

CHAPTER 18. No. 6.

MOTOR LAUNCHES.

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF
MOTOR LAUNCHES.

Ordinances.
Ch. 18. No. 6.
1940.
No. 1-1944.
„ 31-1950.

[1st July, 1927.]

Commence-
ment.

1. This Ordinance may be cited as the Motor Launches Ordinance. Short title.

2. In this Ordinance—

Interpre-
tation.

“Board” means any two persons appointed to be examiners under section 12;

“captain” means the person in charge of a motor launch;

“engineer” means the person in charge of the engine of a motor launch;

“motor launch” means any steam launch, motor boat or other vessel propelled by mechanical power, not exceeding one hundred feet in length;

“owner” includes owner, charterer, agent or manager for an owner or charterer, master, and/or other person for the time being having the management or control of a motor launch;

“passenger” means any person not being a member of the crew of a motor launch;

“regulations” means regulations made under section 15.

3. The Governor may appoint such fit and proper persons to be surveyors of motor launches as he thinks proper. Appointment of surveyors.

Survey every
12 months.

4. The owner of every motor launch shall cause the same to be surveyed once in every twelve months by a surveyor appointed as aforesaid, and such surveyor, if he is satisfied that the said motor launch is in good condition in hull, machinery and prescribed equipments, shall furnish the Harbour Master of Port-of-Spain with a declaration containing statements of the following particulars:—

(a) that the hull, machinery and prescribed equipments of the motor launch are in good condition and that she is in all respects fit to be employed as a motor launch;

(b) the limits (if any) beyond which, as regards the hull, machinery and equipments, the motor launch is not fit to ply;

(c) the crew required for the safe navigation of the motor launch;

(d) the number of passengers the motor launch is, in his judgment, capable of carrying with safety;

(e) any other particulars which may be prescribed.

Licensing
of motor
launches.

Ord. 1-1944,
s. 2.

5. The Harbour Master of Port-of-Spain shall, on receipt of the declaration hereinbefore mentioned and on payment to the Accountant General of the prescribed fees, issue a licence under this Ordinance in the prescribed form, and such licence shall be in force for twelve months from the date thereof, unless previously revoked.

Revocation
of motor
launch
licences.

Ord. 1-1944,
s. 2.

6. The Harbour Master of Port-of-Spain may revoke a licence under this Ordinance in any case in which he has reason to believe—

(a) that the declaration of the sufficiency and good condition of the hull, machinery and equipments of any motor launch has been fraudulently or erroneously made, or

(b) that such licence has been otherwise issued upon false or erroneous information, or

(c) that since the making of such declaration the hull, machinery or equipments have sustained any injury or are otherwise insufficient;

and in every such case the Harbour Master of Port-of-Spain

may, if he thinks fit, require the owner to have such motor launch again surveyed, and shall require from the surveyor a further declaration of the sufficiency and good condition thereof before issuing a new licence.

7. It shall be lawful for any Harbour Master and for any Assistant Harbour Master or surveyor to go aboard any motor launch at all reasonable times and to inspect the same or any part thereof, and if in consequence of any accident to any such motor launch or for any other reason he considers it necessary so to do, to require the motor launch to be placed in such a position that the whole of her hull may be examined; and any person who hinders any Harbour Master or any Assistant Harbour Master or surveyor from going aboard any such motor launch or otherwise impedes him in the execution of his duty shall be guilty of an offence under this Ordinance.

Inspection
by surveyors.

8. (1) A person shall not serve on a motor launch carrying passengers as captain or engineer (if an engineer be required) unless he is duly licensed in that behalf under this section, and a person shall not employ any person as captain or engineer (if an engineer be required) who is not so licensed on a motor launch carrying passengers. If any person acts in contravention of this section he shall be guilty of an offence under this Ordinance.

Licensing of
captains and
engineers.
Ord. 31-1950,
s. 2.

(2) The Harbour Master of Port-of-Spain shall on payment of the prescribed fee grant a licence as captain or engineer of a motor launch, or a particular description of motor launch, as the case may be, to any person applying for it, if such person is duly qualified under this Ordinance and under the regulations.

(3) A licence granted under this section shall be in the prescribed form, and shall commence on the date on which the same shall be granted, and shall be valid for three years. Every such licence shall be renewable subject to such re-examination (if any) as may be prescribed:

Provided that if it appears to the Harbour Master of Port-of-Spain that there is reason to believe that any person who holds a licence granted under this section as

Captain of a motor launch is suffering from a disease or physical disability likely to cause the navigation by him of a motor launch or of a particular description of motor launch to be a source of danger to the public or to shipping, the Harbour Master of Port-of-Spain may forthwith suspend the operation of the licence by giving written notice of such suspension to the holder of the licence. On receipt of such notice the holder of the licence shall, as soon as possible, deliver the licence to the Harbour Master of Port-of-Spain and failure so to do shall be an offence under this Ordinance. So long as any licence is suspended under this proviso, the holder of the licence shall be deemed not to be duly licensed under this Ordinance. Any person whose licence has been suspended may submit himself for examination by a Government Medical Officer to be appointed by the Director of Medical Services and shall be so informed by the Harbour Master of Port-of-Spain in the written notice informing him of his suspension. If a person whose licence has been suspended shall inform the Harbour Master of Port-of-Spain within seven days of the service upon him of the notice of suspension of his desire to be so examined, the Harbour Master of Port-of-Spain shall make arrangements for such examination in consultation with the Director of Medical Services. The Director of Medical Services on receiving the report of the Government Medical Officer shall inform the Harbour Master of Port-of-Spain in writing whether or no he is of opinion that the holder of the licence is suffering from a disease or physical disability as aforesaid. If the holder of a licence which has been suspended does not inform the Harbour Master of Port-of-Spain of his desire to be medically examined as provided herein or if after he has been so examined the Director of Medical Services shall inform the Harbour Master of Port-of-Spain that he is of opinion that the holder of the licence is suffering from a disease or physical disability as aforesaid, the Harbour Master of Port-of-Spain shall revoke the licence and inform the holder thereof accordingly in writing. If the Director of Medical Services does not report that the holder of the licence is suffering from a disease or physical disability, the suspension of the licence shall cease and the Harbour Master of Port-of-Spain shall forthwith return the licence to the holder thereof.

(4) It shall be lawful for any Harbour Master or any Assistant Harbour Master or any Customs Officer, or any member of the Police Force in uniform, to require any person acting as captain, or engineer (if an engineer be required), to produce his licence for inspection; and if any such person shall fail to produce his licence when so required he shall be guilty of an offence.

9. If any motor launch shall be used for carrying passengers—

Offences.
Ord.31-1950,
s. 3.

(a) without being duly licensed under this Ordinance,
or

(b) without a captain and engineer (if an engineer be required), duly licensed under this Ordinance, or

(c) having on board a larger number of passengers than she is licensed to carry,

the owner thereof shall be guilty of an offence:

Provided that the owner of a motor launch shall not be convicted of an offence under this section if the licence of the captain of the motor launch shall have been suspended or revoked in accordance with the provisions of the preceding section unless he shall have been notified in writing by the Harbour Master of Port-of-Spain that the licence has been so suspended or revoked.

10. If the captain or engineer of any motor launch who commits an offence under this Ordinance or under the regulations refuses to give his name or address, or gives a false name or address, he shall be guilty of an offence; and it shall be the duty of the owner of the motor launch if required, to give any information which it is within his power to give, and which may lead to the identification and apprehension of such captain or engineer, and if the owner fails to do so he shall also be guilty of an offence.

Refusing to
give name or
address or
giving false
name or
address.

11. Every person who is guilty of any offence under this Ordinance, or under the regulations, for which no penalty is prescribed, shall be liable, on summary conviction, to a fine of two hundred and forty dollars.

Procedure
and
penalties.

Appointment
of Board of
examiners.

12. The Governor may appoint such fit and proper persons to be examiners of captains and engineers of motor launches as he thinks proper, and any two of such persons shall form a Board.

Certificates
of com-
petency.

13. The Board shall deliver to every person who has passed the prescribed examination satisfactorily or has otherwise satisfied the Board of his competency to act as captain or engineer of a motor launch, or a particular description of motor launch, a certificate in the prescribed form (hereinafter called a "certificate of competency") to the effect that he is competent to act as captain or engineer of a motor launch, or a particular description of motor launch, as the case may be.

Suspension
of licence
and dis-
qualification.

14. (1) Any court before which a person is convicted of an offence under this Ordinance or the regulations, or of any offence in connection with the navigation or use of a motor launch under any other Ordinance or any regulation made thereunder or at Common Law—

(a) may, if the person convicted holds any licence under this Ordinance, suspend that licence for such time as the court thinks fit, and if the court thinks fit, also declare the person convicted disqualified for obtaining any licence under this Ordinance for such further time after the expiration of the licence as the court thinks fit; and

(b) may, if the person convicted does not hold any licence under this Ordinance, declare him disqualified for obtaining a licence for such time as the court thinks fit; and

(c) shall, if the person convicted holds any licence under this Ordinance, cause particulars of the conviction and of any order of the court made under this section to be endorsed upon any licence held by him, and shall also cause a copy of those particulars to be sent to the Harbour Master of Port-of-Spain.

(2) Any person so convicted, if he holds any licence under this Ordinance, shall produce the licence within a reasonable time for the purposes of endorsement, and if he fails to do so shall be guilty of an offence.

(3) A licence so suspended by the court shall during the term of suspension be of no effect, and a person whose licence is suspended shall during the period of suspension be disqualified for obtaining a licence.

(4) Any person who by virtue of an order of the court under this section has his licence suspended or is disqualified for obtaining a licence may appeal against the order, in the same manner as a person may appeal under the provisions of the Summary Courts Ordinance, and the court may if it thinks fit, pending the appeal, defer the operation of the order: Provided that in case of such appeal no notice of reasons for appeal shall be necessary.

(5) If any person, who under the provisions of this Ordinance is disqualified for obtaining a licence, applies for or obtains a licence while he is so disqualified, or if any person whose licence has been endorsed applies for or obtains a licence without giving particulars of the endorsement, such person shall be guilty of an offence, and any licence so obtained shall be of no effect.

15. (1) The Governor in Council may make regulations— Regulations.

(a) providing for the registration and identification of motor launches;

(b) prescribing the equipment to be carried by motor launches;

(c) prescribing the lights to be carried by motor launches;

(d) as to the examination, survey, inspection and measuring of motor launches, and as to the declarations to be made with regard thereto, and as to the notice to be given to the surveyors when surveys are required, and as to the amount and payment of any travelling or other expenses incurred by surveyors in the execution of their duties;

(e) prescribing the crew to be carried by motor launches;

(f) as to the examination of captains and engineers of motor launches, the conduct of the examinations, and the granting and form of certificates of competency and special certificates;

(g) as to the licences to be granted by the Harbour Master of Port-of-Spain under this Ordinance, and in particular as to the qualifications to be required to be possessed by captains and engineers respectively; and as to the grounds for suspending and cancelling licences and for refusing to grant or renew licences to persons offending against this Ordinance or the regulations, or who have been convicted either summarily or on indictment of any offence whatsoever; and as to the surrender by holders thereof of suspended or cancelled licences and the manner of dealing with the same; and as to the registration of such licences and the renewal of licences;

(h) prescribing the fees to be paid for any certificate or licence issued, or act done, under this Ordinance;

(i) for regulating the conduct of the crew and passengers of motor launches;

(j) prescribing the charges to be paid for the hiring or use of motor launches;

(k) providing for all such matters as are authorised by this Ordinance to be prescribed;

(l) generally for the better carrying out of the provisions of this Ordinance.

(2) Any person who shall contravene or fail to comply with any regulation made under this section shall be guilty of an offence.

(3) Regulations made under this section shall have no force or effect until they have been approved by the Legislative Council.

Saving of
other
powers.

16. Nothing in this Ordinance shall be deemed to affect the provisions of any other law, provided that a person shall not be punished twice for the same offence.

Application.

17. This Ordinance shall not apply to motor launches forming part of the equipment of an ocean-going vessel or to motor launches used solely as private pleasure launches. A motor launch used for conveying passengers for payment in money or in kind shall not be deemed a private pleasure launch.