

DROGHERS ACT

CHAPTER 50:07

Act
41 of 1914
Amended by
33 of 1921
27 of 1964

Current Authorised Pages

<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
1-13	..

Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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 LN 15 of 2003 for the delegation of functions.

CHAPTER 50:07

DROGHERS ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 50:07

DROGHERS ACT

An Act relating to the Registration of Droghers.

1950 Ed.
Ch. 18 No. 8.
41 of 1914.

Commencement.

[1ST JANUARY 1915]

Short title.

1. This Act may be cited as the Droghers Act.

Interpretation.
[27 of 1964].

2. In this Act—

“cargo” means every description of goods, even if for use as stores;

“Chief Harbour Master” means the Harbour Master of Trinidad and Tobago;

“contract” means any agreement whether by parole or in writing, and “contracted” has a corresponding meaning;

“drogher” means a vessel employed in the lading or unlading of a ship, or in the conveyance of cargo from some part of Trinidad and Tobago to some other part;

“employer” means the agent, master, mate, or owner of any ship, or the owner of any drogher;

“Harbour Master” means the Harbour Master of any port in Trinidad and Tobago;

Ch. 78:01.

“port” means any place in Trinidad and Tobago declared to be a port by the President under the Customs Act;

“sailor” means any person licensed under this Act;

“ship” includes every description of vessel being within the territorial waters of Trinidad and Tobago used in navigation which is not registered as a drogher, and also includes a hulk used for the purpose of storing goods and stores;

“work” means the lading or unlading of the whole or any part of the cargo of any ship or drogher, and service in any capacity on board any ship or drogher in any voyage or trip from one part to any other part of Trinidad and Tobago; but does not include tallying or labour employed in the construction or

repair of any part of such vessel, or lading or unlading the cargo of any ship or drogher in any place not being a port, or carrying coal to or from the shore from or into any ship or drogher lying alongside any wharf, quay, or jetty.

3. Nothing contained in this Act shall extend or apply to any sailor plying on board of any ship of which he is an articulated seaman or of the ordinary crew of which he at the time forms a part.

Application
of Act.

4. (1) The owner of any drogher, before he employs the same as a drogher, shall deliver to the Chief Harbour Master at his office in Port-of-Spain a return in writing according to the form in the First Schedule, signed by the owner, or by any one of the owners if there are more than one, specifying the name of the owner or owners and the name and registered tonnage of the drogher, and the Chief Harbour Master shall thereupon cause the particulars of the return to be entered in a book to be called the Register of Droghers, which book shall be kept at the office of the Chief Harbour Master and shall be open to the inspection of the public at all reasonable times; and the Chief Harbour Master shall, upon the drogher being registered, deliver to the owner of the drogher a certificate according to the form in the Second Schedule, which certificate shall continue in force until the 31st December of the year in which the certificate is granted.

*Returns and
certificates.
[27 of 1964].

First Schedule.

Second
Schedule.

(2) Notwithstanding subsection (1), there shall be paid to the Chief Harbour Master before the issue of a certificate in respect of a drogher a fee calculated at the rate of one dollar and sixty cents per tonne or part of a tonne; but in no case shall the fee be less than ten dollars.

(3) In this section, “tonne” means the net tonnage of a vessel as registered or ascertained in accordance with the Tonnage Regulations made under the Merchant Shipping Act 1894 of the United Kingdom.

57 & 58 Vict.
c. 60.

*See section 6 of Act No. 27 of 1964.

Employing
uncertified
drogher.

5. Every owner of a vessel not duly certified under this Act who employs the vessel or allows or suffers the vessel to be employed as a drogher is liable to a fine of four hundred dollars except that a drogher's boat or a ship's boat may be employed in the lading or unloading of the cargo of that drogher or ship, or in the conveyance of passengers to and from that drogher or ship, without first obtaining a certificate as mentioned in section 4.

Name to
be painted
on quarter.

6. The owner of every drogher shall cause the name mentioned in the certificate of the drogher to be painted in a conspicuous manner, in white letters of not less than one hundred and fifty millimetres in height and of proportionate width on a dark ground, or on a light ground in black letters, on each quarter of the drogher; and shall, from time to time, cause the painting to be renewed, so that the same shall be at all times plain and legible; and every owner of any drogher of which the name is not painted or kept painted in the manner directed above so as to be at all times plain and legible, is liable to a fine not exceeding forty dollars nor less than ten dollars for every day on which such drogher is employed.

Register of
Sailors.

7. The Chief Harbour Master shall keep at his office in Port-of-Spain a book to be called the Register of Sailors, in which he shall enter from time to time the names of all persons who from time to time are licensed to act as sailors under this Act, and shall number every such licence with a particular number.

Sailor's licence.

8. Licences under this Act shall and may be granted by any Harbour Master, and every such Harbour Master shall, on payment to him of the fee mentioned below, deliver to any person requiring the same a licence, which shall be on parchment or vellum, and shall be according to the form in the Third Schedule, and shall, unless cancelled under the provisions of this Act, expire on the 31st December of the year in which such licence is granted.

Third Schedule.

Fee.

9. There shall be paid to the Harbour Master for every such licence the sum of sixty cents.

10. The Harbour Master of every port shall transmit a copy of every such licence granted by him to the Chief Harbour Master, who shall thereupon enter the particulars of the same in his Register.

Licences at out-ports.

11. It shall be lawful for any Harbour Master, on its being made to appear to his satisfaction that any licence granted under this Act has been lost or destroyed, and on the payment to him of a fee of twenty-five cents, to grant to the person to whom the licence had been granted a new licence, and the new licence shall, subject to the provisions contained below, expire on the 31st December of the year in which such new licence is granted.

Licence lost or destroyed.

12. If any sailor has been convicted of larceny, it shall be lawful for any Harbour Master to make an order cancelling the licence of the sailor, and to withhold the granting of a licence to the sailor so convicted for any term not exceeding two years from the date of the conviction.

Conviction for larceny.

13. If any person applying for a licence under this Act has been convicted of larceny, it shall be lawful for any Harbour Master to withhold the granting of a licence to the person so convicted, for any term not exceeding two years from the date of the conviction.

Withholding the grant of licence.

14. If any sailor, whilst employed as a sailor, whether on board of any ship or drogher, or at any wharf or quay, is found drunk, or assaults or threatens to assault, or uses any violent or obscene language to, any person connected with any work in which the sailor is so employed, it shall be lawful for any Harbour Master, on the complaint of the employer of the sailor or of the master or person having the command of the ship or drogher on which or in connection with which the sailor is employed, to make an order for the suspension for a limited time or the cancelling of the licence of the sailor, whether the licence of the sailor has been granted by the same or some other Harbour Master; and he may, if he sees fit, in lieu of suspending or cancelling the licence, impose on the sailor a fine of one hundred dollars.

Suspension of sailor's licence.

Procedure on suspension of licence.

15. Every Harbour Master making an order for the suspension or the cancelling of any licence shall thereupon write on the face of the licence the words “suspended until” (*specifying the day unto which the licence is to be suspended*) or “cancelled,” and shall sign his name at the foot thereof; and the Chief Harbour Master shall thereupon enter a note of the suspension or cancelling in the Register opposite the name of the person whose licence is so suspended or cancelled, for which purpose the Harbour Master of any port, where any such order of suspension or cancelling has been made by him, shall forthwith notify the same to the Chief Harbour Master; and any sailor who, being required by any Harbour Master to do so, refuses or fails to deliver up his licence to the Harbour Master to be so cancelled, or in order that a note of the suspension may be made on the same, or works as a sailor after his licence is cancelled, or during the time the licence is suspended is liable on summary conviction to imprisonment for fourteen days.

Unlicensed sailors.

16. Every person who retains or employs in or for any work any person not duly licensed as a sailor, and every sailor who, having contracted with any employer for the performance of any work, employs in such work any person not duly licensed as a sailor, and every person who, not being duly licensed as a sailor, undertakes or is employed in any work, is liable, for every such offence, to a fine of four hundred dollars.

Refusing to exhibit licence.

17. Any person offering to work or working as a sailor who, on being required to do so, refuses or fails to produce or exhibit a licence under this Act authorising him to work as a sailor, to any Harbour Master or officer of his department or member of the Police Service, or to the person to whom he so offers or by whom he is employed, is liable to a fine of one hundred dollars.

Sailor failing to complete contract.

18. Any sailor who, having entered into any contract with any employer for the performance of any work, afterwards refuses or fails, without sufficient cause, to enter upon the performance of or to complete the work at or within the time appointed by the contract, or if no such time is limited, then within a reasonable time, shall, on the complaint of the employer, forfeit and pay to the employer

such sum not exceeding ten dollars in addition to the whole or such part of the moneys or wages payable to the sailor under the contract, as the Harbour Master before whom the complaint is heard sees fit.

19. If on the complaint of any employer it appears to the satisfaction of the Harbour Master before whom the complaint is heard, that any property of the employer, or the whole or any part of the cargo entrusted to the care of any sailor on any voyage or trip from one part to any other part of Trinidad and Tobago, or for the lading or unloading whereof the sailor has entered into a contract, has not been accounted for, or has been destroyed, lost or damaged by the wilful act, default or negligence of the sailor or of any person employed by him, it shall be lawful for the Harbour Master, on the complaint of the employer, to make an order that the sailor do forfeit and pay to the employer such sum not exceeding fifty dollars as the Harbour Master may allow as the value of the property or cargo not duly accounted for, or so destroyed or lost, or as the amount of the damage done; and the amount so allowed may be deducted by the employer from any moneys due by him to the sailor.

Property lost, damaged or not accounted for by sailor.

20. If any sailor, having contracted for the performance of any work and having received the amount payable on the contract, afterwards refuses to pay to any sailor whom he may have employed under him in the performance of the contract what is justly due to the sailor so employed by him, and whether what is so due is in the nature of wages or a share of the moneys payable under the contract, it shall be lawful for any Harbour Master, on the complaint of the sailor so employed, to make an order for the suspension for a limited time or the cancelling of the licence of the sailor, whether the licence of the sailor has been granted by the same or some other Harbour Master.

Contractor not paying sailor.

21. Any sailor who enters into a contract to aid and assist any other sailor in any work and afterwards refuses or fails, without sufficient cause, to commence or to perform the work shall forfeit and pay to the sailor with whom he has entered into the contract

Breach of agreement.

Damage to property.

such sum not exceeding ten dollars, in addition to the moneys, if any, which may have been advanced to him on the agreement, as the Harbour Master sees fit. And any sailor employed under any other sailor in the performance of any work who by his wilful act, negligence, or default, destroys, loses or damages any property of the employer or any part of the cargo in the lading or unloading of which he is employed, shall, on the complaint of the sailor under whom he has been so employed, forfeit and pay to the last mentioned sailor such sum as the last mentioned sailor may have paid or become liable to pay to his employer as the value of the property or cargo so destroyed or lost, or the amount of the damage.

Harbour Master's jurisdiction.

22. (1) All complaints for any offence against this Act other than offences against section 15, and all disputes and matters of difference between employers and sailors touching any moneys due or claimed to be due to any sailor for work done by him on board of any ship or drogher, or touching any other matter cognisable under this Act, and between sailor and sailor in respect of moneys due or claimed to be due in respect of work done by the one on the retainer or request of the other of such sailors, and whether such moneys shall be of the nature of wages or a share of the gross amount payable on any contract for work under this Act, may be heard and determined by any Harbour Master.

Procedure.

(2) All complaints and disputes may be heard and determined by any Harbour Master in a summary manner, and, if he sees fit, without issuing any summons or warrant to the party complained of, so always that the statement of the party complaining shall be taken on oath, and that the Harbour Master, before making any final order on the complaint, shall give to the party complained against an opportunity of answering the same, and if he sees fit, or if required by the person complained against, shall take the evidence on oath of such party, and shall also examine on oath the witnesses as either party may produce, and which oaths the Harbour Master is hereby authorised to administer.

Book of complaints.

23. Every Harbour Master shall, in a book to be kept by him for that purpose, and called the "Harbour Master's Book of Complaints", enter from time to time a note of every complaint

made before him under this Act specifying the date of the complaint being laid, the names of the party complaining and of the party complained against, the nature of the complaint, the evidence taken before him, and the mode in which the complaint has been disposed of; and the book shall be signed by the Harbour Master at the conclusion of each day's proceedings.

24. Every penalty imposed under this Act shall be paid to the Harbour Master by whom the penalty is imposed for the use of the State and in every case where the amount imposed as a penalty under this Act is not paid to the Harbour Master, or where any sum of money ordered to be paid to any complainant is not paid to the complainant, either immediately or within such time as the Harbour Master, at the time of conviction or of making such order appoints, it shall be lawful for the Harbour Master, by warrant under his hand, to commit the offender to the Port-of-Spain prison, there to be imprisoned according to the discretion of the Harbour Master, for any term not exceeding one month, unless the amount of the penalty or the sum mentioned in the order is sooner paid.

Recovery of penalties.

25. Every Harbour Master shall pay over to the Comptroller of Accounts all moneys received by him for licences and certificates issued and penalties recovered under the authority of this Act.

Appropriation. [27 of 1964].

Section 4.

FIRST SCHEDULE

**DECLARATION OF OWNERSHIP
 HARBOUR MASTER'S OFFICE, PORT-OF-SPAIN**

....., 20..... .

..... the undersigned, do hereby declare that the sole owner of the vessel specified on the back hereof which intend to navigate as a Drogher under the Droghers Act.

Owner:
Witness:

TO THE HARBOUR MASTER,

Name	Tonnage (in figures)	Amount payable \$ ¢.
	Total ...	

The tonnage shown above is correct.

Measuring Officer.

Date.....

Received the sum of

Comptroller.

Date..... No.

SECOND SCHEDULE

Section 4.

CERTIFICATE OF DROGHER

I certify that a Return of the undermentioned Drogher has been made this day to me.

Name of Owner	Name of Drogher

This Certificate shall continue in force until the 31st December next.

Port-of-Spain, this day of, 20.....

.....
Harbour Master.

THIRD SCHEDULE

Section 8.

LICENCE

No.

TRINIDAD AND TOBAGO.

A.B. of is hereby licensed to act as a Sailor under the Droghers Act.

This Licence shall continue in force until the 31st December 20.....

Port-of-Spain, this day of, 20.....

.....
Harbour Master.
