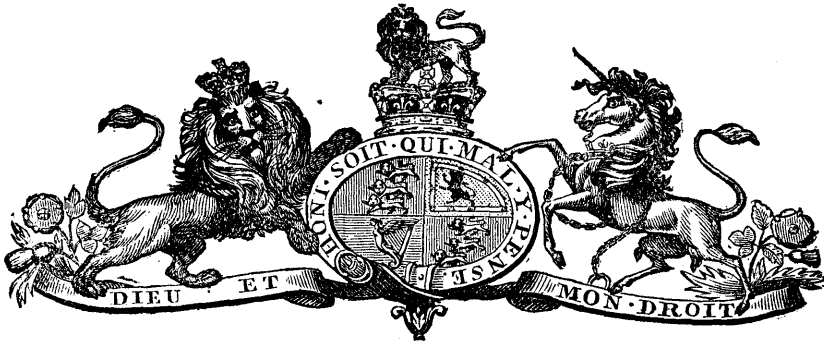


NEW ZEALAND.



TRICESIMO SECUNDO ET TRICESIMO TERTIO

VICTORIÆ REGINÆ.

No. V.

ANALYSIS.

<p>Title. Preamble. Section 288 of "The Merchant Shipping Act 1854." "The Merchant Shipping Act 1854 Adoption Act." "The Merchant Shipping Act Amendment Act 1862" and "The Merchant Shipping Act 1867."</p> <p>1. Short Title. Commencement of Act. 2. Repeal. 3. The third part of "The Merchant Shipping Act 1854" applied to ships registered at trading with and being at New Zealand. Exceptions. 4. Certain parts of "The Merchant Shipping Act</p>	<p>Amendment Act 1862" and "The Merchant Shipping Act 1867." 5. Construction of terms in "Merchant Shipping Acts" to be used in the application thereof to ships registered at trading with or being at any place in New Zealand. Words. 6. Form of books and instruments. 7. Officer of Customs may act where there is no Mercantile Marine Office. 8. Permits may be granted in certain cases to authorize seamen to ship in foreign-going or home-trade ship. 9. Exemption from Stamp duty.</p>
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AN ACT to amend the Law relating to Merchant Shipping and to apply and adapt to British Ships registered at trading with or being at any place in New Zealand and the Owners Masters and Crews thereof certain provisions of the Acts of the Imperial Legislature called respectively "The Merchant Shipping Act 1854" and "The Merchant Shipping Act Amendment Act 1862" and "The Merchant Shipping Act 1867."

[27th July 1869.]

WHEREAS by the two hundred and eighty-eighth section of an Act of the Imperial Parliament intituled "The Merchant Shipping Act 1854" hereinafter called "the principal Act" it is enacted that if the respective legislative authorities in any British Possession abroad by any Acts Ordinances or other appropriate legal means apply or adapt any of the provisions in the third part of the said Act contained to any British ships registered at trading with or being at any place within their respective

Preamble.

Section 288 of "The Merchant Shipping Act 1854."

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jurisdictions and to the owners masters mates and crews thereof such provisions when so applied and adapted as aforesaid and as long as they remain in force shall in respect of the ships and persons to which the same are applied be enforced and penalties and punishments for the breach thereof shall be recovered and inflicted throughout Her Majesty's Dominions in the same manner as if such provision had been thereby so adopted and applied and such penalties and punishments had been thereby expressly imposed And whereas by an Act of the General Assembly passed in the year one thousand eight hundred and fifty-eight number thirty-nine the short title whereof is "The Merchant Shipping Act 1854 Adoption Act" it was enacted that so much of the third Part of the principal Act as relates to rights to wages and remedies for the recovery thereof to the shipping and discharge of seamen in foreign ports to leaving seamen abroad and to the relief of seamen in distress in foreign ports to the provisions health and accommodation of seamen to the power of seamen to make complaints to the protection of seamen from imposition to discipline to Naval Courts on the high seas and abroad and to crimes committed abroad should so far as the same is applicable be applied to all British ships registered at trading with or being at any place within the jurisdiction of New Zealand and to the owners masters and crews of the said ships And whereas by two several Acts of the Imperial Parliament called respectively "The Merchant Shipping Act Amendment Act 1862" and "The Merchant Shipping Act 1867" certain of the provisions in the said third Part of the principal Act are amended And it is expedient that "The Merchant Shipping Act 1854 Adoption Act" aforesaid should be repealed and that certain of the provisions of the principal Act and of "The Merchant Shipping Act Amendment Act 1862" and "The Merchant Shipping Act 1867" should be applied and adapted in manner hereinafter appearing to all British ships registered at trading with or being at any place within the jurisdiction of New Zealand

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

Short Title.

Commencement of Act.

Repeal.

1. The Short Title of this Act shall be "The Merchant Shipping Acts Adoption Act 1869" and it shall come into operation on the first day of January one thousand eight hundred and seventy Provided that the provisions contained in sections numbered from one hundred and thirty-one to one hundred and forty both inclusive in the third Part of the said principal Act relating to the examination and certificates of masters and mates shall not come into operation until such time as shall be hereafter appointed by the Governor in Council.

2. "The Merchant Shipping Act 1854 Adoption Act" is hereby repealed Provided that such repeal shall not affect

- (1.) Anything duly done before this Act comes into operation
- (2.) Any liability accruing before this Act comes into operation
- (3.) Any penalty forfeiture or other punishment incurred or to be incurred in respect of any offence committed before this Act comes into operation
- (4.) The institution of any investigation or legal proceeding or any other remedy for ascertaining enforcing or recovering any such liability penalty forfeiture or punishment as aforesaid.

The third Part of "Merchant Shipping Act 1854" applied to ships registered at trading with and being at New Zealand.

3. The third Part of the said first-mentioned Act of the Imperial Parliament called "The Merchant Shipping Act 1854" herein referred to as "the principal Act" (except as is hereinafter excepted and except so far as the same is amended by the Acts

"The Merchant Shipping Act 1854 Adoption Act."

"The Merchant Shipping Act Amendment Act 1862" and "The Merchant Shipping Act 1867."

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hereinafter mentioned) shall from and after the coming into operation of this Act be applied so far as the same is applicable to all British ships registered at trading with or being at any place within the jurisdiction of New Zealand and to the owners masters and crews of such ships There shall be excepted from this application and adoption such of the provisions of the said third Part relating to local Marine Boards as are contained in sections numbered from one hundred and ten to one hundred and twenty-one inclusive and there shall also be excepted the sections numbered respectively two hundred and twenty-four two hundred and twenty-seven two hundred and thirty-one and from two hundred and sixty to two hundred and sixty-six inclusive.

Exceptions.

4. The provisions of sections thirteen and fifteen and sections eighteen to twenty-four inclusive of "The Merchant Shipping Act Amendment Act 1862" aforesaid and the provisions of sections numbered three to eleven inclusive of "The Merchant Shipping Act 1867" aforesaid are hereby applied and adapted to all British ships registered at trading with or being at any place within the jurisdiction of New Zealand and to the owners masters and crews thereof.

Certain parts of "Merchant Shipping Act Amendment Act 1862" and "The Merchant Shipping Act 1867."

5. In applying the provisions of this Act and the provisions of the said Acts hereby adopted and in order to adapt the same to British ships registered at trading with or being at any place within the jurisdiction of New Zealand and to the owners masters and crews thereof the following words and expressions shall have the several meanings hereby assigned to them (unless there be something in the subject or context repugnant to such construction) that is to say "The United Kingdom" shall include "New Zealand" "The Board of Trade" shall include "The Governor of New Zealand" "The Local Marine Board" shall include any person or persons from time to time appointed by the Governor by warrant under his hand to exercise or perform at any port or place in New Zealand the powers or duties vested in or imposed on a local Marine Board by the provisions adopted hereby "Master" shall include every person (not being a pilot) having the command or charge of any ship "Seaman" shall include every person (except masters pilots and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship "Ship" shall include every description of vessel used in navigation and not propelled by oars "Home-trade ship" shall include every ship employed in trading or going between any port or place in New Zealand and any other port or place in the said Colony or in any Australian Colony or in Tasmania "Foreign-going ship" shall mean and include every ship not comprehended in the term Home-trade ship "Officer" shall mean and include Superintendent of Mercantile Marine Office or Officer of Customs "Stipendiary Magistrate" shall mean Resident Magistrate The following words in section one hundred and forty-nine of the principal Act "except ships of less than eighty tons registered tonnage exclusively employed in trading between different ports on the coasts of the United Kingdom" shall be read as follows "except ships of less than fifty tons registered tonnage exclusively employed in trading between different ports on the coast of New Zealand" and the words in section one hundred and sixty-two "home-trade ships of more than eighty tons burden" shall be read as follows "home-trade ships of more than fifty tons registered tonnage" The words "Commissioners of Customs" wherever they occur in the said Acts shall be read as meaning and including the Commissioner of Customs for the time being in New Zealand.

Construction of terms in "Merchant Shipping Acts" to be used in the application thereof to ships registered at trading with or being at any place in New Zealand.

Words.

6. The various books instruments and papers required to be used

Form of books and instruments.

Merchant Shipping Acts Adoption.

under this Act or the provisions of the Acts by this Act adopted shall be supplied at the Custom Houses or Mercantile Marine Offices in New Zealand at such moderate prices as the Governor in Council may from time to time fix and every such book instrument and paper as aforesaid shall be made in the form issued by the Board of Trade and sanctioned by it as the proper form for the time being or shall be in the form sanctioned and approved by the Governor in Council and no such book instrument or paper as aforesaid unless made in such form shall be admissible in evidence in any civil proceeding on the part of any owner or master of any ship.

Officer of Customs may act where there is no Mercantile Marine Office.

7. At any port or place in New Zealand where there is no Mercantile Marine Office anything by this Act or by the provisions of the Acts hereby adopted required to be done in presence of or by a Superintendent of a Mercantile Marine Office shall be done in presence of or by an Officer of Customs.

Permits may be granted in certain cases to authorize seamen to ship in foreign-going or home-trade ship.

8. In case any seaman shall be unable to produce a Certificate of Discharge from his last ship it shall be lawful for the Superintendent of any Mercantile Marine Office or any Officer of Customs on being satisfied of the fact of such inability and upon payment of such fee as may be fixed by the Governor in Council to grant to such seaman a permit to engage himself in any foreign-going ship or if any seaman shall prove to the satisfaction of such Officer that without any fault of his own he has lost or been deprived of his Certificate of Discharge such Officer may grant a permit as aforesaid to such seaman to ship in any home-trade ship.

Exemption from Stamp duty.

9. All instruments used in carrying into effect the provisions of this Act or the parts of the Acts hereby adopted shall if made in the prescribed forms be exempt from Stamp duty.

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