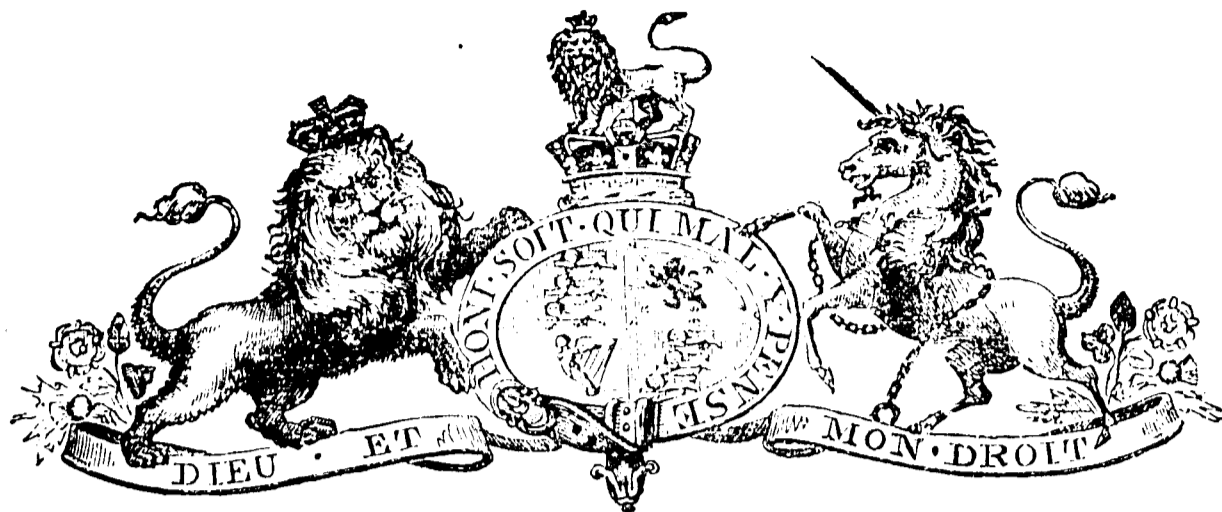


VICTORIA.



ANNO QUINTO

GEORGII QUINTI REGIS.

No. 2520.

An Act relating to the Carriage of Passengers by Water.

[21st September, 1914.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the *Carriage of Passengers Act* 1914. Short title.

2. In this Act unless inconsistent with the context or subject-matter— Interpretation.

“Condition” includes any statement notice declaration by-law rule regulation advertisement clause covenant stipulation or agreement relating to a contract within the meaning of this Act or affecting in any way the terms of such a contract ; “Condition.”

“Contract” means contract made in Victoria for the carriage of any passenger by water from one place to another in Victoria ; and includes any such contract verbal or in writing or under seal and any token ticket or other evidence of such a contract ; “Contract.”

“Owner” includes the charterer master hirer lessee or agent of any ship ; “Owner.”

“Ship” includes boat or vessel or any means of conveyance or transit by water. “Ship.”

3. Where

Certain conditions prohibited in contracts for carriage of passengers by water.

Comm. No. 14 of 1904, s. 5.

Comp. U.S., 1893, c. 105, ss. 1, 2; N.Z., 1903, No. 96, s. 300.

3. Where any contract within the meaning of this Act contains any condition (whether expressed or implied therein or incorporated therewith by notice declaration advertisement or otherwise) whereby—

(a) the owner of any ship or the ship itself is relieved from liability for loss or damage to any passenger arising from the harmful or improper condition of the ship or arising from the negligence fault or failure of the owner or the negligence fault or failure of his agents officers or servants in the management of the ship or in any matter incidental thereto; or

(b) the obligations of the owner to exercise due diligence and to properly man manage equip and supply the ship and to make and keep the same reasonably fit for the carriage of passengers are in any wise lessened weakened or avoided,

that condition shall be illegal null and void and of no effect.

Contracting out not allowed.

4. (1) Any agreement contrary to this Act or purporting to lessen its effect in respect of any contract within the meaning of this Act or the incidents or evidence thereof shall be illegal null and void and of no effect.

Comp. No. 1482, s. 104 (9).

(2) Any condition requiring any person to waive and any agreement to waive compliance with this Act shall be illegal null and void and of no effect.

Construction and jurisdiction.
Comm. No. 14 of 1904, s. 6.

5. All parties to any contract within the meaning of this Act shall be deemed to have intended to contract according to the laws in force in Victoria and any stipulation or agreement to the contrary or purporting to oust or lessen the jurisdiction of any court in respect of the contract or the incidents or evidence thereof shall be illegal null and void and of no effect.

Owners of ships not to insert illegal conditions in contracts or to issue tickets &c. containing such conditions.

Comp. Comm. Act No. 14 of 1904, s. 7.

6. (1) The owner of a ship shall not expressly or otherwise—

(a) insert in or incorporate with any contract within the meaning of this Act any condition declared by this Act to be illegal, or

(b) make or sign or execute any such contract or sell or supply or issue any ticket token or other evidence of such a contract containing incorporating or implying any condition declared by this Act to be illegal.

(2) Any person guilty of a contravention of any of the provisions of this section shall be liable to a penalty not exceeding One hundred pounds.

MELBOURNE:

By Authority: ALBERT J. MULLETT, Government Printer.