

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.
House of Representatives,
28th August, 1894.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Reeves.

SHIPPING AND SEAMEN'S ACT AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT further to amend the Laws relating to Shipping and Seamen. Title.

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, 1894." It shall be read together with "The Shipping and Seamen's Act, 1877," and shall come into force on the first day of January, one thousand eight hundred and ninety-five. Short Title.

2. In this Act, and in every other Act relating to shipping and seamen, if not inconsistent with the context,— Interpretation.

"The principal Act" means "The Shipping and Seamen's Act, 1877":

"The Shipping and Seamen's Acts" mean and include the principal Act and all Acts passed in amendment thereof, and this Act, and all or any other Acts or Act at any time in force relating to shipping and seamen, and all orders, rules, and regulations made under any such Acts:

"Lighthouses," in addition to the meaning assigned to that expression by the principal Act, includes sirens and all other descriptions of fog-signals; and the expression "new lighthouse" shall include the addition to any existing lighthouse of any improved light or any siren or any description of fog-signal. 5

For the purposes of the principal Act, as amended by this Act, the expression "amidships" shall mean the middle of the length of the load water-line, as measured from the fore side of the stem to the aft side of the stern-post. 10

Shipping and Seamen's Acts to apply to electric steamships, &c.

3. The provisions of the Shipping and Seamen's Acts with respect to steamships shall apply to ships propelled by electricity or other mechanical power, with such modifications as the Minister may from time to time prescribe for purposes of adaptation.

Officers of Customs and Superintendents of Mercantile Marine may inspect documents and muster crews.

4. Every Collector of Customs and every Superintendent of Mercantile Marine, or other person duly authorised in that behalf by the Minister, may, in cases where he has reason to suspect that the provisions of this Act, or the laws for the time being relating to merchant seamen and to navigation, are not complied with, exercise the following powers, that is to say:— 15 20

- (1.) He may require the owner, master, or any of the crew of any ship to produce any official log-books or other documents relating to such crew or any member thereof in their respective possession or control:
- (2.) He may require any such master to produce a list of all persons on board his ship at the time of her departure from her first port, and of all persons who have subsequently been received on board at any port of call, distinguishing the passengers according to the classes of saloon, second-class, or steerage passengers, and take copies of such official log-books or documents, or of any part thereof: 25 30
- (3.) He may muster the crew of any such ship, and require all persons on board of such ship (other than the crew) to be collected together before him, and, if he finds the said persons to *in the aggregate* exceed the number of persons (other than as aforesaid) which the ship is authorised to carry, may prevent her from going to sea until the persons in excess of such number have left the ship: 35
- (4.) He may summon the master to appear and give any explanation concerning such ship or her crew or the said official log-books or documents; and should such explanation not be deemed satisfactory he may withhold the clearance of such vessel, and, if necessary, prevent her from going to sea for a period not exceeding twenty-four hours from the giving of such explanation: 40 45
- (5.) He shall see that every vessel is fully manned in accordance with the provisions of the Shipping and Seamen's Acts relating to the manning of vessels.

And if, upon requisition duly made by any person so authorised in that behalf as aforesaid, any person refuses or neglects to produce any such official log-book or document as he is hereinbefore required to produce, or to allow the same to be inspected or copied as aforesaid, or impedes any such master of a crew as aforesaid, or refuses or neglects to give an explanation which he is hereinbefore required 50

to give, or knowingly misleads or deceives any person hereinbefore authorised to demand any such explanation, he shall for each such offence incur a penalty not exceeding *twenty* pounds.

5. The Collector of Customs shall require the master or agent of any vessel registered or owned ~~in the colony or beyond~~ *outside* the colony, before discharging any seaman who by reason of illness or accident is incapacitated from performing his duties, to deposit with him any sum not exceeding *fifty* pounds sterling, for the purpose of defraying any expenses which may lawfully be incurred by the Collector of Customs for the maintenance, medical attendance, payment of his passage back to the place where such seaman was engaged, or his burial in case of his death in the colony, in addition to any wages due to such seaman at the date of such discharge; and no clearance shall be granted to any such ship before this section has been complied with: Provided that any portion of such *fifty* pounds not expended as above specified shall be refunded to such master or agent: Provided also that any seaman so discharged shall, within seven days from the date of his medical attendant certifying he is convalescent, make application to the Collector of Customs to be provided with his passage back to the port of engagement.

Before discharging seaman incapacitated by illness or accident deposit to be made for maintenance, &c.

For the purposes of this section all the powers of recovery conferred upon the Minister of Marine by section ninety-six of the principal Act shall be conferred on all Collectors of Customs in the Colony of New Zealand.

6. The Minister may from time to time dispense with the transaction before a Superintendent of Mercantile Marine, or in a Mercantile Marine Office, of any matters required by this Act to be so transacted; and thereupon such matters shall, if otherwise duly transacted as required by law, be as valid as if transacted before a Superintendent of Mercantile Marine or in a Mercantile Marine Office: Provided as follows:—

Dispensation with superintendence of Superintendent of Mercantile Marine.

(1.) Every seaman, *except as is otherwise provided in subsection two of this clause*, shall be engaged or discharged at a Customhouse or at such other office as may be appointed for this purpose by the Minister: Provided that the Minister may appoint some person or persons before whom seamen may be engaged at any time when such Customhouse or office may be closed; or

(2.) In the case of vessels in the coastal trade, ~~if any seaman is may be engaged or discharged at any place where there is no such office as aforesaid,~~ *by the master on board*, but the said engagement or discharge shall be reported at the office in the first place at which the vessel arrives after such engagement or discharge ~~where there is such office,~~ to be ratified at such office.

Should any seaman be engaged or discharged contrary to the provisions of this section the master shall be liable to a penalty not exceeding *five* pounds for every seaman so improperly shipped or discharged.

7. From and after the commencement of this Act all vessels engaged in the coastal or intercolonial trade, and whether registered in the colony or otherwise, shall carry the number of seamen, and if a steam-vessel the number of *seamen*, firemen, and trimmers, specified in the *First* Schedule hereto annexed. The master and owner of every vessel proceeding on a voyage, or attempting so to proceed, without a full crew as herein specified shall be liable to a penalty not exceeding *one hundred* pounds:

Number of hands for coastal or inter colonial trade vessels.

Provided that for the purposes of this Act two apprentices shall be deemed to be equivalent to one ordinary seaman and may be carried in his stead.

Should a vessel, however, proceed to sea short by not more than two men of a full crew as aforesaid, and proceedings are taken against the master for a breach of this section, and it is proved to the satisfaction of the Stipendiary Magistrate hearing the case that such breach was in consequence of the man or men absenting himself or themselves shortly before the hour fixed for sailing, or was in consequence of the inability of the master to procure substitutes, then and in that case no penalty shall be inflicted for such breach.

Nothing in this section shall be deemed to affect steamers plying within river limits ~~only~~ or *extended river limits*.

Rating of seamen.

8. A seaman shall not be entitled to the rating of A.B., that is to say, of an able-bodied seaman, unless he has served at sea for four years before the mast, or has received a certificate from an examiner appointed by an Order in Council to examine seamen in accordance with regulations to be made by the Governor in Council; but the employment of fishermen in registered decked fishing-vessels or men employed in registered decked cutters shall only count as sea-service up to the period of three years of such employment; and the rating of A.B. shall only be granted after at least one year's sea-service in a trading-vessel in addition to three or more years' sea-service on board of registered decked fishing-vessels or registered decked cutter:

Provided that any person who has served for two years on a square-rigged sailing-vessel or on a steam-vessel engaged in the coastal or foreign trade, or on a registered fishing-vessel or decked cutter, shall be entitled to be rated as an A.B. for the purpose only of serving on such steam-vessel.

Such service may be proved by certificate of discharge or by other satisfactory proof.

Nothing in this section shall affect a seaman who has been rated and has served as A.B. before the passing of this Act.

Rating of firemen

9. No person shall be entitled to the rating of fireman who has not served for at least ~~six~~ *three* months as trimmer in a steam-vessel engaged in the coastal or foreign trade, or who has *not* served for at least ~~six~~ *three* months as fireman in a registered steam-vessel plying within restricted limits, or who has *not* served for at least ~~six~~ *three* months on land as an engine-driver or fireman. Any master giving a certificate of discharge as an A.B. or fireman to any person who has not duly served in that capacity shall be liable to a penalty not exceeding *fifty* pounds. This section will not apply to steam-vessels plying within restricted limits.

On engaging, seaman to produce discharge from last vessel.

10. Every seaman on signing articles shall produce a discharge in respect of the capacity in which he wishes to engage, or shall furnish proof that he has served in such other capacities as would, under the provisions of this Act, entitle him to ship in respect of such capacity: Provided, however, if the seaman shall make a statutory declaration that he is entitled to ship, the Collector may grant him a permit to sign articles. The penalty for making a false declaration under this section shall be imprisonment for not exceeding *three* months.

When a seaman has signed articles he shall hand his discharge from his last ship to the Collector of Customs or Shipping-master, who shall thereupon cancel such discharge by drawing a red-ink line through the name of the ship in which he last served.

11. (1.) Notwithstanding anything contained in section three of
 "The Shipping and Seamen's Act Amendment Act, 1885," any agree-
 ment with a seaman made under section thirty-nine of the principal
 Act may contain a stipulation for payment to or on behalf of the
 5 seaman, conditionally on his going to sea in pursuance of the agree-
 ment, of a sum not exceeding the amount of one month's wages
 payable to the seaman under the agreement.

Restrictions on ad-
 vance notes.

(2.) Save as authorised by this section, any agreement by or on
 behalf of the employer of a seaman for the payment of money to
 10 or on behalf of the seaman conditionally on his going to sea from any
 port in the colony shall be void, and no money paid in satisfaction or
 in respect of any such agreement shall be deducted from the seaman's
 wages, and no person shall have any right of action, suit, or set-off
 against the seaman or his assignee in respect of any money so paid or
 15 purporting to have been so paid.

(3.) Nothing in this section shall affect any allotment made under
 the principal Act or any Act heretofore in force amending the same.

12. Upon every discharge effected before a Superintendent of
 Mercantile Marine the master shall make and sign, in a form sanctioned
 20 by the Minister, a report of the conduct, character, and qualifications
 of the persons discharged, or may state, in a column to be left
 for that purpose in the said form, that he declines to give any opinion
 upon such particulars, or upon any of them; and the Superintendent
 of Mercantile Marine shall, if desired so to do by any seaman, give to
 25 him, or indorse on his certificate of discharge, a copy of so much of
 such report as concerns him; and every person who makes, assists in
 making, or procures to be made any false certificate or report of the
 service, qualifications, conduct, or character of any seaman, knowing
 the same to be false, or who forges, assists in forging, or procures to
 30 be forged, or fraudulently alters, assists in fraudulently altering, or
 procures to be fraudulently altered, any such certificate or report, or
 who fraudulently makes use of any certificate or report, or of any copy
 of any certificate or report, which is forged or altered, or does not
 belong to him, or any person procuring for his own or any other
 35 person's use any discharge or certificate of service which does not
 belong to him, or any person making use of such discharge or
 certificate of service, shall, for each such offence, be deemed guilty of
 a misdemeanour.

Master to make
 reports of character.

13. Where a seaman has agreed with the master of a British
 40 ship for payment of his wages in British sterling or any other money,
 any payment of, or on account of, his wages if made in other currency
 than that stated in the agreement shall, notwithstanding anything in
 the agreement, be made at the rate of exchange for the money stated
 in the agreement for the time being current at the place where the
 45 payment is made.

Rule as to payment
 of British seamen in
 foreign money.

Struck out.

14. In all cases where vessels are owned in, or trading in, the
 colony, and where vessels are engaged on time agreement, all wages
 earned shall be paid monthly, on the first day of the month, or as
 50 soon thereafter as the vessel arrives at any port where there is a
 branch of any bank: Provided that Sundays or bank holidays shall
 not count as days within the meaning of this section.

Wages on vessels on
 time agreement to
 be paid monthly.

Remedies for
recovery of masters'
disbursements.

15. Every master of a ship and every person lawfully acting as master of a ship by reason of the decease or incapacity from illness of the master of the ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of disbursements properly made by him on account of the ship, and for liabilities properly incurred by him on account of the ship, as a master of a ship now has for the recovery of his wages; and if, in any proceeding in any Court of Admiralty or Vice-Admiralty, or in any Court having Admiralty jurisdiction, touching the claim of a master or any person lawfully acting as master to wages or such disbursements or liabilities as aforesaid, any right, or set-off, or counter-claim is set up, it shall be lawful for the Court to enter into and adjudicate upon all questions and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due.

Indentures of
apprentices,
cancellation or
transfer of.

16. Where the owner or owners of any vessel or vessels having on board any indentured apprentice or apprentices shall die or become insolvent, or sell the vessel, or transfer his or their interest to any other person or persons, the indentures shall *ipso facto* be cancelled, and a proportionate part of any moneys paid as premium shall be repaid, and until repaid shall be a charge on the vessel: Always provided that the person or persons to whom such vessel or vessels have been sold or transferred may, with the consent of the parents or guardians of such apprentice or apprentices, substitute his or their names in the indentures as the employer in lieu of that of the previous owner or owners.

Offences of seamen
and apprentices,
and their punish-
ments.

17. Whenever any seaman who has been lawfully engaged, or any apprentice to the sea-service, commits any of the following offences, he shall be liable to be punished summarily as follows: that is to say,—

Desertion.

(1.) For desertion he shall be liable to imprisonment for any term not exceeding one month, and to forfeit all or any part of the wages or emoluments which he has then earned: The master or shipowner shall not be accountable for any clothes or effects which such deserting seaman shall leave on board:

Neglecting or refus-
ing to join, or pro-
ceed to sea, absence
within twenty-four
hours before sailing,
and absence without
leave.

(2.) For neglecting or refusing, without reasonable cause, to join his ship, or proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion or not treated as such by the master, he shall be liable to forfeit out of his wages a sum not exceeding the amount of two days' pay, and, in addition, for every twenty-four hours of absence, either a sum not exceeding six days' pay or any expenses which have been properly incurred in hiring a substitute, or to imprisonment for any term not exceeding fourteen days:

Quitting without
leave before ship is
secured.

(3.) For quitting the ship without leave after her arrival at her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay:

- (4.) For wilful disobedience to any lawful command whilst on the high seas he shall be liable to a fine not exceeding *twenty* pounds or to imprisonment for any period not exceeding *four* weeks, with or without hard labour, but when the ship is secured in a safe harbour the penalty shall not exceed a fine of *five* pounds or imprisonment not exceeding *seven* days, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding two days' pay: Act of disobedience.
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- (5.) For continued wilful disobedience to lawful commands or continued wilful neglect of duty whilst on the high seas he shall be liable to a fine not exceeding *fifty* pounds or imprisonment for any period not exceeding *twelve* weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit for every twenty-four hours' continuance of such disobedience or neglect any expenses which have been properly incurred in hiring a substitute: Continued disobedience.
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- (6.) For assaulting any master, mate, or engineer whilst on the high seas, he shall be liable to a fine not exceeding *twenty* pounds, or to imprisonment for any period not exceeding ~~twelve weeks,~~ *six months*, with or without hard labour: Assault on officers.
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- (7.) For combining with any other or others of the crew whilst upon the high seas to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding *twelve* months, with or without hard labour; but when the ship is secured in a safe harbour the penalty shall not exceed *twelve* weeks or the forfeiture of all wages: Combining to disobey.
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- (8.) For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy: Acts of smuggling causing loss to owner.
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- New Subsection.*
- (9.) For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the Court, to imprisonment for any period not exceeding *twelve* months, with or without hard labour:
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- (9) (10.) In all cases where imprisonment is inflicted, *the whole or part of the wages in full* due up to date of arrest to the seaman so imprisoned shall, *in the discretion of the Court*, be paid by the master, owner, or agent of the seaman so punished. Wages to be paid notwithstanding imprisonment.
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18. Every Superintendent of a Mercantile Marine Office shall keep at his office a list of the seamen who, to the best of his knowledge and belief, have deserted or failed to join their ships after signing an agreement to proceed to sea in them, and shall on request show this list to any master of a ship. Register of deserters.

A Superintendent of a Mercantile Marine Office shall not be liable in respect of any entry made in good faith in the list so kept.

Duty to carry boats and other appliances for saving life.

19. It shall be the duty of the owner and master of every British ship to see that his ship is provided, in accordance with rules under this Act, with such boats, life-jackets, and other appliances for saving life at sea as, having regard to the nature of the service on which the ship is employed, and the avoidance of undue encumbrance of the ship's deck or boats, are best adapted for securing the safety of her crew and passengers. 5

Power to make rules as to life-saving appliances.

20. (1.) The Governor in Council may, from time to time, make, rescind, and vary rules with respect to all or any of the matters mentioned in the *Second* Schedule to this Act. 10

(2.) All rules made under this Act shall have effect as if they had been enacted in this Act, and shall be judicially noticed.

Penalty for breach of rules.

21. (1.) In any of the following cases, namely— 15

(a.) If any ship required by rules under this Act to be provided with appliances for saving life at sea proceeds on any voyage or excursion without being so provided in accordance with the rules applicable to the ship; or

(b.) If any of the appliances with which she is so provided are lost or rendered unfit for service in the course of the voyage through the wilful fault or negligence of the owner or master; or 20

(c.) If, in any case of any such appliances being lost or injured in the course of the voyage, the master wilfully neglects to replace or repair the same on the first opportunity; or 25

(d.) If such appliances are not kept so as to be at all times fit and ready for use;

then, if the owner appears to be in fault, he shall incur a penalty not exceeding *one hundred* pounds, and if the master appears to be in fault, he shall incur a penalty not exceeding *fifty* pounds. 30

(2.) Penalties incurred under this section may be recovered and dealt with in manner provided by the Shipping and Seamen's Acts with respect to penalties incurred under those Acts.

Provision for enforcing rules.

22. In order to enforce compliance with the rules made under this Act the following steps may be taken, namely:— 35

(1.) Any surveyor appointed under the *First* Part of the principal Act, or any such other person as the Minister may appoint for the purpose, may inspect a ship for the purpose of seeing that the ship is properly provided with appliances for saving life at sea in pursuance of the rules, and shall for that purpose have all the powers given to inspectors by section fourteen of the principal Act: 40

(2.) If any such surveyor or person finds that any ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency and also what is in his opinion requisite to remedy the same: 45

(3.) Every notice so given shall be communicated, in such manner as the Minister may direct, to the Collector of Customs at any port in which the ship may seek to clear or at which her transire is to be obtained, and a Collector 50

to whom any such communication is made shall not clear a ship outwards or grant her a transire, or allow her to proceed to sea, without a certificate under the hand of one of the said surveyors or persons appointed by the Minister as aforesaid to the effect that the ship is properly provided with appliances for saving life at sea in pursuance of the rules; and if any such ship attempts to go to sea without such clearance or transire any officer of Customs may detain her until she is so provided.

23. If any steamship has on board thereof, ~~or on or in any part thereof, any number of passengers of any class which is greater than the number of passengers of such class allowed by the certificate, then~~ and in every such case, besides the penalty to which the owner or master, or other person in charge of such ship, is liable under section one hundred and ninety-six of the principal Act, every passenger ~~of the class whose numbers are~~ in excess as aforesaid may, *within one month*, if not provided with a berth, sue for and recover the full amount of passage-money paid by him from the owner or charterer of such ship.

If ship overcrowded passengers may recover refund of passage-money.

24. No vessel shall carry any cargo or live-stock on the deck without a permit first obtained from the Collector of Customs specifying what amount of deck-cargo may be carried, and such permit may be either special or general, and the Minister may from time to time make, alter, and revoke regulations as to the issue of such licenses and the appointment of persons to report to the Collectors on the amount of cargo and live-stock so to be carried. The term "deck" in this section shall mean the ordinary upper deck of a ship, and any hurricane-, flying-deck, or other deck, by whatever name it may be known, above it. *Nothing in this section shall be deemed to affect steamers plying within extended river limits.*

Description of deck cargo that may be carried.

25. The principal Act shall, from and after the expiration of six months after the passing of this Act, be construed as if in the two hundred and twenty-fifth and two hundred and twenty-sixth sections thereof the following subsection were inserted instead of the subsections numbered two in those sections respectively:—

Compulsory marking of load-line.

(2.) The centre of this disc shall be placed at such level below the deck-line marked under the provisions of this Act as may be approved by the Minister, and shall indicate the maximum load-line in salt water to which it shall be lawful to load the ship, and shall be marked in such manner as the Collector of Customs may require:

Provided that the position of the disc shall be fixed in accordance with the tables framed by the Load-line Committee by the Board of Trade appointed before the passing of this Act, subject to such allowance as may be made necessary by any difference between the position of the deck-line marked under the provisions of the principal Act and the position of the line from which freeboard is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may from time to time be sanctioned by the Minister.

In sanctioning any such modifications the Minister shall ~~have regard to~~ *duly consider* any representations which may be made to him by any corporation or association for the survey or registry of shipping

for the time appointed or approved by the Minister for the purposes of this Act.

Ships properly marked need not be re-marked.

26. Ships which have the disc marked in accordance with the requirements of the Board of Trade of the United Kingdom shall not require to be re-marked under the provisions of this Act.

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Ships with submerged load-lines to be deemed unsafe.

27. Every ship so loaded as to submerge in salt water the centre of the disc placed thereon in pursuance of the principal Act and this Act, and the regulations made thereunder, shall be deemed to be "unsafe" within the meaning of the principal Act, and such submer- sion shall be reasonable and probable cause for the detention of the ship.

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Master liable when ship arrives in colony with submerged load-line.

28. Any master of a British ship arriving in any port within the colony so loaded as to submerge in salt water the centre of the disc placed thereon in pursuance of any Act in force in New Zealand or in any other part of Her Majesty's dominions shall for each offence be liable to a penalty not exceeding *one hundred* pounds.

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Penalty for default in complying with regulations as to freeboard.

29. Every person who makes default in complying with any regulation made by the Governor in Council with respect to the entry, publication, or delivery of copies of certificates or other particulars as to the draught of water and freeboard of a ship, is liable for each such default to a penalty not exceeding *five hundred* pounds or imprisonment not exceeding *twelve* months with or without hard labour.

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Provision as to foreign ships.

30. Where the Minister certifies that the laws and regulations for the time being in force in any foreign State with respect to overloading and improper loading are equally effective with the provisions of the Shipping and Seamen's Acts with respect thereto, the Governor by Order in Council may direct that, on proof of a ship of that State having complied with those laws and regulations, she shall not, when in a port of the Colony of New Zealand, be liable to detention for non-compliance with the said provisions of the principal Act, nor shall there arise any liability to any penalty which would otherwise arise for non-compliance with those provisions:

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Provided that this section shall not apply in the case of ships of any foreign country in which it appears to the Governor that corresponding provisions are not extended to British ships.

Governor may appoint colonial pilots.

31. The Governor may from time to time license pilots, to be called colonial pilots, within the colony, subject to such regulations as he may prescribe, and to the payment into the Consolidated Fund of an annual fee not exceeding *five* pounds, and may suspend or cancel any such license.

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A colonial pilot may take a vessel from any port of the colony to any other such port, but otherwise shall not act as a local pilot at any port unless duly licensed in that behalf by the Harbour Board of such last-named port.

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If any person acts as a pilot without being duly licensed, he shall be liable for each offence to a penalty not exceeding *fifty* pounds.

Regulations as to marks and lines to be used with disc.

32. The Governor in Council may make regulations—

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(1.) Determining the lines or marks to be used in connection with the disc, in order to indicate the maximum load-line

under different circumstances and at different seasons, and declaring that the provisions of the principal Act are to have effect as if any such line were drawn through the centre of the disc :

- 5 (2.) As to the mode in which the disc and the lines or marks to be used in connection therewith are to be marked or affixed on the ship, whether by painting, cutting, or otherwise :
- 10 (3.) As to the mode of application for and form of certificates under this Act : and
- (4.) Requiring the entry of such certificates, and other particulars as to the draught of water and freeboard of the ship, in the official log-book of the ship, or other publication thereof on board the ship, and as to delivering copies of such entries :
- 15 (5.) Determining the qualifications in respect of age, time of service, skill, character, and otherwise, to be required from persons applying to be appointed or licensed as colonial pilots, and prescribing their duties.

20 All such regulations shall, while in force, have effect as if enacted by this Act.

33. Notwithstanding anything contained in section two hundred and thirty-one of the principal Act, vessels engaged solely in fishing or whaling, vessels in distress, and vessels putting in to refit or for
25 water and provisions, or steam-vessels calling at any port for the purpose of filling up with coal their permanent bunkers in which cargo is never carried, shall not be liable to pay light-dues.

Exemption from light dues.

34. The principal Act is hereby further amended as follows :—

Amendments of principal Act.

30 (1.) ~~Section twenty-five :— So much thereof is hereby repealed as provides that one half of the fee paid by any applicant who fails in his examination shall be returned to him.~~

(2.) Section twenty-eight : The following paragraph is hereby inserted after the words "grade of master," at the end of the third paragraph :—

35 Every sea-going vessel of twenty tons net register and over, not included in the foregoing provisions, shall carry as master thereof a duly-certificated man, whose certificate shall not be of a lower grade than a Home-trade master's certificate : Provided further that any
40 person, upon producing proof to the Minister of Marine of his having been in command of any vessel of *twenty fifteen* tons or over trading on the coast of New Zealand for three years or over since January, one thousand eight hundred and eighty-four, may be granted a certificate of
45 service, and the possessor of such certificate shall be held to be a duly-certificated man.

(3.) Section thirty-two : The words "or a certificate of discharge" are hereby inserted after the word "service."

(4.) Section thirty-nine : The word "twenty" is hereby substituted for the word "eighty" in the first line.

50 (5.) Section ninety-nine : The words "one shilling" are hereby substituted for the word "fourpence," and the words "two shillings" for the word "eightpence."

- (6.) Section one hundred and nine : In subsection one thereof, all words after "not less than" are hereby repealed, and the following substituted: "seventy-two nor more than one hundred and twenty cubic feet, and of not less than twelve nor more than eighteen superficial feet, measured on the deck or floor of such place, as the Inspector or Surveyor may require in each case." In subsection eight, after the words "stores as aforesaid," there are hereby inserted the words "or if any paint-locker, urinal or water-closet, or urinal or latrine, is built in or around the said place, and the same is detrimental to the health of the seamen"; and the words "~~one pound~~" "*not exceeding ten shillings*" are hereby substituted for the words "one shilling." *Nothing in this subsection shall be deemed to affect steamers plying within river limits or extended river limits.* 5
- (7.) ~~Section one hundred and twenty: The words "subject to confirmation by the Governor" are hereby repealed.~~
- (8.) Section one hundred and fifty-three: All words after "shall not be instituted" are hereby omitted, and the following substituted in lieu thereof: "except by and with the consent of the Minister, or unless not less than one-half of the crew petition the Minister to take action thereunder." 20
- (9.) Section one hundred and fifty-five: After the words "improper loading" there shall be inserted "or by reason of having insufficient men on board, by the incompetency of such men." 25
- (10.) Section one hundred and sixty-one: After the word "equipments" there is hereby inserted the word "crew." 30

Struck out.

(11.) Section two hundred and thirteen: The words "carrying passengers," after "No steamship," at the beginning of the section, are hereby repealed.

(12.) Section two hundred and forty-one: All the words of the first paragraph of the section after "skill or knowledge," and the whole of the second paragraph thereof, are hereby repealed, and the following substituted as the second paragraph to the section:— 35

"Such Assessor or Assessors shall be appointed by the Minister, either generally or in each case, or by the Justices or Magistrate holding a formal investigation." 40

35. The several enactments hereunder enumerated are hereby repealed:—

1877, No. 54.—*In* "The Shipping and Seamen's Act, 1877:" Sections twelve, twenty-three, forty-four, forty-five, fifty, sixty-four, one hundred and twenty-three, ~~one hundred and thirty-three, one hundred and thirty-four~~; one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, and two hundred and twenty-three. 45

1885, No. 15.—*In* "The Shipping and Seamen's Act 1877 Amendment Act, 1885:" Sections three and seven, subsection three of section one, and so much of the Schedule as amends section one hundred and twenty-three of the principal Act. 50

SCHEDULES.

Schedules.

FIRST SCHEDULE.

SEAMEN TO BE CARRIED IN SAILING-VESSELS.

Under 30 tons register	...	...	...	Not less than 1	certificated able seamen.
Over 30 "	and under 100 tons register	...	...	Not less than 2	certificated able seamen.
" 100 "	" 200 "	" 300 "	" 400 "	4	certificated able seamen.
" 200 "	" 300 "	" 400 "	" 600 "	5	certificated able seamen and 1
" 300 "	" 400 "	" 600 "	" 800 "	6	ordinary sea-
" 400 "	" 600 "	" 800 "	" "	7	man.
" 600 "	" 800 "	" 1,000 "	" "	8	certificated able seamen and
" 800 "	" 1,000 "	" 1,500 "	" "	9	2 ordinary seamen.
" 1,000 "	" 1,500 "	" "	" "	10	

Two able seamen extra for every 500 tons or fraction of 500 tons that the vessel is above 1,500 tons.

SEAMEN TO BE CARRIED IN SEA-GOING STEAM-VESSELS.

Under 30 tons register	...	...	...	Not less than 1	certificated able seaman.
Over 30 "	and under 100 tons register	...	...	Not less than 2	certificated able seamen.
" 100 "	" 200 "	" 400 "	" 600 "	4	certificated able seamen.
" 200 "	" 400 "	" 600 "	" 1,000 "	5	certificated able seamen and 1
" 400 "	" 600 "	" 1,000 "	" 1,500 "	6	ordinary sea-
" 600 "	" 1,000 "	" 1,500 "	" 2,000 "	7	man.
" 1,000 "	" 1,500 "	" 2,000 "	" "	8	
" 1,500 "	" 2,000 "	" "	" "	9	

One able seaman extra for every additional 500 tons or fraction of 500 tons above 2,000 tons.

FIREMEN, Trimmers, and Greasers.

Struck out.

Under 40 i. h.p. not less than 1	certificated fireman.
Over 40 i. h.p., and under 200 i. h.p., not less than 2	certificated firemen.
" 200 "	" 600 "
" 600 "	" 1,000 "
" 1,000 "	" 1,600 "
" 1,600 "	" 2,500 "
" 2,500 "	" 4,000 "

New.

Over 50 horse-power, and under 100 horse-power,	1 fireman.
" 100 "	" 250 "
" 250 "	" 750 "
" 750 "	" 1,250 "
" 1,250 "	" 2,000 "
" 2,000 "	" 3,000 "
" 3,000 "	" 4,000 "

"Horse-power" to be the power indicated at the ordinary full speed of the steamer, and to be marked in her certificate.

SECOND SCHEDULE.

MATTERS FOR WHICH THE RULES ARE TO PROVIDE.

1. The arranging of ships into classes, having regard to the services in which they are employed, to the nature and duration of the voyage, and to the number of officers, crew, passengers, and other persons carried.

2. The number and description of the boats, life-boats, life-rafts, life-jackets, and life-buoys to be carried by ships, according to the class in which they are arranged and the mode of their construction, also the equipments to be carried by the boats and rafts, and the methods to be provided to get the boats and other life-saving appliances into the water; such methods may include oil for use in stormy weather.

3. The quantity, quality, and description of buoyant apparatus to be carried on board ships carrying passengers, either in addition to, or in substitution for, boats, life-boats, life-rafts, life-jackets, and life-buoys.

4. For the efficient inspection and testing of the boats, life-rafts, life-jackets, and all other life-saving appliances, and the ability of the crew to manage the same.