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## CHAPTER 307

### THE PASSENGERS ACT

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## PASSENGERS

(21st August, 1908.)

1111908.  
3/1929.  
1111929.  
511945.  
1811989.

1. This Act may be cited as the Passengers Act. **Short title.**

2. In this Act— **Interpretation.**

"approved life belt" means a belt approved by the Comptroller of Customs and which does not require to be inflated before use and which is capable at least of floating in the water for twenty-four hours with fifteen pounds of iron suspended from it;

"Comptroller of Customs" means the Comptroller of Customs of Antigua and Barbuda and includes the chief officer of customs at any port of entry in Antigua and Barbuda;

"master" includes every person having or taking command or charge of any ship;

"passenger" includes the master and crew of, and every person carried in, any ship;

"ship" includes every description of vessel used in navigation not propelled by oars.

3. This Act shall not apply to ships of Her Majesty or to any ship to which Part IX of the Antigua and Barbuda Merchant Shipping Act applies, or save as otherwise expressly provided herein. **Application. Cap. 28.**

4. (1) The number of passengers that any ship may carry shall not exceed one for every ton of the registered tonnage of the ship. **Limit to number of passengers that a ship may carry.**

(2) For the purpose of this section two passengers under the age of twelve shall be treated as one.

Master of ship to lodge list of passengers with the Comptroller of Customs and to obtain his certificate before sailing.

**5.** (1) The master of every steamship not having an agent in Antigua and Barbuda; and the master of every sailing ship, taking passengers from Antigua and Barbuda shall, before obtaining clearance of such ship, fill up, sign, and lodge with the Comptroller of Customs a list of passengers and declaration and the Comptroller of Customs shall endorse on the clearance of such ship the number of passengers as stated in such list.

(2) If any such master shall wilfully and knowingly make or lodge any list of passengers or declaration which shall be false in any particular, he shall be liable to a penalty not exceeding five thousand dollars.

Ship to carry boat.

**6.** (1) Every ship carrying passengers shall carry a boat or boats to be approved by the Comptroller of Customs and in such a position as to be readily got into the water, and shall carry also an approved lifebelt for each passenger.

(2) The lifebelts shall be so placed as to be easily accessible to the passengers.

Inspection of ship.

**7.** The Comptroller of Customs may, at any time before the departure of any ship carrying passengers, cause such ship to be inspected by a Customs Officer.

Penalty for exceeding limit of passengers.

**8.** If the master of any ship shall receive or have on board within the territorial sea a greater number of passengers than the number limited by this Act he shall be liable to a penalty not exceeding three thousand dollars and also to an additional penalty not exceeding twenty-five dollars for every individual on board in excess of the number so limited.

Penalty for carrying more than the prescribed number of passengers.

**9.** If any ship carrying passengers shall clear or proceed to sea having on board a greater number of passengers than the number limited by this Act, the master of such ship shall be liable to a penalty not exceeding five thousand dollars and such ship may be forfeited to the use of Her Majesty and may be seized at any time within two years by any person having authority under the Trade and Revenue Act to seize ships liable to forfeiture under that Act, and shall and may be dealt with in the same manner as if the ship had been seized as forfeited under that Act.

**10.** An officer of a port to which a ship has gone from Antigua and Barbuda may sign a statement in writing as to the number of persons which that ship brought to that port from Antigua and Barbuda and may transmit such statement to the Harbour Master; and any such statement which purports to be signed by such officer shall be accepted in all courts of law in Antigua and Barbuda as *prima facie* evidence respectively of the number of persons on board such ship within the territorial sea or of the number of persons on board such ship when such ship cleared and proceeded to sea from Antigua and Barbuda.

Statement in writing by officer of a port sufficient evidence.

**11.** No open boat or other unregistered vessel shall take passengers to any place beyond Antigua and Barbuda without the permission of the Comptroller of Customs, and such permission shall not be granted unless in the opinion of the Comptroller of Customs the number of passengers proposed to be taken is such as can be carried with safety. Any open boat or unregistered vessel so taking passengers without the permission of the Comptroller of Customs shall be forfeited to the Crown and may be seized by any officer of Customs if found within two years from the commission of the offence in any port or place in Antigua and Barbuda, and shall thereupon be dealt with as if such boat or vessel had been seized as forfeited under the laws relating to Customs.

No open boat to take passengers without permission of Comptroller of Customs.

**12.** If, in the case of any ship, any of the requirements of the preceding sections shall not be duly complied with, the master and the owner and the charterer, as the case may be, of such ship shall be jointly and severally liable to a penalty not exceeding five thousand dollars:

Penalty in case of requirements not being complied with.

Provided that nothing in this section contained shall increase or diminish any liability of any master under section 8.

**13.** The agent of every steamship taking passengers from Antigua and Barbuda shall, within twenty-four hours of the departure of such steamship, fill up, sign, and lodge with the Comptroller of Customs a list of passengers and declaration and any agent refusing or neglecting to lodge such return duly filled up and signed, or who shall wilfully and knowingly lodge a return which shall be false in any

Agents of Steamships to lodge list of passengers with Comptroller of Customs.

particular shall be liable to a penalty not exceeding five thousand dollars. The expression "agent" shall in this section include the agents of ships to which Part IX of the Antigua and Barbuda Merchant Shipping Act applies.

Penalty for taking as passenger a contract labourer.

**14.** Any master of any vessel or boat, including any ship to which Part IX of the Antigua and Barbuda Merchant Shipping Act applies, who shall knowingly take as a passenger any person under contract as a labourer, shall be liable to a penalty not exceeding five thousand dollars.

Penalties to be recovered summarily. Cap. 255.

**15.** (1) All penalties incurred under this Act may be recovered summarily before a Magistrate under the provisions of the Magistrate's Code of Procedure Act.

(2) The Governor-General may, if he shall think it fit, remit the whole or any part of any penalty or forfeiture incurred under the provisions of this Act.

Certificate of Accountant-General or other officers verified under the hand of the Governor-General or of the seal of Antigua and Barbuda or place to be deemed sufficient evidence.

**16.** A certificate under the hand of the Accountant-General, Comptroller of Customs, Port Officer or any Landing Officer, Revenue Officer, Tide Waiter, or other officer having official cognizance of the arrival of vessels at any port or place as to any ship from Antigua and Barbuda arriving at any such port or place and landing passengers there showing the name of the ship, the name of the master thereof, the number of passengers (distinguishing such as are under twelve years of age) on board on her arrival, and the time of her arrival verified under the hand of the Governor-General or under the public seal of Antigua and Barbuda or place where such ship arrived shall, without proof of the signature or official character of the Governor-General or of the seal aforesaid, be deemed sufficient evidence in all Courts or elsewhere of such of the particulars aforesaid as may be stated in such certificate:

Provided that it shall be competent to any person concerned to disprove the genuineness of any alleged handwriting or signature of the Governor-General or any seal in or attached to any such certificate.