

Mr. McLaren.

MARITIME ACCIDENTS.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Remedy of passenger for loss or damage by maritime accident.</p> | <p>4. Liability for cargo.</p> <p>5. Evidence.</p> <p>6. Repeal.</p> |
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A BILL INTITULED

AN ACT to amend the Law with respect to Accidents at Sea, Title.

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

1. This Act may be cited as the Maritime Accidents Act, 1909. Short Title.
2. (1.) In this Act, unless a different intention appears,— Interpretation.

“Maritime accident” means any accident on board or to a New Zealand ship, whether such accident shall have happened in New Zealand or elsewhere, which was due to the negligence or default of the owner or charterer of such ship by himself or his servants or any of them :

“New Zealand ship” means—

(1.) Any ship duly registered in New Zealand under the law for the time being in force providing for the registration of ships ;

(2.) Any ship owned by a body corporate established by the law of New Zealand, or having its principal place of business in New Zealand, or any ship in the possession of any such body corporate by virtue of a charter ;

(3.) Any ship owned by any person or body corporate whose chief office or place of business in respect of the management of that ship is in New Zealand, or any ship in the possession of any such person or body corporate by virtue of a charter.

(2.) For the purposes of this Act an accident shall be deemed to have happened in New Zealand if it shall have happened on any harbour thereof within the meaning of the Shipping and Seamen Act, 1908, or within the marginal or other waters of New Zealand, and shall be deemed to have happened out of New Zealand if it shall have happened elsewhere.

Remedy of passenger
for loss or damage
by maritime
accident.

3. From and after the passing of this Act, if and when any passenger on a New Zealand ship shall have suffered loss or damage in person or property in consequence of any maritime accident, such passenger shall be entitled to maintain an action for damages against the owner or charterer of such ship, notwithstanding any contract, condition, declaration, term, or notice made, entered into, or given to the contrary expressed in any ticket or other document whatsoever, whether the same shall have been signed or otherwise agreed to by or on behalf of such passenger or otherwise. 5

Liability for cargo.

4. The provisions of sections seventeen to twenty (both inclusive) of the Mercantile Law Act, 1908, are hereby extended and shall apply to a New Zealand ship, whether in New Zealand or elsewhere, notwithstanding any contract, condition, declaration, term, or notice made, entered into, or given to the contrary expressed in any ticket, bill of lading, or other document whatsoever, whether the same shall have been signed or otherwise agreed to by or on behalf of the consignor or consignee of goods or otherwise. 10 15

Evidence.

5. If and when any accident on board or to a New Zealand ship has been the subject of judicial inquiry, whether in New Zealand or elsewhere, and it has been found that such accident was due to the negligence or default of the owner or charterer of such ship, or of the servants of such owner or charterer, or any of them, then and in such case the Court before whom any action for damages arising out of such accident shall subsequently be tried shall admit as evidence in support of such action the judgment or finding of the tribunal before whom such original inquiry was held, or a certified copy of such judgment or finding: 20 25

Provided that the judgment or finding of such tribunal shall not be admitted if an appeal lies therefrom and the time limited for appealing has not expired. 30

Repeal.

6. Section two hundred and ninety-three of the Shipping and Seaman Act, 1908, is hereby repealed. 35