

CHAPTER 143.

SURVEY OF BOATS.

ARRANGEMENT OF SECTIONS.

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CHAPTER 143.

SURVEY OF BOATS.

An Ordinance to Prevent the Overcrowding and Overloading of Boats not exceeding Fifteen Tons burden engaged in carrying Passengers, Cattle or Cargo in the Rivers and along the Coasts of Sierra Leone, and to Prohibit the Use for those Purposes of any such Boat which is Manifestly Unsafe.

36 of 1932.
6 of 1940.

[28TH DECEMBER, 1932.]

1. This Ordinance may be cited as the Survey of Boats Ordinance. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.
“ boat ” means any vessel not exceeding fifteen tons burden however propelled and not licensed under the Ports and Inland Waters Ordinance. Cap. 138.

3. (1) This Ordinance shall apply to such areas of the Colony and Protectorate as the Governor in Council may from time to time by Order prescribe. Power of Governor in Council to apply Ordinance.

(2) Every such Order shall appoint one or more officers (hereinafter referred to as surveyors) to examine boats within the area it prescribes. Appointment of surveyors.

4. (1) Every boat used or intended to be used for carrying passengers, cattle or cargo within a prescribed area shall be examined by a surveyor once at least in every year. Survey of boats.

(2) The owner of every such boat shall apply to a surveyor to examine his boat, and shall bring his boat to such place and at such time as the surveyor may reasonably require for the purpose. Application for survey.

5. (1) The following periods shall be allowed to boat owners within which to comply with the provisions of section 4— Time within which survey must be made.

(a) in the case of boats which have been previously used for the conveyance of passengers, cattle or cargo in a prescribed area, two months from the application of this Ordinance thereto and thenceforward two months from the commencement of each succeeding year;

(b) in the case of boats not previously so used, one month from the commencement of such user and thenceforward two months from the commencement of each succeeding year.

Penalty for neglect or refusal to have boat surveyed.

(2) Every boat owner who neglects or refuses to apply for an examination of his boat and bring the same to be examined as aforesaid within the period provided for his case in subsection (1) shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty-five pounds or to imprisonment, with or without hard labour, for a period not exceeding three months. It shall also be lawful for the convicting court to make an order for the seizure of the boat in question and its detention until it has been examined by a surveyor.

Certificate of suitability and carrying capacity.

6. (1) A surveyor shall examine every boat brought to him or detained for that purpose as aforesaid. If satisfied that a boat is reasonably safe and suitable for carrying passengers and cargo, he shall issue a numbered certificate to that effect setting forth—

(a) the number of passengers (including crew) the boat may carry;

(b) whether or not it is suitable for carrying cattle, and if so how many cattle together with their attendants (including crew); and

(c) the vertical distance of the centre of the load line, as defined in section 8 (1) (b), from the top of the boat's gunwale amidships.

Form and duration of certificate of suitability.

Fees.

(2) Such certificate shall be in the form set out in the schedule, and shall remain in force until the 1st day of March in the year following the year of issue or the day of issue of a new certificate, whichever shall prove to be the earlier date. A fee of five shillings, which shall form part of the general revenue of Sierra Leone, shall be paid for every such certificate.

Power of surveyor to cancel certificate of suitability.

7. Notwithstanding anything in this Ordinance contained a surveyor may at any time cancel a certificate of suitability if, in his opinion, the boat in respect of which it was given has ceased to be reasonably safe and suitable for carrying passengers or cattle as therein mentioned.

Marking of load-line.

8. (1) As soon as a certificate of suitability is issued the surveyor shall, before the boat leaves the place of examination—

(a) mark the number to be registered under section 14 (1) in conspicuous figures of at least four inches in length on

each bow in white on a dark ground, or in black on a light ground; and

(b) mark upon each side of the boat midway between the stern and the stem, or as near thereto as is practicable, in white on a dark ground, or in black on a light ground, a circular disc six inches in diameter with a horizontal line twelve inches in length drawn through its centre.

(2) The centre of this disc shall be placed at the level specified in the certificate of suitability.

(3) When the certificate number and load line have been marked as aforesaid they shall not be moved, obliterated or altered in any way without the consent of a surveyor.

(4) Every boat owner or person in charge thereof who wilfully contravenes any of the provisions of sub-section (3) shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty-five pounds or to imprisonment, with or without hard labour, for a period not exceeding three months. It shall also be lawful for the convicting court, in the case of a second or subsequent offence against that sub-section, to make an order suspending the effect of the certificate of suitability for a period not exceeding twelve months.

Penalty for tampering with load line.

9. Subject to the provisions of section 5 (1), the owner of any boat carrying passengers, cattle or cargo without having a valid effectual certificate of suitability in respect thereof shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding six months.

Penalty for carrying passengers, cattle and/or cargo without a certificate.

10. The owner or person in charge of any boat carrying—

(a) passengers (including crew) in excess of the number specified in its certificate of suitability; or

(b) cattle when not certified as suitable for that purpose; or

(c) cattle and attendants (including crew) in excess of the number specified in its certificate of suitability; or

(d) passengers other than attendants when laden with cattle; or

(e) cargo which, whether of itself or in conjunction with persons or cattle, submerges the load-line; or

(f) goods, animals or persons on the awning,

Penalty for overcrowding and over-loading.

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty-five pounds or to imprisonment, with or without hard labour, for a period not exceeding three months. In case of a second or subsequent offence against this section it shall also be lawful for the convicting court to make an order suspending the effect of the certificate of suitability for a period not exceeding twelve months.

Power of surveyor to replace a lost certificate.

11. In the event of a certificate of suitability being mislaid, lost or destroyed, a surveyor may issue a new certificate in lieu thereof on payment of a fee of five shillings which shall form part of the general revenue of Sierra Leone.

Certificate of suitability to be produced on demand.

12. The owner or person in charge of a boat shall, on demand made by a surveyor, officer of Customs, or constable produce the certificate of suitability issued in respect of such boat. Any neglect or refusal to comply with any such demand shall constitute an offence punishable, on summary conviction, by a fine not exceeding five pounds or, in default of payment, by imprisonment, with or without hard labour, for a period not exceeding one month.

Penalty for improper use of a certificate.

13. (1) If the owner or person in charge of a boat produces on demand made as aforesaid, or uses or attempts to use, for its navigation, a certificate of suitability not legally issued in respect of such boat, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding six months.

(2) If any boat owner lends the certificate of suitability issued in respect of his boat to the owner or person in charge of any other boat for the purpose of being produced or used as aforesaid, he shall be guilty of an offence and liable, on summary conviction, to the penalties specified in sub-section (1).

Register of boats to be kept.

14. (1) The senior officer appointed as a surveyor in a prescribed area shall keep a book wherein he shall enter particulars of all boats within that area in respect of which certificates of suitability are issued, the names and addresses of the owners thereof, the date and number of the certificate of suitability issued in respect of each such boat, and the particulars set forth in each certificate, and the registered number marked on each boat.

(2) Every such book shall be open to public inspection at the office of the surveyor who keeps it on the ordinary days and during the ordinary hours of business, and the person whose name is entered therein as the owner of any boat shall, for the purposes of this Ordinance, be deemed to be the lawful owner thereof unless it is proved, to the satisfaction of the Court, that he is not the lawful owner.

Register to be open to public inspection and to be prima facie evidence of ownership.

15. The Governor in Council may, from time to time, make rules for the better or more convenient carrying into effect of the provisions and purposes of this Ordinance.

Power of Governor in Council to make rules.

SCHEDULE.

Section 6 (2).

CERTIFICATE OF SUITABILITY.

No.....

I the undersigned, being a surveyor appointed for the area prescribed by the..... Order in Council.....19....., hereby certify that on the..... day of.....19....., I examined the boat..... belonging to..... and that I satisfied myself that it is reasonably safe for carrying passengers (including crew) not exceeding..... and that it is suitable* for carrying cattle not exceeding*..... and attendants not suitable (including crew) not exceeding..... * The vertical distance of the centre of the load line from the top of the boat's gunwale amidships is.....

Surveyor.

Issued at..... this..... day of..... 19.....
Fee paid 5/-.

* Strike out the words which do not apply.