

L.N. 86 of 1963

THE LEGAL PRACTITIONERS ACT, 1962
(1962, No. 33)

Entitlement to Practise as Barristers and Solicitors
(Federal Officers) Order, 1963

Commencement : 25th July, 1963

In exercise of the powers conferred by subsection 4 of section 2 of the Legal Practitioners Act, 1962, the Attorney-General of the Federation hereby makes the following order—

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| 1. This order may be cited as the Entitlement to Practise as Barristers and Solicitors (Federal Officers) Order, 1963. | Short title. |
| 2. The holder for the time being of each of the offices in the Public Service of the Federation set out in the Schedule hereto shall be entitled to practise as a barrister and solicitor for the purposes of that office. | Entitlement to practise. |

SCHEDULE

Deputy Solicitor-General
Deputy Director of Public Prosecutions
Principal Crown Counsel
Legal Training Officer
Senior Crown Counsel
Crown Counsel
Pupil Crown Counsel
First Parliamentary Counsel
Parliamentary Counsel
Senior Assistant Parliamentary Counsel
Assistant Parliamentary Counsel
Legal Secretary to the Governor-General
Federal Administrator-General
Legal Adviser in all Ministries
Assistant Legal Adviser, Senior Legal Assistant or Legal Assistant in all Ministries
Registrar of Titles
Assistant Registrar of Titles
Registrar of Companies
Registrar of Ships

MADE at Lagos this 25th day of July, 1963.

T. O. ELIAS,
Attorney-General of the Federation

L.N. 87 of 1963

MERCHANT SHIPPING ACT, 1962

The Merchant Shipping (Navigational Warnings) Rules, 1963

Commencement : 25th July, 1963

In exercise of the powers conferred by section 240 (1) of the Merchant Shipping Act, 1962, the Federal Minister of Transport hereby makes the following Rules—

Short title
and applica-
tion.

1. These rules may be cited as the Merchant Shipping (Navigational Warnings) Rules, 1963, and shall apply to all Nigerian ships and other ships while they are within the waters of Nigeria.

Interpreta-
tion.

2. In these rules, unless the context otherwise requires—

“coast radio station” means a coast station intended to receive communications from ships by means of radio ;

“coast station” means a station situated on land for the purpose of receiving communications from ships ;

“tropical storm” means a hurricane, typhoon, cyclone, or other storm of a similar nature.

Reporting
navigational
dangers.

3.—(1) The master of every Nigerian ship shall, on meeting with dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation send by all means of communication at his disposal information relating to the matters set out in the Schedule to these Rules and the master of any such ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in his vicinity.

(2) Such information shall be sent to ships in the vicinity and to the person in charge for the time being of the nearest coast station with which it is possible for the ship to communicate. If that station is not a coast radio station, the information shall be accompanied with a request that it be sent forthwith to the nearest coast radio station.

(3) Such information shall be sent by the master of the ship in English or by means of the International Code Signals (Volume II—Radio Signalling).

(4) Such information, when sent by the master of the ship by means of radio, shall commence with an indication of the nature of the danger to which it relates and shall be preceded by the safety signal consisting, if the information is sent by radio telegraphy, of the group TTT in the Morse Code, repeated three times, with the letters of each group and the successive groups clearly separated from each other, or if the information is sent by radio-telephony, of the spoken word “SECURITE” (pronounced “SAYCURITAY”) repeated three times.

SCHEDULE

(Reg. 3 (1))

INFORMATION REGARDING NAVIGATIONAL DANGERS

A. On meeting with dangerous ice, a dangerous derelict, or any other direct danger to navigation (except a tropical storm) the master of the ship shall send information relating to the following matters—

(1) The kind of ice, derelict, or other danger observed.

(2) The position of the ice, derelict or other danger when last observed.

(3) The Greenwich Mean Time and date when the observation was made.

B. On meeting with a tropical storm the master of the ship shall send information relating to the following matters—

(1) The position of the storm so far as it can be ascertained, together with the Greenwich Mean Time and date when the storm was encountered.

(2) The position, true course and speed of the ship when the observation was made.

and in addition the master of the ship shall send as much of the following information as lies within his power—

(3) The barometric pressure, with an indication whether such pressure is given in millibars, inches or millimetres and whether the reading is corrected or uncorrected.

(4) The change in barometric pressure during the previous three hours.

(5) The true direction of the wind.

(6) The wind force according to the Beaufort Scale.

(7) The state of the sea (smooth, moderate, rough, or high).

(8) The swell (slight, moderate or heavy) and the true direction from which it comes.

(9) The period or length of the swell (short, average or long).

DATED at Lagos this 25th day of July, 1963.

R. A. NJOKU,
Federal Minister of Transport

EXPLANATORY NOTE

These rules stipulate the type of information to be given by masters of Nigerian and other ships in Nigerian territorial waters in respect of navigational dangers in conformity with the provisions of the International Convention for the Safety of Life at Sea, 1948.

THE MERCHANT SHIPPING (CARRIAGE OF PASSENGERS)
REGULATIONS, 1963

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L.N. 88 of 1963

MERCHANT SHIPPING ACT, 1962

The Merchant Shipping (Carriage of Passengers)
Regulations, 1963

Commencement : 25th July, 1963

In exercise of the powers conferred by section 427 (b) of the Merchant Shipping Act, 1962, the Federal Minister of Transport hereby makes the following regulations—

PART I—GENERAL

Short title
and applica-
tion.

1. These regulations may be cited as the Merchant Shipping (Carriage of Passengers) Regulations, 1963, and shall apply to Nigerian ships and to all other ships arriving at or proceeding from any port in Nigeria except—

(a) ships in respect of which there is in force a Safety Convention Certificate authorising them to carry passengers ; and

(b) pleasure yachts.

Interpreta-
tion.

2. In these regulations—

“approved” means approved by the Government Inspector of Shipping.

“cabin passenger” means a passenger—

(a) who has been issued with a duly signed contract ticket in a form which may be prescribed by the Minister ;

(b) whose contracted fare amounts to at least twenty-five pounds for the entire voyage or is in the proportion of at least sixty-five shillings for every thousand miles of the length of the voyage ;

(c) who is provided with a fixed berth in enclosed passenger accommodation ; and

(d) to whose exclusive use there has been allocated at least thirty-six clear superficial feet of deck space ;

“deck passenger” means a passenger other than a cabin passenger, who is accommodated on the weather deck and for whom there is no fixed berth provided ; and

“fourth-class passenger” means a passenger, other than a cabin passenger, who may be accommodated either on or below the weather deck and for whom there is no fixed berth provided.

Classes of
ships.

3. The classes of ships referred to in these regulations shall be the same as those defined in the Merchant Shipping (Lifesaving Appliances) Rules, 1963.

PART II—CLASS I SHIPS

Class I ships.

4. The provisions of this Part of these regulations shall apply to class I ships.

Position of
passenger
accommoda-
tion.

5.—(1) Passengers shall not be carried on more than one deck below the waterline and berthed passengers shall not normally be accommodated within one-eighth of the registered length of the ship from the fore side of the stem.

(2) Lamp rooms, paint rooms, and spaces used for the storage of inflammable oils shall not communicate directly with passenger accommodation by doors or passageways, or be so situated as to be in any way a danger to passengers.

(3) Passengers shall not be berthed or accommodated in a space adjoining an oil fuel bunker unless the space is separated from the bunker by an additional steel vapour-proof bulkhead, so arranged that the space between the two bulkheads is well ventilated and accessible: Provided that if the bunker bulkhead is of all welded construction the additional bulkhead need not be fitted.

(4) Passenger accommodation may, however, be situated on a deck forming the crown of an oil fuel space if the deck is oiltight and the passenger spaces are especially well ventilated and contain no manholes or openings to the oil fuel spaces and the flooring is of a material and thickness approved for such positions.

(5) Where passenger accommodation is adjacent to cargo spaces, coal bunkers, store rooms, lamp rooms, paint rooms or spaces used for the storage of inflammable oils, it shall be separated from such spaces by gas-tight steel bulkheads and decks and the provisions of the Merchant Shipping (Crew Accommodation) Rules 1963 relating thereto shall apply to passenger accommodation as it does to crew accommodation.

6.—(1) All passenger accommodation shall be efficiently ventilated and lighted during both day and night. Natural lighting shall normally be provided where circumstances permit but, should this be impracticable, such space may be accepted for the accommodation of passengers if suitably lighted by artificial means. Spaces in which provision is not made for sufficient light and air in all circumstances may not be accepted for the accommodation of passengers.

Lighting,
ventilation
and heating.

(2) Passenger accommodation shall be fitted with efficient heating arrangements: Provided that the Government Inspector of Shipping may exempt any ship from the provisions of this paragraph if he is satisfied that heating arrangements are not necessary due to the service in which the ship is engaged.

7.—(1) In every ship to which these regulations apply, drinking-water shall be effectively protected against contamination. The overflow pipes from drinking water tanks shall in no case be allowed to discharge into the bilges and the air pipes shall be led to a position clear of possible contamination. The upper ends of filling pipes shall not terminate flush with a deck but shall be carried up well clear of the deck.

Drinking
water tanks.

(2) Sewage and sanitary arrangements shall be such that there is no possibility of any overflow or leakage from such systems being liable to contaminating drinking water. In no case shall a manhole to a drinking-water tank be situated in a space containing a sewage tank.

8. Steel or other metal decks forming the floors or crowns of enclosed spaces in which passengers are accommodated shall be sheathed with wood or with an approved composition. Crowns of passenger accommodation which are exposed to the weather shall be sheathed with wood two and a quarter inches thick, or some other substance of equivalent composition.

Sheathing of
steel or other
metal deck.

9. A sufficient number of water closets shall be provided in manner approved by the Surveyor for use only by passengers. If the Surveyor is not satisfied of the adequacy or efficiency of any such provision he shall submit his views to the Government Inspector of Shipping whose decision on the matter shall be final.

Water
closets.

Other facilities.

10.—(1) Washing facilities, dining rooms, recreation rooms, lounges, ready-use baggage rooms and hospitals shall be provided for the use of, and be made available to all passengers in a manner approved by the Surveyor who, before approving such provisions may take into consideration the various classes of passengers and the intended voyage. If the Surveyor is in any doubt as to the adequacy of such provisions he shall submit his report to the Minister whose decision on the matter shall be final.

(2) Airing space shall be set apart, either on the upper decks or on a poop or bridge deck, for the use of cabin passengers on the scale of twenty-four square feet for each passenger. This space shall not be included in the area available for deck passengers.

Number of passengers.

11.—(1) The number of properly constructed fixed berths fitted for passengers shall determine the number of passengers to be allowed in each class of passengers (other than fourth class passengers) if a reasonable amount of floor space in the sleeping rooms for each passenger is provided. The total space, excluding airing space, allocated for the exclusive use of cabin passengers shall be such as to provide at least thirty-six clear superficial feet per passenger. In assessing the total space, surveyors may include all enclosed spaces such as saloons and recreation rooms, etc., allocated to each class.

(2) Small berths suitable for children may be permitted, if an owner so desires, on condition that the total space allocated for the exclusive use of such passengers is at least thirty-six clear superficial feet for every two children allowed, and the berths are at least of the following dimensions—

<i>Age of Child</i>				<i>Size of Berth</i>
1-3 years	..	..	..	3 ft. 6 in. × 1 ft. 4 in.
3-8 years	..	..	..	4 ft. 6 in. × 1 ft. 6 in.
8-12 years	..	..	..	5 ft. 3 in. × 1 ft. 8 in.

In every case it shall be ensured that there is no danger of a child being thrown out of a berth by the motion of the ship.

Fourth class and deck passengers.

12.—(1) Fourth-class passengers may be carried on ships of Class I, on coasting voyages only, between ports in Africa and in Asia, or ports in South and Central America or in the West Indian Islands. Such passengers may be unberthed, or on suitable voyages, carried on deck.

(2) The number of fourth-class passengers to be allowed for any space below the weather deck shall be determined by dividing the clear area of the deck in square feet by fifteen.

(3) If it is proposed to carry deck passengers on decks exposed to the weather, the number of passengers to be allowed for any space on such decks shall be determined by dividing the clear area of the deck in square feet by twelve. In this case the length of the deck shall be measured between points within which the Surveyor considers the area fit for the safe and proper accommodation of deck passengers. The points between which the breadths

are to be taken shall be the inner edge of the waterway or raised covering board, or the inner edge of the rail whichever is the furthest inboard, and the "clear area" shall be the area which remains after that occupied by all encumbrances, such as hatchways, skylights, companions, machinery casing, wheel, windlass, binnacles, masts, ventilators, navigating space, dunnage for luggage, boats carried inboard, fittings for cattle, etc., have been deducted: Provided that clear hatchways may be included in the space if the Surveyor is satisfied that such hatchways are securely battened down and comply with paragraphs 18 to 24 inclusive of the Merchant Shipping (Load Line) Rules, 1963. No part of a forecastle deck shall be included in the measurements for deck passengers, and if the ship has no forecastle the foremost ordinate of the space measured shall not be nearer the fore side of the stem than one-eighth of the ship's registered length. No deck space may be measured over which the berthed passengers require to pass in going from their quarters to the water closets or to the airing space set apart for their use. The aggregate length of all the spaces measured for unberthed passengers, whether below or above the weather deck, shall not exceed the registered length of the ship.

(4) Airing space shall be set apart, either on the upper deck or on a poop or bridge deck for the use of fourth-class passengers at the rate of not less than six square feet for each passenger. This space shall not be included in the area available for deck passengers.

(5) Spaces below the weather deck shall not be included in the measurement for unberthed passengers unless they are suitably lighted and ventilated, having regard to the special circumstances of the intended voyage, and have adequate entrances and exists, due regard being given to paragraph 87 of the Merchant Shipping (Passenger Ship Construction) Rules, 1963. The surface of unsheathed steel decks may be included in the measurements for fourth-class or deck passengers if the surveyor is satisfied that the weather conditions within the intended limits are not likely to be such as to cause hardship to such passengers.

(6) Suitable closets fitted with an efficient water service shall be provided for the exclusive use of fourth-class and deck passengers. When female passengers are carried, separate closets shall be provided for their use. If separate closets are not provided the passenger certificate will state that only male fourth-class or deck passengers may be carried.

(7) In every ship to which these regulations apply the statutory rules and regulations regarding watertight subdivision and life-saving appliances shall be complied with.

(8) Deck passengers may not be allowed on any voyage which extends further north or south than latitude 50° in summer or latitude 40° in winter.

(9) A clearly legible painted notice in the following terms shall be displayed in each space measured for deck or fourth-class passengers during the period when the passenger certificate is in force—

"The deck from this mark to contains square feet and is certified for deck fourth-class passengers, when not occupied by cattle, cargo or other encumbrances.

When cattle, cargo, stores or other encumbrances are carried in this space, the number of passengers shall be reduced by one for every twelve square feet so occupied."

Guard rails
and stan-
chions.

13. In order to comply with the provisions of the Merchant Shipping (Passenger Ship Construction) Rules, 1963, relating thereto, Class I ships shall be provided with guard rails and stanchions and bulwarks as follows :—

(a) where guard rails and stanchions are fitted, the top of the uppermost rail shall not be less than three feet six inches high, and the rails shall not be more than nine inches apart, unless strong netting is provided ; and

(b) where bulwarks are fitted, they shall be at least three feet six inches high and the freeing ports therein shall be fitted with suitable grids for the protection of persons on board.

PART III—CLASS II SHIPS

Class II
ships.

14. The provisions of this Part of these regulations shall apply to class II ships.

Position of
passenger
accommoda-
tion.

15.—(1) The Surveyor shall only measure spaces for the accommodation or carriage of passengers which he considers fit and proper for that purpose.

(2) Not more than three decks, including the tops of deck houses, shall be measured for passengers, without the written permission of the Government Inspector of Shipping.

(3) Portions of any decks which extend beyond the sides or ends of supporting deck houses or beyond the main hull of the ship or are carried only on stanchions or frames, may be measured only if the Surveyor is satisfied that the structures are of sufficient strength and are fit for the carriage of passengers.

(4) Forecastle decks or any space nearer to the fore side of the stem than one-eighth of the ship's registered length shall not be included in the measurements for passenger space.

(5) In well-deck ships the deck spaces between the fore-castle and raised quarter deck, bridge house or poop as the case may be, shall not be included in the measurements for passengers unless the deck is, in the opinion of the Surveyor, sufficiently high above the load water line to render it fit for passenger accommodation.

(6) Regulation 4 shall apply to class II ships.

Lighting
ventilation,
etc., of class
II ships.

16. Regulation 6 (1), 7 and 8 shall apply to class II ships.

17.—(1) The number of water closets provided for each class shall not be less than the following :—

Water closets, etc.

- (a) two water closets for up to 50 passengers ;
- (b) three water closets for 51 to 100 passengers ; and
- (c) one water closet for each additional 100 or part of 100 passengers.

(2) A urinal or an extra water closet shall also be provided for every 100 or part of 100 passengers carried in each class.

(3) A proportion of water closets shall be set apart for use by women only, and these shall be so marked on the outside. Where such water closets are entered from a deck or compartment which is used by male passengers and crew, the arrangement shall be such as to ensure privacy.

(4) Clear passageways to the water closets shall always be maintained.

(5) The water closets shall be large enough, clean, well lighted, ventilated and drained in a manner approved by the Surveyor.

(6) Water closets and urinals erected on deck for the exclusive use of passengers which are exempted from inclusion in the ship's tonnage shall be permanently and conspicuously marked outside to indicate their purpose and to the effect that they are for passengers only.

18. In Class II ships on voyages on which the time between leaving one port and arriving at the next exceeds 10 hours, promenade or airing space for each class of passenger at the rate of three square feet per passenger shall be reserved on deck for the total number of passengers accommodated in enclosed accommodation and this space shall not be included in the area measured for deck passengers.

Airing spaces.

19. Paragraph (1) of Regulation 10 shall apply to Class II ships.

Other facilities.

20.—(1) The number of passengers allowed in cabins and compartments fitted with either fixed berths or sofas constructed for sleeping berths shall be determined by the number of berths, if there is seventy-two cubic feet of space for each passenger and the berths are not in more than two tiers.

Number of passengers.

(2) Paragraph (2) of Regulation II shall apply to class II ships except that the space factor for children shall be seventy-two cubic feet for every two children.

21.—(1) Fourth-class passengers may be carried in class II ships, and the provisions of Regulation 12 shall apply to such ships except that—

Fourth class and deck passengers.

(a) the number of fourth-class passengers that may be accommodated in any space below the weather deck shall be determined by dividing the clear area of the deck in square feet by 12 ;

(b) the number of passengers that may be carried on an open deck shall be determined by dividing the clear area of the deck in square feet by 9.

(2) In every ship to which this regulation applies the statutory rules and regulations regarding watertight subdivision and life-saving appliances shall be complied with.

22.—(1) When cattle are carried on the open deck the space they occupy shall be effectively shut off from the passenger spaces by bulkheads, wooden partitions or by similar means. The partitions may not be closed but efficient washboards to prevent dung or urine from spreading to the passenger spaces shall be fitted.

Cattle.

(2) If cattle are carried under cover on the same deck level as passengers they shall be separated from the passenger space by a fixed or portable close bulkhead running athwartships and extending from deck to deck or by other effective means.

(3) If cattle are carried either in the between decks or holds, the passenger space shall be effectively shut off from the cattle space and separately ventilated.

Guard Rails.

23. Regulation 13 shall apply to Class II ships.

Carriage of motor vehicles.

24. In no case shall motor vehicles be carried in covered spaces measured for passengers, or in sheltered spaces set aside for passengers. Spaces set aside exclusively for the carriage of motor vehicles shall not be included in the spaces measured for passengers.

Limitation on number of passengers.

25. The total number of passengers allowed to be carried in any Class II ship shall not exceed the number which denote the gross tonnage of that ship.

PART IV—CLASS III SHIPS

Class III ships.

26.—(1) The provisions of this Part of these regulations shall apply to Class III ships.

(2) The provisions of regulations 5, 6, 7, 13, 15, 17, 20, 21 and 22 shall apply to Class III ships.

Number of passengers.

27. The instructions for the measurement of spaces and the determination of the number of passengers shall be the same as those laid down for Class II ships in Regulations 20 and 21.

Sheathing of steel or metal decks.

28. The floors and crowns of spaces in which passengers are accommodated shall comply with the requirements of regulation 8, but wood sheathing less than two and a quarter inches thick may, subject to the approval of the Government Inspector of Shipping, be allowed on exposed decks forming the crowns of passenger accommodation. If exposed decks of steel or other metal on which passengers are carried are not covered with wood or some other material of approved composition, provision shall be made to prevent passengers from slipping.

Design and construction.

29. Class III ships shall be so designed and constructed, that in the opinion of the surveyor, they are capable of withstanding any weather conditions they may, or are liable to, encounter.

Fourth-Class and Deck.

30. Class III ships may be allowed to carry fourth-class or deck passengers in accordance with the provisions of Regulation 21.

PART V.—CLASS IV SHIPS

Class IV ships.

31.—(1) The provisions of this Part of these regulations shall apply to Class IV ships.

(2) The provisions of regulations 5, 6, 7 and 15 shall apply to Class IV ships.

Number of passengers.

32.—(1) In fully decked ships, the number of passengers shall be ascertained in the same way as for Class III ships, except that—

(a) the area of cabin and deck space intended for the use of saloon or cabin passengers shall be—

(i) for a voyage of more than 12 hours duration, 24 superficial feet for each passenger ; and

(ii) for a voyage of less than 12 hours duration, 15 superficial feet for each passenger ; and

(b) the area of deck space considered fit and proper for the accommodation of passengers, other than saloon or cabin passengers, shall be—

(i) for a voyage of more than 12 hours duration, 9 superficial feet for each passenger ; and

(ii) for a voyage of less than 12 hours duration, 6 superficial feet for each passenger.

33. In undecked or open vessels the number of passengers shall be ascertained by dividing the area of well space, considered by the surveyor as fit and proper accommodation for passengers, by 4 subject to the following conditions—

Number of passengers in undecked or open vessels.

(a) the height of the top of the gunwale, covering board, wash strake or upper edge of the half deck at side above the floor boards shall not be less than—

(i) 2' 6" in vessels under 20' in length ;

(ii) 2' 9" in vessels 20' in length but not exceeding 40' ; and

(iii) 3' 0" in vessels 40' in length and over.

(b) floorboards shall be provided throughout the length of the vessel to the satisfaction of the Surveyor ;

(c) the space occupied by machinery and fuel tanks shall be separated from the space allotted to passengers by suitable bulkheads which shall be watertight, and the machinery if covered by wooden covers shall have such covers lined by a suitable fire resisting material. Moving parts of the machinery which are not otherwise covered shall be fitted with suitable guards to the satisfaction of the Surveyor ;

(d) the total number of persons which may be carried (including the crew) shall not exceed two per foot length of the vessel's length, nor shall the number of passengers exceed the seating space provided which shall be calculated by dividing the length of each continuous fixed seat by 1.5 ; and

(e) the total number of persons carried (including the crew) shall not in any case exceed 100, except in the case of vessels which are designed and constructed as passenger ferries and are operated on voyages not exceeding one hour.

34.—(1) The number of passengers allowed to be carried on vessels designed and constructed and operated as ferries on voyages not exceeding one hour shall be the area of the clear deck space available divided by three. Where fixed seating is provided the measurement of the clear area may be taken to the back of such seats.

Number of passengers for ferries.

(2) For every six superficial feet of deck space occupied by cargo, animals or other goods, one passenger shall be deducted from the total allocation, if the space so occupied has been included in the measurement for the number of passengers.

Marking of
number of
passengers
allowed.

35.—(1) In decked vessels the number of persons the vessel is certified to carry shall be permanently marked in three separate parts of the vessel where such number may be clearly read by the passengers on board. The form of such notice shall be as follows—

“This vessel is certified to carry not more than.....persons”

(2) In undecked or open vessels such notice need only be displayed in one conspicuous part of the vessel where it may be readily inspected by the passengers.

Sundeck.

36. Class IV ships shall not carry cargo or stores on top of their sun deck but may, however, carry life-saving appliances with the approval of the Surveyor.

Fuel Oil.

37. Fuel oil or petrol shall not be carried in open containers.

Toilet facilities, etc.

38. Toilet and lavatory accommodation, fresh water supply, cooking and other facilities shall in the opinion of the Surveyor, be sufficient for all persons taking into account the length of the voyage intended.

Guard rails.

39. In decked vessels, rails or other means shall be provided to prevent persons from falling overboard or down below.

Steering.

40. Steering arrangements shall be such that the helmsman has at all times a clear view for safe navigation.

Danger of fire.

41. No petrol or fuel oil tank or other container on board any Class IV ship shall be opened, filled or emptied whilst any machinery is in operation or in the presence of any open fire, artificial light or heat, except electric light.

PART VI.—SHIPS OF CLASSES V, VI AND VII

Ships of
Classes V, VI
and VII.

42. The provisions of this Part of these regulations shall apply to ships of Classes V, VI and VII.

Cargo ships
require deck
passenger
certificate.

43.—(1) Ships of Classes V, VI and VII shall not carry more than twelve passengers of any class. If, however, the owner desires to carry deck passengers between ports within the home trade limits, he shall apply to the Surveyor for the issue of a Deck Passenger Certificate. Such certificate shall only be issued subject to the provisions of this Part.

(2) A Deck Passenger Certificate shall be in such form as may be prescribed by the Minister.

Position of
deck pas-
senger
accommoda-
tion.

44.—(1) In every ship to which this Part applies, deck passengers shall only be carried in spaces or in positions on deck which, in the opinion of the Surveyor, are fit and proper for that purpose.

(2) Deck passengers shall not be carried in spaces below the weather deck unless the Surveyor is satisfied that such spaces are adequately lighted and ventilated.

(3) Under no circumstances shall deck passengers be carried on a fore-castle deck or within one-eighth of the ship's length of the stem.

(4) The space for the accommodation of deck passengers shall be measured in a manner similar to that described in paragraph (3) of regulation 12.

45. Sanitary arrangements, ventilation, lighting, access, shelter, cooking and toilet facilities for deck passengers in ships to which this Part applies, shall not form part of similar facilities for the crew of the ship or for passengers other than deck passengers, and shall be to the satisfaction of the Surveyor.

Sanitary arrangements, etc.

46.—(1) The number of deck passengers that may be carried in ships of Classes V, VI and VII shall be determined by dividing the clear area of deck space considered fit and proper for the accommodation of such passengers by nine.

Number of deck passengers.

(2) In every ship to which this Part applies, the statutory rules and regulations regarding life-saving appliances must be complied with.

(3) If stores, animals or cargo are carried in any space so measured for the accommodation of deck passengers, one deck passenger shall be deducted for every nine square feet of space so occupied.

47. Whilst such ships are carrying deck passengers a clearly legible painted notice in the following terms shall be displayed in a conspicuous position where it may be read by all deck passengers—

Notice of number of deck passengers.

"The deck from this mark to and from to is certified

for the carriage of deck passengers, when not occupied by cargo, stores, animals or other encumbrances.

"When cargo, stores, animals or other encumbrances are carried in this space the number of deck passengers is to be reduced by one for every 9 square feet of space so occupied."

48. In every ship to which this Part applies, extra labour carried on board and employed by the owner solely for the purpose of loading, discharging and maintaining the ship, may be accommodated on deck, but if they are so accommodated their number shall not be included in the number of deck passengers carried. Such labour shall not be carried in the space measured for deck passengers unless there are no deck passengers on board. Such labour shall however be taken into account when determining the total number of persons the ship may carry in view of the life-saving appliances available.

Crew labour.

49.—(1) No ship to which this Part applies shall carry dangerous goods either above or below decks except in accordance with the recommendations contained in the "Report on the Carriage of Dangerous Goods and Explosives in Ships" issued by the Ministry of Transport of the United Kingdom.

Carriage of Dangerous Goods.

(2) Every such ship, if carrying dangerous goods or explosives in accordance with the recommendations as aforesaid, shall not carry deck passengers or extra labour accommodated on deck, unless the accommodation for such persons is so situated as to be at a distance of not less than fifty feet from such dangerous goods if stowed on deck, or nearer than fifty feet to any hatchway over a hold containing such dangerous goods or to any unprotected inlet or outlet of any ventilation system connected to such hold. Provided that the Government Inspector of Shipping may, if he thinks fit, exempt any ship from the provisions of this paragraph in the public interest or, for the purposes of emergency in which the naval, military or police force is connected.

Fees.

50. For every survey for the issue of a Deck Passenger Certificate under this Part, the owner, agent or master shall pay half the fees prescribed for the issue of a safety-equipment certificate laid down in the Merchant Shipping (Fees) Regulations, 1963 : Provided that if the survey for a Deck Passenger Certificate is carried out at the same time as the survey for a safety-equipment Certificate or a qualified safety-equipment Certificate, only one-quarter of the fees for the two services shall be paid.

PART VII.—CLASS VIII SHIPS

Class VIII ships.

51. A Class VIII ship shall not be allowed to carry passengers of any description. If owners of such ships desire them to carry passengers, the ship shall be presented for survey and be re-classed.

PART VIII.—MISCELLANEOUS

Shelter for deck passengers.

52. In every ship to which these regulations apply, and which carries deck passengers, there shall be provided weather-proof shelter sufficient for the total number of deck passengers carried. Such shelter may be supplemented, if adequate, by sloping canvas tents adequately secured and screened to the satisfaction of the Surveyor.

Narrow spaces.

53.—(1) Where there are deck houses and the space between the side of the deck house and the bulwark or rail is less than two feet six inches in width, such space shall not be measured for passengers.

(2) Passages shall not, in general, be measured for passengers. Where, however, a ship has exceptionally wide passageways and the Surveyor considers that a part of them might properly be measured for passenger accommodation, he shall submit particulars to the Government Inspector of Shipping for instructions.

Stability of ships.

54.—(1) Notwithstanding anything contained in these regulations, a Surveyor may refuse to recommend the grant of any form of Passenger Certificate if, in his opinion, the ship concerned is of such design or construction as to be unsafe for the carriage of passengers.

(2) A Surveyor shall not state in his declaration that a ship is fit to carry a specified number of persons unless he is satisfied that the ship has sufficient stability and freeboard to carry that number safely. If there is any doubt about this the Surveyor may reduce the number of persons that may be carried to what, in his opinion, is a safe number. If necessary the surveyor may order an inclining experiment to be carried out to find the transverse metacentric height and the angle of heel which might occur with two-thirds of the passengers distributed on one side of the ship and one-third on the other. For the purpose of this experiment the ship shall be assumed to be in the worst stability condition likely to be experienced on the intended service and the passenger shall each be represented by a weight of 140 lbs. congregated at three square feet per person on the uppermost deck or decks to which they have access. The centre of gravity of the passengers should be taken at a height of two feet six inches above the deck, in the case of a decked vessel, and one foot above the seat in the case of an open boat.

Fire-fighting
appliances.

55. Every ship on which these regulations apply shall be provided with fire-fighting appliances in accordance with the provisions of the Merchant Shipping (Fire Appliances) Rules, 1963. If any such ship is carrying deck passengers which necessitates the erection of additional temporary cooking places, or if deck passengers are accommodated on top of any hatchway, or are protected by canvas tents or temporary wooden structures, the Surveyor may require additional portable fire extinguishers to be made available in or near to such cooking places, tents or structures.

56. The master of every ship of Class I, II, V and VI shall, prior to sailing from every port, prepare a list of the passengers which the ship is taking to sea. A copy of this list shall be deposited with the owner or agent and one other copy retained on board for production to any Collector of Customs, Police Officer, or Surveyor who may demand the same. The copy retained on board shall be kept for at least three months whilst the owner's or agent's copy shall be retained for six months before being destroyed.

Passenger
lists.

57. The owner, agent or master of any ship in respect of which any of the provisions of these regulations are contravened, shall be guilty of an offence and shall on conviction be liable to a fine of one hundred pounds or to imprisonment for six months or to both such fine and imprisonment.

MADE at Lagos this 25th day of July, 1963.

R. A. NJOKU,
Federal Minister of Transport

EXPLANATORY NOTE

These regulations lay down the conditions under which ships of different classes may carry passengers to ensure the safety and welfare of such passengers.

L.N. 89 of 1963

MERCHANT SHIPPING ACT, 1962 (1962, No. 30)

Merchant Shipping (Fees) (Amendment) Regulations, 1963

Commencement : 25th July, 1963

In exercise of the powers conferred by section 427 of the Merchant Shipping Act, 1962 and by section 22 of the Interpretation Act, and of all other powers enabling him in that behalf, the Federal Minister of Transport hereby makes the following regulation:

1. The Merchant Shipping (Fees) Regulations, 1963 (hereinafter referred to as "the principal regulations") is amended by deleting the words "registry anew, transfer of registry," from paragraph (1) (b) of Part X of the principal regulations.

2. This regulation may be cited as the Merchant Shipping (Fees) (Amendment) Regulation, 1963 and may be cited together with the principal regulations as the Merchant Shipping (Fees) Regulations, 1963.

MADE at Lagos this 25th day of July, 1963.

R. A. NJOKU,
Federal Minister of Transport