **216. Duration of certificate**

(1) A passenger steamer's certificate shall not be in force for more than one year from the date of its issue or any shorter time specified in the certificate, nor after notice is given to the owner, agent or master of the steamer, that the *Minister (LN 332/58)* has cancelled it.

(2) If a passenger steamer is absent from the Federation at the time when the certificate expires, a fine shall not be incurred for want of a certificate until the first begins to ply with or carry passengers after her next return to the Federation.

### **217. Cancellation of certificate**

(1) The *Minister (LN 332/58)* may cancel a passenger steamer's certificate where he has reason to believe that -

- (a) any declaration of survey on which the certificate was founded has been in any particular made fraudulently or erroneously; or
- (b) the certificate has been issued upon false or erroneous information; or
- (c) since the making of the declaration the hull, equipment or machinery has sustained any injury, or is otherwise insufficient.

(2) In every such case the *Minister (LN 332/58)* may require the owner to have the hull, equipment or machinery of the steamer again surveyed, and to transmit a further declaration of survey, before the re-issue of the certificate or the grant of a fresh one in lieu thereof.

(3) Where any Port Officer or the Surveyor-General of Ships has reason to believe that the certificate of any passenger steamer is liable to cancellation under this section, he may detain the steamer pending the decision of the *Minister. (LN 332/58)*

### **218. Delivery of certificate**

(1) The *Surveyor-General of Ships (LN 332/58)* may require a passenger steamer's certificate, which has expired or been cancelled, to be delivered up as he directs.

(2) Any owner or master who fails without reasonable cause to comply with such requirement shall be liable for each offence to a fine not exceeding *one thousand (A792/91)* dollars.

## **219. Posting of certificate**

(1) The owner or master of every steamer required to have a passenger steamer's certificate shall forthwith on the receipt of the certificate by him or his agent cause one of the duplicates to be put in some conspicuous place on board the steamer, so as to be legible to all persons on board, and to be kept so put up and legible while the certificate remains in force and the steamer is in use.

(2) Any owner or master who fails without reasonable cause to comply with this section shall be liable for each offence to a fine not exceeding *five hundred (A792/91)* dollars.

(3) If a passenger steamer plies at or carried passengers to or from any port or place in the Federation, and this section is not complied with, the owner thereof shall be liable for each offence to a fine not exceeding *five thousand (A792/91)* dollars, and the master shall also be liable to a further fine not exceeding *one thousand (A792/91)* dollars.

## **220. Penalty for forgery of certificate or declaration**

Any person who -

(a) knowingly and wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration of survey or passenger steamer's certificate; or

(b) forges, assists in forging, procures to be forged, fraudulently alters, assists in altering, or procures to be fraudulently altered, any such declaration or certificate, or anything contained in, or any signature to, any such declaration or certificate;

shall be liable for each offence to a fine not exceeding *ten thousand (A792/91)* dollars or to imprisonment for a term not exceeding two years *or to both. (A792/91)*

## **221. Penalty for alteration in steamer after certificate obtained**

Any master who, after having obtained a passenger certificate, knowingly or negligently does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the steamer, her passengers, or other matters to which the certificate relates, shall be liable to a fine not exceeding *ten thousand (A792/91)* dollars or to imprisonment for a term not exceeding *two years (A792/91)* or to both.

### *Special Surveys*

## **222. Special survey may be ordered on any passenger steamer**

(1) The *Surveyor-General of Ships (LN 332/58)* may, at any time, if he thinks it necessary for the safety of the passengers, give special directions to a Surveyor of Ships for the survey by him of

any passenger steamer lying at any port of the Federation and intending to proceed to sea carrying passengers from the Federation, although such vessel has a passenger certificate still in force.

(2) Any vessel so ordered to be surveyed may be detained until so surveyed, and until a certificate as required by section 208 has been granted, or the requirements of the Surveyor have been otherwise complied with.

### **223. Equipment of passenger steamer with compasses, hose, deck shelters and safety appliances**

(1) A sea-going passenger steamer shall have her compasses properly adjusted from time to time to the satisfaction of a Port Officer and according to such regulation as are issued by the *Minister*. (LN 332/58)

(2) A *near-coastal trade* (A792/91) passenger steamer shall be provided with such shelter for the protection of deck passengers, if any, as the *Minister* (LN 332/58) having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, the safety of the ship, and the circumstances of the case, requires.

(3) A passenger steamer shall be provided with a safety-valve on each boiler, so constructed as to be out of the control of the engineer when the steam is up, and, if the safety-valve is in addition to the ordinary valve, so constructed as to have an area not less, and a pressure not greater, than the area of and pressure on the ordinary valve.

(4) If a passenger steamer plies at, or carries passengers to or from any port or place in the Federation, or attempts to do so, without being equipped as required by this section, then, for each matter in which default is made, the owner, if in fault, shall be liable to a fine not exceeding *five thousand* (A792/91) dollars, and the master, if in fault, shall be liable to a fine not exceeding *three thousand* (A792/91) dollars.

### **Prohibition of increasing weight on safety valve**

**224.** A person shall not increase the weight on the safety-valve of a passenger steamer beyond the limits fixed by the Surveyor, and, if he does so, he shall, in addition to any other liability he may incur by so doing, be liable for each offence to a fine not exceeding *five thousand* (A792/91) dollars.

### *Keeping Order in Passenger Steamer*

### **225. Offence in connection with passenger steamers**

(1) If any of the following offences is committed in the case of a passenger steamer for which there is a passenger steamer's certificate in force-

- (a) if any person, being reasonably supposed to be under the influence of alcohol or behaving in a disorderly manner, has been on that account refused admission thereto by the owner or any person in his employment, and, after having the amount of his fare, if he has paid it, returned or tendered to him, nevertheless persists in attempting to enter the steamer;
- (b) if any person, being reasonably supposed to be under the influence of alcohol or behaving in a disorderly manner on board the steamer, is requested by the owner or any person in his employ to leave the steamer at any place in the Federation at which he can conveniently do so, and, after having the amount of his fare, if he has paid it, returned or tendered to him, does not comply with the request;
- (c) if any person on board the steamer, after warning by the master or other officer thereof, molests or continues to molest any passenger;
- (d) if any person, after having been refused admission to the steamer by the owner or any person in his employ on account of the steamer being full, and having had the amount of his fare, if he has paid it, returned or tendered to him nevertheless persists in attempting to enter the steamer;
- (e) if any person having gone on board the steamer at any place, and being requested, on account of the steamer being full, by the owner or any person in his employ to leave the steamer, before it has quitted that place, and, having had the amount of his fare, if he has paid it, returned or tendered to him, does not comply with that request;
- (f) if any person travels, or attempts to travel, in the steamer without first paying his fare, and with intent to avoid payment thereof;
- (g) if any person, having paid his fare for a certain distance, knowingly and wilfully proceeds in the steamer beyond the distance without first paying the additional fare for the additional distance, and with intent to avoid payment thereof;
- (h) if any person, on arriving in the steamer at a point to which he has paid his fare, knowingly and wilfully refuses or neglects to quite the steamer;
- (i) if any person on board the steamer fails, when requested by the master or other officer thereof, either to pay him fare or to exhibit such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare for the steamer;

the person so offending shall be liable for each offence to a fine not exceeding *five hundred (A792/91)* dollars, but that liability shall not prejudice the recovery of any fare payable by him.

(2) Any person who on board any such steamer wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of the steamer, or to obstruct, impede or molest the crew or any of them, in the navigation or management of the steamer, or otherwise in the execution of their duty on or about the steamer, shall be liable for each offence to a fine not exceeding *two thousand (A792/91)* dollars.

(3) The master or other officer of any such steamer, and all persons called by him to his assistance, may, without any warrant, detain any person who commits any offence under this section, and whose name and address are unknown to the master or officer, and convey the

offender with all convenient despatch before a Magistrate's Court to be dealt with according to law, and the Court shall with all convenient despatch try the case in a summary manner.

(4) Any person who commits an offence under this section and on the application of the master of the steamer, or any other person in the employ of the owner thereof, refuses to give his name and address, or gives a false name or address, shall be liable to a fine not exceeding *two thousand (A792/91)* dollars, and the fine shall be paid to the owner of the steamer.

#### **226. Power to exclude drunken passenger**

(1) The master of any *near-coastal trade (substituted A895/1994)* passenger steamer may refuse to receive on board thereof any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance or injury to passengers on board, and, if any such person is on board, may put him on shore at any convenient place.

(2) A person so refused admittance or put on shore shall not be entitled to the return of any fare he has paid.

#### ***Rules Regarding Voyages***

#### **227. Ships to sail only from ports**

(1) A passenger steamer shall not depart, or proceed from, or receive on board or discharge or tranship passengers at any port or place within the Federation other than a port within the meaning of this Ordinance.

(2) After any such steamer has departed or proceeded on a voyage from any such port no person shall, except in case of distress, be received on board as a passenger except at some other port.

(3) No vessel, having taken on board any passenger from a passenger steamer lying outside the limits of any port of the Federation, shall land such passenger within any port or place within the Federation, and no vessel shall convey any person from any port or place within the Federation to a passenger steamer, lying outside the limits of any port of the Federation, for the purpose of such person being received on board as a passenger, unless the sanction of the Port Officer in writing has been previously obtained.

#### **Penalty for passenger steamer unlawfully departing or receiving passengers on board**

(4) If -

- (a) a passenger steamer departs, or proceeds on a voyage from, or receives on board or discharges or tranships passengers at, any port of place within the Federation in contravention of sub-section (1); or
- (b) a person is received as a passenger on board a passenger steamer in contravention of sub-section (2); or
- (c) a passenger is landed or conveyed in contravention of sub-section (3);

the master or owner of the passenger steamer or the passenger in charge of such vessel, as the case may be, shall, for every passenger carried in the steamer, or for every passenger so discharged, transhipped or received on board the steamer, or for every passenger so landed by or conveyed by the vessel, be liable to a fine of *five thousand (A792/91)* dollars, or to imprisonment for a term not exceeding *six months (A792/91)* or to both.

(5) The steamer or vessel, if found within two years in any port or place within the Federation, may be seized and detained by the Port Officer until the penalties incurred under this Part by her master or owner or person in charge have been adjudicated and the payment of the fines imposed on them with all costs has been enforced under this Ordinance.

(6) The aggregate term of imprisonment awarded under this section shall not exceed one year.

### **228. Notice to be given of day of sailing**

The master, owner or agent of any passenger steamer, departing or proceeding from any port in the Federation, shall give the prescribed notice to the Port Officer that the steamer is to carry passengers, and of her destination, and of the proposed time of sailing, and that a certificate under section 208 is in force and applicable.

### **229. Power to enter on and inspect steamer**

After receiving the notice, the Port Officer, Port Health Officer or a Surveyor of Ships may at all times enter on the steamer and inspect her and her fittings and the provisions and stores in her, and may muster and count the passengers on board.

### **230. Penalty for failing to supply passengers with prescribed provisions**

(1) Any master who without reasonable excuse, the burden of proving which shall lie upon him, omits to supply to any passenger the allowance of food, fuel and water prescribed by the rules under this Part, where applicable, or otherwise prescribed by law, shall be liable to a fine not

exceeding *one hundred (A792/91)* dollars for every passenger who has sustained detriment by the omission.

### **Supply by passengers of their own food**

(2) If a Port Officer is satisfied that a passenger has brought on board a passenger steamer for his own use food of the quantity and in the quantity for the time being prescribed by the rules under this Part, the requirements of this Part respecting the supply of food for passengers shall not apply so far as regards the supply of food for that passenger.

### **231. Foreign-going ships to carry medical practitioners**

(1) Every *foreign passenger steamer (No.49 of 55)* proceeding on or engaged in a voyage to which any rule made under section 244(1) (n) applies, and carrying one hundred persons or upwards on board, shall carry on board as part of her complement a medical practitioner duly qualified in accordance with any rules made by the *Minister (LN 332/58)* prescribing the qualifications that shall be required.

(2) if she does not, the owner and master shall be liable to a fine not exceeding *five thousand (A792/91)* dollars *or to imprisonment for a term not exceeding one year or to both. (A792/91)*

(3) This section shall not apply to any steamer complying with section 209 of the Merchant Shipping Act, 1894.

### **232. Boats in tow**

(1) No open boat in tow of any steamer, other than a licensed boat built or adapted for the purpose shall be allowed to carry passengers while so towed, except in case of accidents.

(2) If an open boat in tow of a steamer is allowed to carry passengers contrary to this section, the master of the steamer shall be liable to a fine not exceeding *five thousand (A792/91)* dollars and *one hundred (A792/91)* dollars for every passenger so carried.

### **233. Statement of number and nationality of passengers to be given by master to Port Officer**

(1) The master of a passenger steamer, on arriving at *or when departing from (inserted vide A895/1994)* any port in the Federation, shall forthwith deliver to the Port Officer a correct statement, in this Ordinance referred to as a passenger list, of the number and nationality of the passengers brought in his steamer, signed either by himself or by some person authorized by the owner or agent to sign such document.

(2) Any master who fails to comply with this section, or wilfully delivers to the Port Officer an incorrect statement of the passengers *carried (A895/1994)* in his steamer, shall be liable to a fine not exceeding *one thousand (A792/91)* dollars.

### **234. Regulations as to carrying of passengers generally**

(1) A passenger steamer shall not carry passengers, whether cabin or deck passengers, on more than one deck below the water line.

(2) If this section is not complied with in the case of any steamer, the master and the owner and the chinchew or supercargo, if any, shall be liable for each offence to a fine not exceeding *ten thousand (A792/91)* dollars *or to imprisonment for a term not exceeding one year or to both. (A792/91)*

### **235. Penalty for sailing without certificate of survey or in breach of terms of certificate**

The owner or master of any passenger steamer plying at or carrying passengers to or from any port or place in the Federation or attempting to do so without a certificate of survey in force as required or recognised by this Ordinance, or contrary to the terms of or without compliance with the requirements of such certificate, shall be liable to a fine not exceeding *five thousand (A792/91)* dollars.

### **236. Penalty for having excessive number of passengers on board**

(1) If a passenger steamer plying at or carrying passengers to or from any port in the Federation has on board *or if there has been received on board of any passenger steamer (A792/91)* a number of passengers which is greater than the number allowed for the steamer by or under this Part, the master and owner and chinchew or supercargo shall, for every passenger over and

above that number, be each liable to a fine not exceeding *three hundred (A792/91)* dollars, and the master and the chinchew or supercargo shall further be liable to imprisonment for a term not exceeding *one month (A792/91)* in respect of each such passenger .

(2) The aggregate term of imprisonment awarded under this section shall not exceed six months.

(3) The Port Officer may cause all passengers over and above the number allowed by or under this Part to disembark, and may forward them to any port at which they have contracted to land, and recover the cost of so forwarding them from the master or owner of the steamer as if the cost were a fine imposed under this Ordinance, and a certificate under the hand of that officer shall be conclusive proof of the amount of the cost aforesaid.

### **237. Penalty for bringing passengers from foreign port in excess of authorised number**

(1) If a passenger steamer carrying passengers from any port or place outside the Federation to any port or place in the Federation has on board a number of passengers greater than the number allowed for the steamer by or under this Part or than the number allowed by the certificate, if any, granted in respect of the steamer at her port or place of departure, the master and owner and chinchew or supercargo shall be each liable to a fine not exceeding *five thousand (A 792/91)* dollars and to a further fine not exceeding *three hundred (A 792/91)* dollars for every passenger in excess of that number.

(2) For the purpose of this section "certificate" means a certificate recognised as valid under the provisions of section 208.

### **238. Penalty for landing passengers at a place other than that at which he has contracted to land**

Any master of a passenger steamer who lands any passenger at any port or place other than the port or place at which the passenger has contracted to land, unless with his previous consent or unless the landing is made necessary by perils of the sea or other unavoidable accident, shall be liable for each offence to a fine not exceeding *one thousand (A792/91)* dollars or to imprisonment for a term which may extend to *six months (A792/91)* or to both.

### **239. Penalty for making voyage in contravention of contract with passengers**

If a passenger steamer, otherwise than by reason of perils of the sea or other unavoidable accident, touches at any port or place in contravention of any express or implied contract or engagement with the passengers with respect to a voyage which the steamer was to make and the time which that voyage was to occupy, whether the contract or engagement was made by public advertisement or otherwise, the master and owner shall each be liable to a fine not exceeding *five thousand (A792/91)* dollars or to imprisonment for a term not exceeding *six months, (A792/91)* or to both.

#### **240. Penalty for bringing passengers in filthy or insanitary passenger steamer**

(1) If any passenger steamer is found on its arrival in the Federation to be in a filthy or insanitary condition, the master of the ship shall be liable to a fine not exceeding *five thousand (A792/91)* dollars.

(2) The Port Health Officer shall inspect every such ship on its arrival in order to ascertain the sanitary condition thereof.

(3) No passenger steamer shall carry any cargo likely to injure the health or endanger the safety of the passengers.

(4) If any passenger steamer carries any cargo likely to injure the health or endanger the safety of the passengers the master of the steamer shall be liable on conviction to a fine not exceeding *ten thousand (A792/91)* dollars and the steamer may be detained until such fine is paid.

#### **241. Rules for numbering passengers**

(1) For the purpose of any legal proceeding under this Part, the passenger list delivered under this Part shall be received in evidence.

(2) Every person, ascertained to have been on board a steamer as a passenger at any time since her departure from her last port or place, shall be deemed to be still a passenger on the arrival of the steamer at any port or place in the Federation, whether such passenger is on board or not when the steamer is examined on such arrival.

### *Supplemental Provisions*

#### **242. Information to be sent to ports of embarkation and discharge**

(1) The Port Officer at any port or place within the Federation at which a steamer carrying passengers touches or arrives shall, with reference to the provisions of this Part, send any particulars which he deems important respecting the steamer and the passengers carried therein to the Port Officer at the port or place from which the steamer commenced her voyage and to the Port Officer at any other port or place within the Federation where the passengers or any of them embarked or are to be discharged.

(2) The Port Officer, Port Health Officer or a Surveyor of Ships at any port or place in the Federation at which a passenger steamer touches or arrives may enter on the steamer and inspect her in order to ascertain whether the provisions of this Part, as to the number of passengers and other matters, have been complied with.

### **243. Evidence**

In any proceeding for the adjudication of any penalty incurred under this Part -

- (a) any document purporting to be a report of such particulars as are referred to in section 242(1);
  - (b) any like document purporting to be made and signed by any consular officer of any foreign country; and
  - (c) any copy of the proceedings of any Court of Justice duly authenticated;
- shall, subject to all just exceptions, be received in evidence if it appears to have been officially transmitted to any officer at or near the place where proceedings are taken.

### **244. Power of Minister to make rules**

(1) The *Minister* (LN 332/58) may make rules to carry out the purposes of this Part and may, by such rules, arrange passenger steamers 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 passengers to be carried, and may further, by such rules, prescribe, in the case of any passenger steamer or class of passenger steamer -

- (a) the mode in which application for survey shall be made;
- (b) the number of superficial or cubic feet to be available for passengers;
- (c) the scale on which food, fuel and water shall be supplied to the passengers or to any class or classes of passengers, and the quality of the food, fuel and water to be carried on board for the voyage;
- (d) the nature and the extent of the hospital accommodation and the medical stores, disinfectants and other appliances and fittings to be provided on board for maintaining health, cleanliness and decency;
- (e) the anchors and cables to be provided on board;
- (f) the instruments for purposes of navigation to be supplied;

- (g) the provision of means for making signals of distress, and the supply of lights inextinguishable in water and fitted for attachment to life-buoys;
- (h) the functions of the master and other officers of the steamer during the voyage;
- (i) the access of between-decks passengers to the upper deck;
- (j) the nature of goods that may be carried as cargo on deck or between decks and the manner in which such goods may be stored;
- k) the local limits within which, and the time and mode at and in which, passengers shall be embarked or discharged at any port or place in the Federation *and the fees to be paid in respect of the embarkation or discharge of passengers* (A792/91);
- (l) the time within which the steamer or any steamer of the class shall depart or proceed on her voyage after commencing to take passengers on board, and the hours during or between which the steamer or any steamer of the class may put to sea;
- (m) the length of notice to be given under section 228; and
- (n) the voyage on which foreign-going passenger steamers carrying one hundred persons or upwards on board shall carry a medical practitioner and the qualifications of such medical practitioner.

(2) *The Minister, in making a rule under this section, may direct that any person who commits a breach of it shall be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both. (A792/91).*

(3) Except where the number of passengers permitted to be carried is increased in accordance with rules under section 208(5), rules made under paragraphs (a) to (i) of sub-section (1) shall not affect any passenger steamer holding a certificate referred to in sub-section (3) or (4) of section 208.

#### **245. Port Officer may send on passenger from near coastal trade ship if master or the ship fails to do so**

If any passenger of a *near-coastal trade* (A792/91) ship, British, Malayan or foreign, without any neglect or default of his own, finds himself within any port or place of or in the Federation not being the port or place for which the ship was originally bound, the Port Officer may forward such passenger to his intended destination, unless the master of such ship, within forty-eight hours of the arrival of such passenger, gives to the Port Officer a written undertaking to forward to carry on within two weeks, thereafter such passenger to his original destination, and unless such master accordingly forwards or carries him on within that period.

#### **246. Expenses incurred under section 245 to be a debt due to the Government**

All expenses incurred under section 245 or by the authority of such Port Officer, including the cost of maintaining the passenger, until forwarded to his destination and of all necessary

bedding, provisions and stores, shall become a debt to the Government from the owner, charterer and master of such ship, and shall be recoverable from them or any one or more of them accordingly, as in the case of other debts due to the Government.

#### **247. Procedure**

(1) A certificate, purporting to be under the hand of any such Port Officer, stating the total amount of such expenses, shall, in any suit or other proceeding for the recovery of such debt, be received in evidence without proof of the handwriting or of the official character of such Port Officer, and shall be deemed sufficient evidence of the amount of such expenses and that the same were duly incurred.

(2) It shall not be necessary to adduce on behalf of the Government any other evidence in support of the claim, but judgement shall pass for the Government with costs of suit, unless the defendant pleads and duly proves that such certificate is false or fraudulent or specially pleads and proves any facts showing that such expenses were not duly incurred under this Part.

(3) In no case shall a larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received, or due to and recoverable by or on account of the owner, charterer and master of such ship, or any of them, for or in respect of the whole number of passengers who have embarked in such ship, which total amount of passage money shall be proved by the defendant if he seeks to have the advantage of this limitation of the debt.

#### ***Exemptions***

#### **248. Power to exempt steamer from Part IV**

(1) The *Minister (LN 332/58)* may, subject to such conditions as he thinks fit, exempt any steamer or class of steamer from any provision of this Part not being a provision applicable to such steamer or class of steamer under the Merchant Shipping Acts.

(2) In imposing a condition under this section the *Minister (LN 332/58)* may direct that a breach of it shall be punishable with a fine not exceeding *one thousand (A792/91)* dollars, and, when the breach is a continuing breach, with a further fine not exceeding *one hundred (A792/91)* dollars for every day after the first during which the breach continues.

#### **249. Application of Part IV**

This Part shall not apply to any troop-ship or other ship in the service of Her Majesty or of His Highness the Ruler *or His Excellency the Governor (LN 332/58)* of any State, nor to any ship of war, troop-ship or other ship belonging to or for the time being in the services of any foreign State.