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Mr. Mason.

SHIPPING AND SEAMEN AMENDMENT.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Section 295 of principal Act amended.</p> <p>3. Priority of claims for damages.</p>	<p>ANALYSIS.</p> <p>4. Liability of owner unaffected by contract in certain cases.</p> <p>5. Evidence of judicial inquiry.</p>
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A BILL INTITULED

AN ACT to amend the Shipping and Seamen Act, 1908.

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 Shipping and Seamen Amendment Act, 1930, and shall be read together with and deemed part of the Shipping and Seamen Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. Section two hundred and ninety-five of the principal Act is hereby amended by striking out the word "fifteen" in subsection (e) thereof, and substituting the word "twenty-five"; and by inserting, after the word "tonnage" in the same subsection, the words "or twenty-five thousand pounds, whichever shall be the greater"; and by striking out the word "eight" in subsection (f) thereof, and substituting the word "twelve."

Section 295 of principal Act amended.

3. Where the liability in damages of the owners of a ship is limited by section two hundred and ninety-five of the principal Act, the following provisions shall apply :—

Priority of claims for damages.

(a) Every claim in respect of loss of life or personal injury shall be payable in full up to an amount not exceeding the sum of two thousand five hundred pounds each, in priority to claims in respect of loss of or damage to ships or goods.

(b) The excess of any claims in respect of loss of life or personal injury over and above the sum of two thousand five hundred pounds each shall be payable rateably with any claims in respect of loss of or damage to ships or goods.

(c) If the liability of the owner be insufficient to pay every claim in respect of loss of life or personal injury in full up to the amount of two thousand five hundred pounds each, every such claim in excess of two thousand five hundred pounds

shall be deemed a claim for two thousand five hundred pounds, and thereupon all claims in respect of loss of life or personal injury shall be payable rateably.

Liability of owner unaffected by contract in certain cases.

4. (1) In any action brought against the owner of a ship in respect of an accident causing the death of or bodily injury to any person being at the time of the accident a passenger for hire in such ship it shall not be a defence that the contract of carriage had excluded or modified the liability of the owner or of any other person to pay damages in respect of accidents due to the negligence or wilful default of the owner, his servants, or agents. 5

(2) Nothing in this section shall deprive the owner of a ship of the benefit of section two hundred and ninety-five of the principal Act as herein amended in any case to which that section applies. 10

Evidence of judicial inquiry.

5. If and when an accident causing the death of or bodily injury to any passenger in such ship has been the subject of judicial inquiry, whether in New Zealand or elsewhere, then upon the issue whether such accident was due to the negligence or default of the owner of such ship, or of the servants or agents of such owner, the Court before whom any action for damages arising out of such accident shall subsequently be tried shall admit as evidence the judgment or finding of the tribunal before which such original inquiry was held : 15 20

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