

**UNSEAWORTHY VESSELS.**

Ordinance No. 2 of 1875.

[20th September, 1875.]

Be it enacted by the Governor of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, as follows:—

1. Where the Governor has received a complaint or has reason to believe that any ship is by reason of the defective condition of her hull, equipments or machinery, or by reason of overloading, or improper loading, unfit to proceed to sea without serious danger to human life, he may if he think fit appoint some competent person or persons to survey such ship and the equipments, machinery and cargo thereof, and to report thereon to him.

Power to  
appoint inspec-  
tors of ships.

2. Any person so appointed may for the purposes of such survey require the unloading or removal of any cargo, ballast or tackle, and shall have all the following powers, that is to say:—

Powers of  
inspectors.

(1) He may go on board any ship and may 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 Ordinance apply, not unnecessarily detaining or delaying her from proceeding on any voyage.

(2) He may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make.

(3) He may by summons under his hand require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make.

(4) He may require and enforce the production of all books, papers or documents which he considers important for such purpose.

(5) He may administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

And every witness so summoned as aforesaid shall be allowed such expenses as would be allowed to any witness attending on subpoena to give evidence before any Court of record, and in case of any dispute as to the amount of such expenses, the same shall be referred by the Inspector to the Clerk of the Supreme Court, who, on a request made to him for that purpose under the hand of the Inspector, shall ascertain and certify the proper amount of such expenses; and every person who refuses to attend as a witness before any such Inspector, after having been required so to do in the manner hereby directed, and after having had a tender made to him of the expenses, if any, to which he is entitled as aforesaid, 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 any such Inspector is hereby empowered to require, shall for each such offence incur a penalty not exceeding ten pounds.

Penalty on obstructing inspector.

3. Any person who (having notice of the intention to hold such survey) wilfully does, or causes to be done, any act by which the person appointed to make such survey is prevented from or obstructed in ascertaining the condition of the ship, her equipments, machinery and cargo shall be liable to a penalty not exceeding fifty pounds.

Power to detain ship for survey.

4. The Governor may, if he think fit, order that any ship be detained for the purpose of being surveyed under this Ordinance, and thereupon any Officer of Customs may detain such ship until her release be ordered by the Governor.

Powers to detain or release ship after report of inspector.

5. Upon the receipt of the report of the person making any such survey, the Governor may, if in his opinion the ship cannot proceed to sea without serious danger to human life, make such further order as he may think requisite as to the detention of

the ship, or as to her release, either absolutely or upon the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the Governor may impose. He may also from time to time vary or add to such order.

6. A copy of any such order and of the report upon which it was founded, and also of any variation of or addition to such order, shall be delivered as soon as possible to the owner, consignee or master of the ship to which it relates.

Delivery of copy of report and order to owner, consignee or master of ship.

7. When a ship has been detained under this Ordinance, she shall not be released by reason of her British or Colonial register having been closed.

Closing of register not to effect detention.

8. If upon the survey of a ship under this Ordinance she is reported to have been at the time of the survey, having regard to the nature of the service for which she was then intended, unfit to proceed to sea without serious danger to human life, the expenses incurred in respect of the survey shall be paid by the owner of the ship to the Treasurer, and shall, without prejudice to any other remedy, be recoverable by suit or other proceeding at the instance of the Stipendiary Magistrate in the same manner as salvage is recoverable.

Expenses of survey of ship reported unseaworthy.

9. If upon such survey the ship is not reported to have been unfit to proceed to sea, having regard to the nature of the service for which she was intended, the Treasurer, on the warrant of the Governor, shall out of the general revenues of this Colony pay compensation to any person for any loss or damage which he may have sustained by reason of the detention of the ship for the purpose of survey, or otherwise in respect of such survey, and shall also pay in like manner the expenses of such survey.

Expenses of survey and damages if ship not reported unfit.

10. Where a complaint has been made to the Governor that a ship is not fit to proceed to sea, he may, if he think fit, before ordering a survey of the ship, require the complainant to give or provide such security as he may think sufficient for the payment

Power to demand security for expenses and damages.

of the costs and expenses which may be incurred in respect of the survey of the ship, and of all compensation which may be payable for loss or damage caused by detention for the purpose of such survey, or otherwise in respect of such survey.

As to expenses and damage if complaint made without reasonable cause.

11. Where a ship has been surveyed under this Ordinance in consequence of a complaint made to the Governor, if upon such survey being made it appear that such complaint was made without reasonable cause, the expenses incurred in respect of the survey of the ship and the amount, if any, which may have become payable out of the general revenues of this Colony in respect of any loss or damage caused by her detention, shall be recoverable from such complainant by action at the instance of the Stipendiary Magistrate, which may in form be for moneys paid out of the Treasury of this Colony at the request of such complainant.

Expenses to be paid out of general revenues of Colony.

12. All moneys payable in respect or by reason of the survey or detention of a ship under this Ordinance shall in the first instance, and subject to the right by this Ordinance provided of recovering such moneys from the complainant or owner of the ship, be paid out of the general revenues of this Colony on the warrant of the Governor.

Definition.

13. The term ship in this Ordinance shall include the Colonial schooners and all decked vessels of whatsoever tonnage, and howsoever propelled, having a British or British-Colonial register.

Short title.

14. This Ordinance may be cited as "The Ships Ordinance, 1875."

### **LICENSING.**

#### **Ordinance No. 11 of 1882.**

[1st December, 1882.]

Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows :—

Licence already held to be subject to this Ordinance.

1. All licences held at the commencement of this Ordinance, and all licensed persons and licensed premises holding, or in respect of which a licence