

MOTOR LAUNCHES ACT

CHAPTER 50:08

Act

21 of 1926

Amended by

1 of 1944

31 of 1950

186/1983

4/1985

17 of 1985

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Note on Application of Act

See section 5(c) of the United States Defence (Area) Agreement Ordinance, 1961 (12 of 1961) exempting vessels owned or operated by or on behalf of the Government of the United States from the operation of this Act.

Note on Delegation of Functions

See the following Legal Notices for the “Delegation of Functions” under this Act:

- (a) Legal Notice No. 202/1958;
- (b) Legal Notice No. 65/1962;
- (c) Legal Notice No. 15/2003.

CHAPTER 50:08

MOTOR LAUNCHES ACT

ARRANGEMENT OF SECTIONS

SECTION

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CHAPTER 50:08

MOTOR LAUNCHES ACT

1950 Ed.
Ch. 18 No. 6.
21 of 1926.

An Act to provide for the regulation of Motor Launches.

Commencement.

[1ST JULY 1927]

Short title.

1. This Act may be cited as the Motor Launches Act.

Interpretation.
[186/1983].

2. In this Act—

“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;

“Harbour Master” means the Harbour Master of Port-of-Spain;

“motor launch” means any steam launch, motor boat or other vessel propelled by mechanical power, not exceeding thirty and a half metres 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.

Appointment of surveyors.

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

Survey every twelve 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 the surveyor, if he is satisfied that the motor launch is in good condition in hull, machinery and prescribed equipment, shall furnish the Harbour Master with a declaration containing statements of the following particulars:

(a) that the hull, machinery and prescribed equipment 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 equipment, 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.

5. The Harbour Master shall, on receipt of the declaration mentioned in section 4 and on payment to the Comptroller of Accounts of the prescribed fees by the owner, issue a licence under this Act in the prescribed form, and the licence shall be in force for twelve months from the date thereof, unless previously revoked.

Licensing of motor launches. [1 of 1944].

6. The Harbour Master may revoke a licence under this Act in any case in which he has reason to believe—

Revocation of motor launch licence. [1 of 1944].

- (a) that the declaration of the sufficiency and good condition of the hull, machinery and equipment of any motor launch has been fraudulently or erroneously made; or
- (b) that the licence has been otherwise issued upon false or erroneous information, or
- (c) that since the making of the declaration the hull, machinery or equipment have sustained any injury or are otherwise insufficient,

and in every such case the Harbour Master may, if he thinks fit, require the owner to have the 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. The Harbour Master or any Assistant Harbour Master or surveyor may go aboard any motor launch at all reasonable times and inspect the same or any part thereof, and if in consequence of

Inspection by surveyors.

any accident to any such motor launch or for any other reason he considers it necessary to do so, 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 is guilty of an offence under this Act.

Licensing of
captains and
engineers.
[31 of 1950].

8. (1) A person shall not serve on a motor launch carrying passengers as captain or engineer (if an engineer is 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 is required) who is not so licensed on a motor launch carrying passengers. If any person acts in contravention of this section he is guilty of an offence under this Act.

(2) The Harbour Master 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 Act 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 it is granted, and is valid for three years.

(4) Every such licence shall be renewable subject to such re-examination (if any) as may be prescribed except that if it appears to the Harbour Master 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 may forthwith suspend the operation of the licence by giving written notice of the suspension to the holder of the licence and on receipt of the notice the holder of the licence shall, as soon as possible, deliver the licence to the Harbour Master and failure to do so is an offence under this Act.

(5) So long as any licence is suspended under subsection (4), the holder of the licence shall be deemed not to be duly licensed under this Act.

(6) Any person whose licence has been suspended may submit himself for examination by a Government Medical Officer to be appointed by the Chief Medical Officer and shall be so informed by the Harbour Master in the written notice informing him of his suspension.

(7) If a person whose licence has been suspended informs the Harbour Master within seven days of the service upon him of the notice of suspension of his desire to be so examined, the Harbour Master shall make arrangements for such examination in consultation with the Chief Medical Officer.

(8) The Chief Medical Officer on receiving the report of the Government Medical Officer shall inform the Harbour Master in writing whether or not he is of opinion that the holder of the licence is suffering from a disease or physical disability as mentioned above.

(9) If the holder of a licence which has been suspended does not inform the Harbour Master of his desire to be medically examined as provided herein or if after he has been so examined the Chief Medical Officer informs the Harbour Master that he is of opinion that the holder of the licence is suffering from a disease or physical disability as mentioned above, the Harbour Master shall revoke the licence and inform the holder in writing.

(10) If the Chief Medical Officer 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 shall forthwith return the licence to the holder thereof.

(11) It shall be lawful for any Harbour Master or any Assistant Harbour Master or any Customs Officer, or any member of the Police Service 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 fails to produce his licence when so required he is guilty of an offence.

Offences.
[31 of 1950].

- 9.** If any motor launch is used for carrying passengers—
- (a) without being duly licensed under this Act; or
 - (b) without a captain and engineer (if an engineer is required), duly licensed under this Act; or
 - (c) having on board a larger number of passengers than it is licensed to carry,

the owner thereof is guilty of an offence. However, 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 has been suspended or revoked in accordance with section 8 unless he has been notified in writing by the Harbour Master that the licence has been so suspended or revoked.

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

- 10.** If the captain or engineer of any motor launch who commits an offence under this Act or under the Regulations refuses to give his name or address, or gives a false name or address, he is 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 the captain or engineer, and if the owner fails to do so he also is guilty of an offence.

Procedure and penalties.

- 11.** Any person who is guilty of any offence under this Act, or under the Regulations, for which no penalty is prescribed, is liable on summary conviction to a fine of two thousand dollars.

Appointment of Board of examiners.

- 12.** The President 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.

Certificate of competency.

- 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.

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

Suspension of
licence and
disqualification.

- (a) may, if the person convicted holds any licence under this Act, suspend that licence for such time as the Court thinks fit, and if the Court thinks fit, also declare the person convicted disqualified from obtaining any licence under this Act 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 Act, declare him disqualified from obtaining a licence for such time as the Court thinks fit; and
- (c) shall, if the person convicted holds any licence under this Act, 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.

(2) Any person so convicted, if he holds any licence under this Act, shall produce the licence within a reasonable time for the purposes of endorsement, and if he fails to do so is 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 from 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 from obtaining a licence may appeal against the order in the same manner as a person may appeal under the Summary Courts Act, and the Court may if it thinks fit, pending the appeal, defer the operation of the order; and in the case of an appeal no notice of reasons for appeal shall be necessary.

Ch. 4:20.

(5) If any person, who under this Act is disqualified from 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 is guilty of an offence, and any licence so obtained shall be of no effect.

Regulations.
[1 of 1944].

- 15.** (1) The President may make 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 under this Act, 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 licenses to persons offending against this Act 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 Act;
- (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 Act to be prescribed;
- (l) generally for the better carrying out of the provisions of this Act.

(2) Any person who contravenes any regulation made under this section is guilty of an offence.

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

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

17. (1) This Act 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. Application. [4/1985 17 of 1985].

(2) A motor launch used for conveying passengers for payment in money or in kind shall not be deemed a private pleasure launch.

SUBSIDIARY LEGISLATION

MOTOR LAUNCHES REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Register of launches.
4. No. of launch to be shown.
5. Equipment.
6. Internal combustion engines.
7. Lights.
8. Powers and duties of Surveyors.
9. Crew.
10. Survey and registration fees and expenses.
11. Examination of captains and engineers.
12. Examination of Captains.
13. Examination of Engineers—internal combustion engine.
14. Examination of Engineers—steam engine.
15. Issue of licences to captains and engineers.
16. Board of Examiners may suspend or cancel licences.
17. Production of suspended or cancelled licences.
18. Renewal of Captain's licence.
19. Renewal of Engineer's licence.
20. Fees: examinations and issue or renewal of licences.

SCHEDULE.

MOTOR LAUNCHES REGULATIONS

made under section 15

G. 17.3.27.
[125/1964
37/1979
186/1983
4/1985
148/1996].

1. These Regulations may be cited as the Motor Launches Regulations. Citation.

2. In these Regulations the expression “Harbour Master” means the Harbour Master of Port-of-Spain. Interpretation.

3. (1) The Harbour Master shall keep a Register of motor launches in which he shall enter the register number and the name, if any, of the launch, the name and place of residence of the owner, particulars of the hull and machinery, and the dates and particulars of the last survey under the Act. Register of launches.

(2) Licences under section 5 of the Act shall be in Form B in the Schedule. Form B. Schedule.

4. Every launch registered under these Regulations shall have her register number clearly painted on both bows. No. of launch to be shown.

5. Every launch shall be provided with the following equipment: Equipment.

- (a) an efficient bilge pump;
- (b) an efficient anchor and cable with fairlead and anchoring bollard;
- (c) launches under nine metres in length, with at least one, and over nine metres in length with at least two efficient fire extinguishers, or more as the surveyors may direct;
- (d) launches under nine metres in length, with two efficient life buoys;
launches of nine metres but under fifteen metres in length, with four efficient life buoys;
launches of fifteen metres and over in length, with six efficient life buoys;
approved life belts, life rafts, or floating cushions may be substituted for half the above number of life buoys;

life buoys must be carried in racks from which they may be readily lifted, and must not be lashed or tied to the launch;

- (e) two boat hooks;
- (f) launches propelled by single internal combustion engines must carry two oars or sweeps;
- (g) launches steered by a wheel amidships with wire steering ropes shall in addition be fitted with a tiller;
- (h) an efficient sound-signalling apparatus;
- (i) steaming lights as laid down in the Regulations for Preventing Collisions at Sea.*

All the above equipment shall be of a pattern approved by the Harbour Master.

Internal combustion engines.

6. Launches driven by internal combustion engines shall be fitted with—

- (a) an efficient fuel tank capable of carrying sufficient fuel for proposed trips, so that refuelling from this when steaming need not be resorted to;
- (b) a safety device for relieving pressure in oil tanks in case of fire;
- (c) a drip tray under the engine and fuel tanks;
- (d) a cock or valve between the fuel tank and the engine;
- (e) a marine clutch;
- (f) a water-cooled exhaust.

Lights.

7. All launches registered under these Regulations shall when under weigh between sunset and sunrise carry the lights prescribed for such vessels by the Regulations for Preventing Collisions at Sea. This regulation shall not apply to launches belonging to the Police or Customs Departments.

* *Vide* "Sea Regulations, 1910" made by Order in Council dated 13th October 1910. S.R. & O. 1910 No. 1113 made under section 418 of the Merchant Shipping Act 1894 of the United Kingdom (57 & 58 Vic. c. 60).

8. A surveyor may require a launch to be beached for examination out of the water, and the engine to be opened up for internal examination. He must be satisfied the hull is sound and seaworthy and the engine suitable for the boat, and that decked-in spaces housing fuel tanks are suitably ventilated.

Powers and duties of surveyors.

He must certify the maximum number of passengers the boat may be licensed to carry and the minimum crew required to work the boat, and that the equipment required under these Regulations is on board and of approved pattern.

The number of passengers a launch may be licensed to carry shall be determined by dividing the clear area in square metres of space or spaces allotted for passengers by 0.37; provided that—

- (a) this number does not exceed the number for which seating accommodation is provided. This number should be found by dividing the total length, in metres of the seats by 0.45; and
- (b) the surveyor is satisfied that the launch has sufficient stability to carry this number.

Surveyors' reports shall be in Form A in the Schedule.

Form A.
Schedule.

9. All launches when plying for hire shall carry at least such crew as may be directed by a surveyor, and at least one of these shall be a licensed captain, and one a licensed engineer; provided that in the case of open or partially decked boats the captain and engineer may be the same person.

Crew.

10. (1) The fee for an initial survey is \$200.00 per launch and the fee for each annual survey after the initial survey is \$100.00.

Survey and registration fees and expenses.
[125/1964
37/1979
4/1985
148/1996].

(2) In addition to the survey fee the owner of a motor launch is required to pay to a Surveyor any reasonable travelling expenses incurred by the Surveyor in inspecting launches at a greater distance than one mile from the Harbour Master's Office but such expenses shall not exceed the rate set out in the Travelling Allowances Regulations in respect of the grade of vehicle used.

Ch. 23:50.
Sub. Leg.

Examination of captains and engineers.

11. (1) Examinations of captains and engineers of launches for Certificates of Competency will be held at the Harbour Master's Office at such time as may be arranged with the Harbour Master.

Forms C, E. Schedule.

(2) Certificates of Competency shall be in Form C or Form E in the Schedule, as the case may be.

Examination of captains.

12. Captains of launches will be required to satisfy the examiners that—

- (a) their eyesight is normal as regards form and colour vision;
- (b) by demonstration with models that they have a working knowledge of the Regulations for Preventing Collisions at Sea;
- (c) they have a thorough knowledge of the different lights carried at night by all types of small craft;
- (d) they understand the effect of the propeller and rudder on a launch when going ahead and astern, and understand how to go alongside piers, jetties, gangways and ladders;
- (e) they understand how to secure their boats alongside vessels and piers, and to pick up mooring buoys;
- (f) they have a thorough knowledge of the Regulations relating to harbours and Port Services;
- (g) they know what action to take in case of fire, man overboard, taking a boat in tow, being taken in tow, losing a rudder, engine breaking down, etc., under conditions pre-supposed by the examiners.

Examination of engineers—internal combustion engine.

13. An engineer of a launch with internal combustion engines will be required to satisfy the examiners that he—

- (a) understands the construction of his engine, including wiring, order of cylinder-firing,

timing, the lubricating and water cooling systems, adjusting the carburettor, and how to remove cylinders;

- (b) knows how to clean his engine, including decarbonising the engine, adjusting piston rings and adjusting bearings;
- (c) knows how to locate faults in the event of breakdown;
- (d) knows what action to take in emergency such as fire, etc.

14. Engineers of launches with steam engines will be required to satisfy the examiners that they understand—

Examination of engineers—steam engine.

- (a) the construction of the boiler, boiler-mountings and steam pipes, including how to see that water is maintained at the correct level, and what action to take in emergency;
- (b) the construction and action of the safety valve, and casing gear;
- (c) how to fire the boiler and maintain steam under all conditions;
- (d) construction and principle of main engines, auxiliary machinery and shafting with all pipe connections;
- (e) how to locate faults and do minor adjustments and repairs;
- (f) what action to take in emergency such as fire, etc.

15. When a candidate has satisfied the Board of Examiners that he is capable of serving as a captain or an engineer of a launch, the Harbour Master shall issue a licence in Form D or Form F in the Schedule, as the case may be. Such licence shall continue in force, subject to the provisions of the Act, for three years from the date of issue.

Issue of licences to captains and engineers. Forms D, F. Schedule.

The licence of an engineer shall specify the make and type of engine the holder is licensed to drive, but a candidate may be licensed in respect of as many makes and types of engines as he is certified to be competent to drive, and the licence shall specify all the different makes and types he is qualified to drive.

Board of Examiners may suspend or cancel licences.

16. If at any time it appears to the Harbour Master that any licensed captain or engineer has been guilty of negligence or incompetence, he may call a Board of Examiners appointed under the Act to enquire into the alleged negligence or incompetence, and the Board may, if it thinks fit, suspend or cancel the licence, provided that in no case shall a licence be cancelled or suspended unless the holder is given an opportunity of being present and defending himself at the enquiry.

Production of suspended or cancelled licences.

17. A licence so suspended must be produced to the Harbour Master within fourteen days for the purpose of endorsement, and any licence so cancelled must be surrendered to the Harbour Master within fourteen days.

Renewal of Captain's licence.

18. A licence as captain of a launch may be renewed without further examination, provided the application for renewal is made within one month of the expiration of the licence and that—

(a) his eyesight is normal as regards colour and form vision;

(b) his licence is not under suspension.

Renewal of Engineer's licence.

19. A licence as engineer of a launch may be renewed without further examination, provided that the application for renewal is made within one month of the expiration of the licence and that his licence is not under suspension.

Fees: examinations and issue or renewal of licences. [37/1979 4/1985 148/1996].

20. The fee for examination of a certificate of competency as Captain or Engineer of a launch is \$100.00 and the fee for the issue or renewal of a licence is \$100.00.

SCHEDULE

Regulation 8.

FORM A

THE MOTOR LAUNCHES ACT

REPORT BY SURVEYOR

TO THE HARBOUR MASTER,
PORT-OF-SPAIN.

I have the honour to submit that on [date] or [dates].....
I surveyed the launch

THE HULL

General condition
Keel
Planking or plates
Frames
Anchor and cable
Rudder and pintles
Oars
Rowlocks.....
Life buoys and Life belts
Fire Extinguisher
Bilge pump
Sea connections below water
The crew (*minimum*) necessary to handle the boat is

ENGINE, STEAM

Type
Date when new
General condition
N.H.P.
Cylinders, No.
Shaft
Propeller
Boiler (when last surveyed)

INTERNAL COMBUSTION ENGINES

Maker.....
H.P.
No. of Cylinders
General condition
Fuel (nature)
Clutch, (if any)

INTERNAL COMBUSTION ENGINES—Continued

Stern tube and shafting
Propeller
Exhaust

Under the Regulations the launch may be licensed to carry passengers
and I consider this number may safely be carried without loss of stability.

I consider the launch in all respects complies with Regulations under the Motor
Launches Act.

Surveyor

Regulation 3(2).

FORM B

THE MOTOR LAUNCHES ACT

REGISTRATION LICENCE

HARBOUR MASTER'S OFFICE,
PORT-OF-SPAIN.

(Date)

This is to certify that the launch, belonging to
has been surveyed and found seaworthy, and has been registered in this Office as a
Motor Launch under the Motor Launches Act.

Registered No.....

Maximum number of passengers allowed

Minimum number of crew allowed

FEE—For a Motor Launch under 7 m—\$100.00

For a Motor Launch 7 m to 15 m—\$200.00

For a Motor Launch over 15 m—\$400.00

Harbour Master.

Motor Launches

Chap. 50:08

21

Motor Launches Regulations

[Subsidiary]

FORM C

Regulation 11(2).

THE MOTOR LAUNCHES ACT

No.

**CERTIFICATE OF COMPETENCY AS CAPTAIN OF
A MOTOR LAUNCH**

[Name] is hereby certified
to be competent to fulfil the duties of Captain of a Motor Launch under the
Motor Launches Act, after an examination held by us in Port-of-Spain on the
.....day of 20.....

Board of Examiners {

Date

FEE—\$50.00.

FORM D

Regulation 15.

THE MOTOR LAUNCHES ACT

LICENCE AS CAPTAIN

[Name] is hereby
licensed as Captain of a Motor Launch.

Harbour Master.

Date

This licence expires on theday of 20.....
FEE—\$100.00.

Regulation 11(2).

FORM E

THE MOTOR LAUNCHES ACT

**CERTIFICATE OF COMPETENCY AS ENGINEER OF
A MOTOR LAUNCH**

[Name].....
is hereby, after an examination held by us in Port-of-Spain on the
..... day of 20....., certified to be competent
to fulfil the duties of Engineer of a Motor Launch under the Motor Launches
Act, when fitted with the following engines, viz—

Board of Examiners {

Date

FEE—\$50.00.

Regulation 15.

FORM F

THE MOTOR LAUNCHES ACT

LICENCE AS ENGINEER

[Name]
is hereby licensed as Engineer of a Motor Launch.

Harbour Master.

Date

This licence expires on the..... day of 20.....

FEE— \$100.00.