

THE INDIAN STEAM-SHIPS ACT, 1884.

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THE SCHEDULE.—RATES OF FEES.

ACT No. VII OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th
February, 1884.)

An Act to amend the law relating to the Survey of Steam-ships and the Grant of Certificates to Engineers of those Ships.

WHEREAS it is expedient to amend the law relating to the survey of steam-ships and the grant of certificates to engineers of those ships; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Indian Steam-ships Act, 1884; and Short title.

(2) It extends to the whole of British India. Extent.

2. (1) This Act shall come into force on such day as the Governor General in Council, by notification in the *Gazette of India*, appoints: Commencement.

(2) Provided that any notification, rule or appointment may be made under this Act at any time after the passing thereof, but, except in the case of a notification under section forty-two, sub-section (2), shall not take effect until the Act comes into force.

3. In this Act, unless there is something repugnant in the subject or context,— Definitions.

(1) “steam-ship” means every description of vessel used in navigation and propelled wholly or in part by the agency of steam:

(2) “British steam-ship” includes a steam-ship registered under Act XIX of 1838, Act X of 1841 or Act XI of 1850, or under any other law passed by the

Governor

(Chapter II.—Survey of Steam-ships.)

Governor General in Council and for the time being in force for the registration of ships in India :

(3) "master" means any person (except a pilot or harbour-master) having for the time being control or charge of a steam-ship :

(4) "passenger" includes any person carried in a steam-ship other than the master and crew and the owner, his family and servants : and

(5) "prescribed" means prescribed by a rule made by the Local Government under this Act.

CHAPTER II.

SURVEY OF STEAM-SHIPS.

Steam-ship not to carry passengers without a certificate of survey.

4. A steam-ship shall not carry more than twelve passengers between places in British India, and

a British steam-ship shall not carry more than twelve passengers to or from any place in British India from or to any place out of British India,

unless she has a certificate of survey under this Act in force and applicable to the voyage on which she is about to proceed or the service on which she is about to be employed.

Exception of certain steam-ships.

5. Nothing in the last foregoing section shall apply to—

(a) any steam-ship having a certificate of survey granted by the Board of Trade or any British Colonial Government, unless it appears from the certificate that it is inapplicable to the voyage on which the steam-ship is about to proceed, or the service on which she is about to be employed, or unless there is reason to believe that the steam-ship has, since the grant of the certificate, sustained injury or damage, or been found unseaworthy or otherwise inefficient ; or

(b) any steam-ship having a certificate of survey granted under the Inland Steam-vessels Act, VI of 188

1884,

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1884, in force and applicable to the voyage on which the steam-ship is about to proceed or the service on which she is about to be employed; or

- (c) any steam-ship belonging to, or in the service of, Her Majesty or the Government of India; or
- (d) any steam-ship belonging to any foreign Prince or State when employed mainly on the public service of the Prince or State; or
- (e) any steam-ship carrying passengers during the interval between the time at which her certificate of survey under this Act expires and the time at which it is first practicable to have the certificate renewed.

6. (1) If any steam-ship carries or attempts to carry passengers in contravention of section four, the owner and master of the steam-ship shall each be liable to a fine which may extend to one thousand rupees.

Penalty for carrying passengers without certificate of survey.

(2) If the master or any other officer of any steam-ship which carries or attempts to carry passengers in contravention of section four is a licensed pilot, he shall be liable to have his license as a pilot cancelled or suspended for any period by the Local Government, as the Local Government sees fit to order.

7. No officer of Customs shall grant a port-clearance, nor shall any pilot be assigned, to any steam-ship for which a certificate of survey is required by section four, until after the production by the owner or master thereof of a certificate under this Act in force and applicable to the voyage on which she is about to proceed and the service on which she is about to be employed.

No port-clearance until certificate of survey produced.

8. If any steam-ship for which a certificate of survey is required by section four leaves or attempts to leave any port of survey without a certificate, any officer of Customs or any pilot on board the steam-ship may detain her until she obtains a certificate.

Power to detain steam-ship not having certificate of survey.

9. (1) The

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Appointment
of surveyors
and ports of
survey.

9. (1) The Local Government may, from time to time, appoint so many persons as it thinks fit to be surveyors for the purposes of this Act at such ports within the territories under its administration as it, from time to time, appoints to be ports of survey.

(2) Every surveyor appointed under this Act may be suspended or removed by the Local Government which appointed him.

(3) Every surveyor appointed under this Act shall, for the purposes of any survey made by him, be deemed to be a public servant within the meaning of the Indian Penal Code.

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Powers of
surveyor.

10. (1) For the purposes of a survey under this Act, any surveyor appointed under this Act may, at any reasonable time, go on board a steam-ship, and may inspect the steam-ship and every part thereof, and the machinery, equipments or articles on board thereof :

Provided that he does not unnecessarily hinder the loading or unloading of the steam-ship, or unnecessarily detain or delay her from proceeding on any voyage.

(2) The owner, master and officers of the steam-ship shall afford to the surveyor all reasonable facilities for a survey, and all such information respecting the steam-ship and her machinery and equipments, or any part thereof, respectively, as he reasonably requires.

Declaration
of surveyor.

11. When a survey under this Act is completed, the surveyor making it shall forthwith, if satisfied that he can with propriety do so, give to the owner or master of the steam-ship surveyed a declaration in the prescribed form containing the following particulars, namely :—

(a) that the hull and machinery of the steam-ship are sufficient for the service intended and in good condition ;

(b) that the equipments of the steam-ship and the certificates of the master, mate or mates, and engineer or engineers or engine-driver,

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- driver, are such and in such condition as are required by any law for the time being in force and applicable to the steam-ship ;
- (c) the time (if less than one year) for which the hull, machinery and equipments of the steam-ship will be sufficient ;
- (d) the limit (if any) beyond which, as regards the hull, machinery or equipments, the steam-ship is in the surveyor's judgment not fit to ply ;
- (e) the number of passengers which the steam-ship is, in the judgment of the surveyor, fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins ; the number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried or other circumstances, as the case requires ; and
- (f) any other prescribed particulars.

12. (1) The owner or master to whom a declaration is given under the last foregoing section shall, within fourteen days after the date of the receipt thereof, send the declaration to such officer as the Local Government, from time to time, appoints in this behalf.

Sending of declaration by owner or master to Local Government.

(2) If he fails to do so, he shall forfeit a sum not exceeding five rupees for every day during which the sending of the declaration is delayed.

(3) The owner or master shall pay the sum so forfeited on the delivery of the certificate of survey in addition to the fee payable for the certificate.

13. (1) Upon receipt of a declaration by the officer appointed in this behalf under the last foregoing section, the Local Government shall, if satisfied that the provisions of this Act have been complied with, cause a certificate in duplicate to be prepared and delivered,

Grant of certificate of survey by Local Government.

(Chapter II.—Survey of Steam-ships.)

delivered, through such officer at the port at which the steam-ship was surveyed as the Local Government, from time to time, appoints in this behalf, to the owner or master of the steam-ship surveyed, on his applying and paying the fees and other sums (if any) mentioned in this Act as payable on delivery of a certificate.

(2) A certificate granted under this section shall be in such form as the Governor General in Council, from time to time, directs; shall contain a statement to the effect that the provisions of this Act with respect to the survey of the steam-ship and the transmission of the declaration in respect thereof have been complied with; and shall set forth—

(a) the particulars concerning the steam-ship which clauses (c), (d) and (e) of section eleven require the declaration by the surveyor to contain; and

(b) any other prescribed particulars.

(3) When a certificate is ready for delivery under this section, the Local Government shall cause notice thereof to be given by post or otherwise to the owner or master of the steam-ship to which the certificate relates.

Fees for certificates of survey.

14. For every certificate of survey granted by the Local Government under this Act the owner or master of the steam-ship surveyed shall pay to the officer through whom the certificate is delivered to him—

(a) a fee calculated on the tonnage of the steam-ship according to the rates in the schedule hereto annexed or according to any other prescribed rates; and

(b) when the survey is made in any port of survey other than Calcutta, Madras, Bombay or Rangoon, such additional fee, in respect of the expense, if any, of the journey of the surveyor to the port, as the Local Government, from time to time, by notification in the official Gazette, directs.

15. (1) The

(Chapter II.—Survey of Steam-ships.)

15. (1) The owner or master of every steam-ship for which a certificate of survey has been granted under this Act shall forthwith, on the receipt of the certificate, cause one of the duplicates thereof to be affixed, and kept affixed so long as the certificate remains in force and the steam-ship is in use, on some conspicuous part of the steam-ship where it may be easily read by all persons on board thereof.

Certificate of survey to be affixed in conspicuous part of steam-ship.

(2) If the certificate is not so kept affixed, the owner and master of the steam-ship shall each be liable to a fine which may extend to one hundred rupees.

16. A certificate of survey granted under this Act shall not be in force—

Term of certificates of survey.

- (a) after the expiration of one year from the date thereof; or
- (b) after the expiration of the period, if less than one year, for which the hull, boilers, engines or any of the equipments have been stated in the certificate to be sufficient; or
- (c) after notice has been given, by the Local Government, to the owner or master of the steam-ship to which the certificate relates, that the Local Government has cancelled or suspended it.

17. Any certificate of survey granted under this Act may be cancelled or suspended by a Local Government if it has reason to believe—

Cancellation or suspension of certificate of survey by Local Government.

- (a) that the declaration by the surveyor of the sufficiency and good condition of the hull, boilers, engines or any of the equipments of the steam-ship has been fraudulently or erroneously made; or
- (b) that the certificate has otherwise been issued upon false or erroneous information; or
- (c) that, since the making of the declaration, the hull, boilers, engines or any of the equipments of the steam-ship have sustained any injury, or have otherwise become insufficient.

18. (1) The

(Chapter II.—Survey of Steam-ships.)

Power to require delivery of expired or cancelled certificates of survey.

18. (1) The Local Government may require any certificate of survey granted under this Act which has expired, or has been cancelled or suspended, to be delivered up to such person as it, from time to time, directs.

(2) If the owner or master of a steam-ship, without reasonable cause, neglects or refuses to deliver up a certificate as required under this section, he shall be punished with fine which may extend to one hundred rupees.

Report of cancellation or suspension of certain certificates.

19. If the Local Government which cancels or suspends a certificate of survey granted under this Act is not the Local Government which granted the certificate, the Local Government cancelling or suspending the certificate shall report the fact of cancellation or suspension, together with the reasons therefor, to the Local Government which granted the certificate.

Power for Local Government to direct that two surveyors be employed.

20. A survey under this Act shall ordinarily be made by one surveyor, but two surveyors may be employed if the Local Government, by order in writing, so directs, either generally in the case of all steam-ships at any port of survey, or specially in the case of any particular steam-ship or class of steam-ships at any such port.

Power for Local Government to order a second survey.

21. (1) If the surveyor or surveyors making a survey under this Act refuses or refuse to give a declaration under section eleven with regard to any steam-ship, or gives or give a declaration with which the owner or master of the steam-ship surveyed is dissatisfied, the Local Government may, on the application of the owner or master, direct two other surveyors appointed under this Act to survey the steam-ship.

(2) The surveyors so directed shall forthwith survey the steam-ship, and may, after the survey, either refuse to give a declaration or give such declaration as under the circumstances seems to them proper; and their decision shall be final.

22. When

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22. When a survey is made under either of the last two foregoing sections by two surveyors, each of the surveyors making the survey shall perform a prescribed portion of the duties assigned by this Act or the rules made under this Act to a surveyor making a survey.

Division of duties when two surveyors employed.

23. When a foreign steam-ship requires to be furnished with a certificate of survey under this Act, and the Local Government is satisfied, by the production of a certificate of survey attested by a British Consular Officer at the port of survey; that the ship has been officially surveyed at a foreign port, and that the requirements of this Act are proved by that survey to have been substantially complied with, the Local Government may, if it thinks fit, dispense with any further survey of the ship in respect of the requirements so complied with, and give a certificate which shall have the same effect as a certificate given after survey under this Act :

Survey of foreign steam-ships.

Provided that this section shall not apply in the case of an official survey at any foreign port with respect to which Her Majesty has by Order in Council directed that section 19 of the Merchant Shipping Act, 1876, shall not apply.

39 & 40 Vic.,
c. 80.

24. (1) The Local Government may make rules to regulate the making of surveys under this Act.

Power for Local Government to make rules as to surveys.

(2) Rules under this section may, among other matters,—

- (a) declare the times and places at which, and the manner in which, surveys are to be made;
- (b) regulate the duties of the surveyor making a survey and, where two surveyors are employed, assign the respective duties of each of the surveyors employed;
- (c) declare the form in which the declarations of surveyors and certificates of survey under this Act are to be framed, and the nature of

the

(Chapter III.—*Examination and Certificates of Engineers and Engine-drivers.*)

the particulars which are to be stated therein, respectively ; and

- (d) fix the rates according to which the fees payable for certificates of survey are to be calculated in the case of all or any of the ports of survey within the territories under its administration.

Power for Local Government to exempt certain steam-ships.

25. The Local Government may, from time to time, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, declare that all or any of the provisions of this chapter shall not apply in the case of any specified class of steam-ships, or shall apply to them with such modifications as the Local Government prescribes.

CHAPTER III.

EXAMINATION AND CERTIFICATES OF ENGINEERS AND ENGINE-DRIVERS.

Appointment of examiners.

26. The Local Government may, from time to time, appoint persons for the purpose of examining the qualifications of persons desirous of obtaining certificates of competency as engineers or engine-drivers.

Grant of engineers' and engine-drivers' certificates of competency.

27. (1) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as a first-class engineer, or as a second-class engineer, or as an engine-driver, as the case may be :

Provided that the Local Government may, in any case in which it has reason to believe that the report has been unduly made, require, before granting a certificate, a re-examination of the applicant or a further inquiry into his testimonials and character.

(2) Every certificate granted under this section shall be in the prescribed form.

28. Notwithstanding

(Chapter III.—*Examination and Certificates of Engineers and Engine-drivers.*)

- V of 1883. 28. Notwithstanding anything contained in the Indian Merchant Shipping Act, 1883, or any other law for the time being in force, the Local Government may at any time, without any formal investigation, suspend or cancel any engine-driver's certificate granted by it under this Act, if in its opinion the holder is, or has become, unfit to act as an engine-driver. Power for Local Government to cancel engine-drivers' certificates.
29. Every certificate of competency granted under this Act shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded in the prescribed manner. Certificates to be made in duplicate.
30. Whenever an engineer or engine-driver proves to the satisfaction of the Local Government which granted his certificate that he has, without fault on his part, lost or been deprived of it, a copy of the certificate to which, by the record kept as provided by law, he appears to be entitled shall be granted to him, and shall have all the effect of the original. Copy of certificate to be granted in certain cases.
31. (1) A British steam-ship shall not proceed from any port in British India to any port or place not being either in British India, or on the continent of India, or in the Island of Ceylon, unless she has,— Steam-ships required to carry first-class and second-class engineers.
- (a) if the steam-ship has engines of one hundred nominal horse-power or upwards, as her first and second engineers two certificated engineers, the first possessing a first-class engineer's certificate and the second a second-class engineer's certificate or a certificate of the higher grade, granted under this Act or the Merchant Shipping Acts, 1854 to 1883, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869;
- (b) if the steam-ship has engines of under one hundred nominal horse-power, as her only or first engineer an engineer possessing a second-class engineer's certificate or a certificate

(Chapter III.—*Examination and Certificates of Engineers and Engine-drivers.*)

ificate of the higher grade of the nature referred to in clause (a).

(2) A foreign steam-ship having engines of fifty nominal horse-power or upwards shall not carry passengers from any port in British India to any other port in British India, and a British steam-ship having engines of a like horse-power shall not proceed from any port in British India to any other port in British India or to any port or place on the continent of India or in the Island of Ceylon, unless she has as her only or first engineer an engineer possessing a second-class engineer's certificate or a certificate of the higher grade of the nature referred to in clause (a) of sub-section (1).

Power for Local Government to require certain steam-ships to carry engine-drivers.

32. (1) On and from such day as the Local Government, by notification in the official Gazette, directs in this behalf, a foreign steam-ship having engines of under fifty nominal horse-power shall not carry passengers from any port within the territories administered by that Local Government to any other port in British India, and a British steam-ship having engines of a like horse-power shall not proceed from any port within those territories to any other port in British India or to any port or place on the continent of India or in the Island of Ceylon, unless she has as her engineer a person possessing an engine-driver's certificate granted under this Act or an engineer's certificate of either of the grades referred to in the last foregoing section.

(2) The Local Government may at any time, by a like notification, cancel any notification issued by it under this section.

Exemption of inland steam-vessels.

33. Nothing in section thirty-one or section thirty-two shall apply to any steam-ship to which the provisions of the Inland Steam-vessels Act, 1884, are applicable. VI of 1884

Penalty for serving, or engaging a

34. (a) If any person who has been engaged to serve in any of the capacities referred to in section thirty-one

(Chapter III.—*Examination and Certificates of Engineers and Engine-drivers.*)

thirty-one or section thirty-two in any steam-ship to which those sections apply, respectively, proceeds in the steam-ship in that capacity without being at the time entitled to, and possessed of, the certificate required by those sections, and

person to serve, as engineer or engine-driver without a certificate.

(b) if any person employs any person in any capacity referred to in section thirty-one or section thirty-two in any steam-ship to which those sections apply, respectively, without ascertaining that he is at the time entitled to, and possessed of, the certificate required by those sections,

he shall be punished with fine which may extend to five hundred rupees.

35. The provisions of Act I of 1859 (*for the amendment of the law relating to Merchant Seamen*) with respect to the certificates of competency or service of the master and mate contained in section 31 and section 32 of that Act shall apply to certificates of competency granted under this Act in the same manner as if certificates of competency granted to engineers under this Act were specially mentioned and included in those sections.

Production of certificates.

36. The Local Government may make rules to regulate the granting of certificates of competency under this Act, and may by such rules—

Power for Local Government to make rules as to grant of certificates of competency.

(a) provide for the conduct of the examinations of persons desirous of obtaining certificates of competency as engineers or engine-drivers under this Act;

(b) prescribe the qualifications to be respectively required of persons desirous of obtaining first-class engineers' certificates, second-class engineers' certificates and engine-drivers' certificates, respectively;

(c) fix the fees to be paid by all applicants for examination; and

(d) prescribe the form in which certificates are to

be

(Chapter IV.—Investigations into Explosions.)

(Chapter V.—Supplemental.)

be framed, and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded.

CHAPTER IV.

INVESTIGATIONS INTO EXPLOSIONS.

Power to investigate causes of explosions on board steam-ships.

37. (1) Whenever any explosion occurs on board any steam-ship on or near the coasts of British India, the Local Government may, if it thinks fit, direct that an investigation into the cause of the explosion be made by such person or persons as it thinks fit.

(2) The person or persons so directed may enter into and on the steam-ship, with all necessary workmen and labourers, and remove any portion of the steam-ship, or of the machinery thereof, for the purpose of the investigation, and shall report to the Local Government what, in his or their opinion, was the cause of the explosion.

(3) Every person making an investigation under this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

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CHAPTER V.

SUPPLEMENTAL.

Jurisdiction of Magistrate.

38. No Magistrate shall try any offence under this Act unless he is a Presidency Magistrate or a Magistrate whose powers are not less than those of a Magistrate of the first class.

Place of trial.

39. If any person commits an offence against this Act, he shall be triable for the offence in any place in which he may be found, or which the Local Government, from time to time, by notification in the official Gazette, directs in this behalf, or in any other place in which he might be tried under any other law for the time being in force.

Distress of steam-ship.

40. Where the owner or master of a steam-ship is adjudged under this Act to pay a fine for an offence committed

(Chapter V.—Supplemental.)

committed with, or in relation to, that steam-ship, the Court may, in addition to any other power it may have for the purpose of compelling payment of the fine, direct that it be levied by distress and sale of the steam-ship, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

VIII of 1876. 41. In section 13, clause (b), of the Native Passenger Ships Act, 1876, for the words "six months" the words "one year" shall be substituted; and after the word "sailing" the words "in force and applicable to the voyage on which the ship is about to proceed or the service on which she is about to be employed" shall be added.

Amdment
of section
13 of Act
VIII of 1876.

42. (1) A Local Government making rules under this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

Procedure for
making, pub-
lication and
confirmation
of rules.

(2) The publication shall be made in such manner as the Governor General in Council, from time to time, by notification in the *Gazette of India*, prescribes.

(3) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(4) The Local Government shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(5) A rule made under this Act shall not take effect until it has been sanctioned by the Governor General in Council and published in the local official Gazette.

(6) The publication in the Gazette of a rule purporting to be made under this Act shall be conclusive evidence that it has been duly made and sanctioned.

(7) All powers to make rules conferred by this Act may be exercised from time to time as occasion requires.

THE SCHEDULE.

(The Schedule.—Rates of Fees.)

THE SCHEDULE.

(See Section 14.)

RATES OF FEES.

| | Tons. | Rs. |
|------------------------------|-------|-----|
| For steam-ships of less than | 200 | 40 |
| ” ” 200 tons and up to | 350 | 50 |
| ” ” 350 ” ” ” | 700 | 60 |
| ” ” 700 ” ” ” | 1,000 | 80 |
| ” ” 1,000 ” ” ” | 1,500 | 100 |
| ” ” 1,500 ” and upwards | ... | 120 |