

New Zealand.

## ANALYSIS.

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## 1896, No. 37.

AN ACT to further amend the Laws relating to Shipping and Seamen. Title.  
[16th October, 1896.]

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

1. The Short Title of this Act is "The Shipping and Seamen's Act Amendment Act, 1896." It shall form part of and be read with "The Shipping and Seamen's Act, 1877" (hereinafter called "the principal Act"), and the amendments thereof, and shall come into operation on the first day of January, one thousand eight hundred and ninety-seven. Short Title.  
Construction and commencement.

**ENGINEERS.**

2. On all steamships the engineers shall be rated as officers, under the designation of chief, second, third, and fourth engineer, respectively, in accordance with their relative positions on board. Engineers to be rated as officers.

3. Section two hundred and forty-one of the principal Act is hereby amended by the addition of the following proviso, that is to say:— When Assessor to have engineering skill.

"Provided that in every case where such investigation relates to a steamship casualty, and it appears from the preliminary inquiry that any question may arise affecting the engine department or any

person employed therein, at least one of the Assessors shall be a person holding a first-class engineer's certificate.

Third-class engineers' certificates.

4. In addition to the first- and second-class engineer's certificates of competency, provided for by the principal Act, there shall be a third-class engineer's certificate of competency.

Qualification for first- or second-class engineer's certificate.

5. No person shall be entitled to receive or hold a first-class engineer's certificate of competency unless he is the holder of a certificate of competency of the second class, nor a second-class engineer's certificate unless he is the holder of a certificate of competency of the third class:

Provided that nothing in this section contained shall apply to any person who, at the date of the coming into operation of this Act, is the holder of a first-class engineer's certificate of competency.

Qualification for third-class engineer's certificate.

6. Every applicant for a third-class engineer's certificate shall, before being admitted to examination, satisfy the Minister that he is at least twenty years of age, and has worked as apprentice for at least five years in a workshop or shops where engines are manufactured or repaired, or where other work of a similar class is performed.

Proviso.

Provided that the Minister may exempt from examination any applicant,—

- (1.) Who, at the date of the coming into operation of this Act, has sailed and served as engineer on board a steamship for a period of not less than twelve months; or
- (2.) Who is the holder of the degree of Bachelor of Science in Engineering, granted by the New Zealand University, or by any university which is recognised by the New Zealand University as entitling the holder to admission *ad eundem gradum*; or
- (3.) Who has worked for at least three years in a workshop as hereinbefore prescribed, and has also attended the engineering class for at least two years in any college affiliated to the New Zealand University, or in any university recognised by the New Zealand University as aforesaid.

Repeal.

7. The second and third paragraphs of section twenty-eight of the principal Act are hereby repealed, and in lieu thereof the following is substituted:—

Number of engineers to be carried.

“Every foreign-going steamship or sea-going home-trade steamship shall have engineers according to the scale set forth in Schedule A hereto, and no such ship shall go to sea from any port in the colony unless the master thereof has obtained and possesses a valid certificate appropriate to the grade of master.”

Provision to be made for adequate ventilation of engineers' rooms, &c.

8. (1.) In all steamships registered not sooner than six months after the coming into operation of this Act, the owner thereof—

- (a.) Shall make provision to the satisfaction of an Engineer-Surveyor for the adequate ventilation of the engineers' rooms, engine-room, and stoke-hole; and also
- (b.) Shall provide for each engineer, up to at least three, a separate room which does not open direct from the engine-room, but has a separate entrance to the deck otherwise than through the engine-room.

(2.) If default is made in compliance with this section the owner is liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day after the first during which such default continues. Penalty.

(3.) For the purposes of prosecutions under this section service on the master or agents of the steamship shall be deemed service on the owner.

9. Nothing contained in sections seven and eight of this Act shall apply to any foreign-going steamship trading beyond the limits prescribed in the case of intercolonial trading ships; and with respect to every such foreign-going steamship, the provisions of the second and third paragraphs of section twenty-eight of the principal Act shall continue in force as if they were not repealed. Sections 7 and 8  
not to apply in  
certain cases.

#### GENERAL.

10. Notwithstanding anything contained in the principal Act or in any amendment thereof, it is hereby declared that whenever the master, owner, or agent of any ship— Seamen engaged in  
colony to be paid  
current wages.

(1.) Engages seamen in the colony, or

(2.) Having engaged them abroad employs them in the colony,— such seamen, whilst so employed, shall be paid and may recover the current rate of wages for the time being ruling in the colony, and in the former case the engagement may be determined in the colony at any time after the ship's arrival at her final port of discharge in the colony, consequent on the completion of a round voyage, by twenty-four hours' previous notice on either side:

Provided that this section shall not apply to ships arriving from abroad with passengers or cargo but not trading in the colony further or otherwise than for the purpose of discharging such original passengers or cargo in the colony, and there shipping fresh passengers or cargo to be carried abroad. Provisoos.

Provided further that a Collector of Customs may, upon the application of an officer of a charitable institution, grant a permit in any special case to the master of a ship to engage a seaman at less than the current rate of wages for a particular voyage to be specified in the permit.

11. Notwithstanding anything contained in the principal Act, or in any amendment thereof, it is hereby declared that in every case where a seaman (wherever engaged) is discharged in the colony before completing the full term of his engagement, he shall be paid and may recover the full amount of wages due up to the date of such discharge, notwithstanding the fact that he has not completed such full term. Recovery of wages  
up to discharge.

12. Every contract entered into after the passing of this Act shall be void in so far as it conflicts with any of the provisions of either of the two last-preceding sections hereof; but those provisions shall not affect any lawful contract then in force. Void contracts.

13. The provisions of section one hundred and ninety-six of the principal Act, and section twenty-three of "The Shipping and Seamen's Act Amendment Act, 1894," may from time to time be suspended or modified by the Minister to such extent as he thinks fit in Modification as to  
carriage of passen-  
gers for public  
purposes.

any case where the therein-mentioned passengers are being conveyed for any public purpose under the authority of any Minister.

Accidents to sailing-ships to be reported.

14. The provisions of section two hundred and ten of the principal Act (relating to the reporting of accident or damage) are hereby extended to sailing-ships, and the owners and masters thereof.

Fees for surveying load-line.

15. The Seventh Schedule of the principal Act is hereby amended by adding to the table of maximum fees to be paid for the measurement, survey, and inspection of merchant ships the table set forth in the Schedule B hereto.

Fee for license as to deck cargo.

16. There shall be payable by the owner of every vessel in respect whereof a permit or license is issued under section twenty-four of "The Shipping and Seamen's Act Amendment Act, 1894" (and prior to the issue thereof), such fee, not exceeding two pounds, as the Minister from time to time prescribes.

Imprisonment of seamen.

17. In any case where a seaman engaged in a foreign-going ship is, on summary conviction, committed to prison for any term not exceeding one month, and the ship is about to leave the colony before the expiration of such term, the following provisions shall apply:—

- (1.) The Chief Commissioner of Police shall cause such seaman to be taken (under custody) on board such ship, and there delivered to the master within forty-eight hours before she sails, and the master shall keep such seaman on board, under custody, until the ship has sailed;
- (2.) The travelling and other expenses actually incurred in giving effect to the provisions of the last-preceding subsection hereof shall in each instance be paid by the master or owner of the ship, and the ship shall not be cleared at the Customs until the same is paid;
- (3.) A certificate, signed by the principal officer of police at the port of the ship's departure, shall be sufficient evidence of the amount of such expenses, and it shall be lawful for the master paying the same to deduct the same from wages due, or to accrue due, to such seaman:

Provided that no ship shall be detained after the appointed sailing-date if such men have not been placed on board.

Section 7 of "The Shipping and Seamen's Act, 1894," amended.

18. "The Shipping and Seamen's Act Amendment Act, 1894," is hereby amended as follows: As to section seven, by adding the following words to the section: "Any vessel engaged in the coastal or intercolonial trade, and carrying at least four certificated able seamen, shall in addition carry apprentices or boys as follows: namely, one apprentice or boy to a vessel of one hundred tons and less than five hundred tons register; two apprentices or boys to a vessel of five hundred tons and less than one thousand tons register; three apprentices or boys to a vessel of one thousand tons register and upwards: Provided that this section shall only apply to sailing-vessels, but shall not apply to any such vessel to the extent exempted from time to time by a Collector of Customs."

## SCHEDULES.

## SCHEDULE A.

[Being the Schedule referred to in section seven hereof.]

Schedule A, sec. 7.

Indicated Horse-power.	Number and Grade of Engineers.
Not more than 150 ... ..	One, holding a certificate of competency or service of the second class or higher.
More than 150 and not more than 300— (a.) If running less than 300 miles between terminal ports	One, holding a certificate of competency or service of the second class or higher.
(b.) In all other cases ... ..	Two, to wit,— A chief engineer, holding a certificate of competency or service of the second class or higher; and A second engineer, holding a certificate of competency of the third class, or service of the second class, or higher.
More than 300 and not more than 1,250— (a.) If running less than 300 miles between terminal ports	Two, to wit,— A chief engineer, holding a certificate of competency or service of the first class. A second engineer, holding a certificate of competency or service of the second class, or higher.
(b.) In all other cases ... ..	Three, to wit,— A chief engineer, holding a certificate of competency or service of the first class. A second engineer, holding a certificate of competency or service of the second class or higher. A third engineer, holding a certificate of competency of the third class, or service of the second class, or higher.
For every additional 1,250 or part of 1,250 if engaged in the foreign or intercolonial trade, and for every 1,250 or part of 1,250 over and above 2,500 if engaged in the sea-going Home trade only	One additional engineer.

Indicated horse-power shall be assessed on the average horse-power indicated during the previous six months, as shown by the engineer's log-book.

For the purposes of this Schedule, the expression "terminal ports" means the port from which the steamship first takes her departure and the last port at which she calls before commencing her return voyage.

Schedule B, sec. 15.

## SCHEDULE B.

5. *For surveying and defining the Load-line of Ships.*

							£	s.	d.
For a ship under 150 tons gross	...	...	...	...	...	..	0	10	6
" from 150 "	to	300 tons gross	...	...	...	...	1	1	0
" " 300 "	to	1,000 "	...	...	...	...	2	2	0
" " 1,000 "	to	2,000 "	...	...	...	...	3	3	0
" " 2,000 "	to	3,000 "	...	...	...	...	4	0	0
" " 3,000 "	to	4,000 "	...	...	...	...	5	5	0
" " 4,000 "	and upwards	"	...	...	...	...	6	6	0

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