

Serial Number 1946/174



THE MERCHANT SHIPPING (REGISTRATION OF NEW ZEALAND GOVERNMENT SHIPS) ORDER 1946

At the Court at Buckingham Palace, the 10th day of July, 1946

Present :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS by Section 80 of the Merchant Shipping Act, 1906* power is given to His Majesty by Order in Council to make regulations with respect to the manner in which Government ships may be registered as British ships for the purpose of the Merchant Shipping Acts :

And whereas by the said section it is provided that those Acts shall, subject to any exceptions and modifications which may be made by Order in Council, either generally or as respects any special class of Government ships, apply to Government ships registered in accordance with such regulations as if they were registered in manner provided by those Acts and it is by the said section declared that in that section the expression " Government ships " means ships not forming part of His Majesty's Navy which belong to His Majesty, or are held by any person on behalf of or for the benefit of the Crown, and for that reason cannot be registered under the principal Act :

And whereas the provisions of Section 1 of the Rules Publication Act, 1893† have been complied with :

Now, therefore, His Majesty, by virtue of the powers in this behalf by the Merchant Shipping Act, 1906* or otherwise in Him vested, is pleased by and with the advice of His Privy Council to order, and it is hereby ordered, as follows :—

1. These regulations may be cited as the Merchant Shipping (Registration of New Zealand Government Ships) Order 1946.

2. These regulations shall have effect as regards any Government ships not forming part of His Majesty's Navy or His Majesty's Royal New Zealand Navy which belong to His Majesty or are held by any person on behalf of or for the benefit of the Crown and which are in the possession or control of the Government of New Zealand or of any person to whom such possession or control has been delegated by that Government.

3. (1) Ships as regards which these regulations have effect are herein referred to as " New Zealand Government ships ".

(2) The term " Government of New Zealand " used herein includes the Governor-General of New Zealand and any Minister of the Crown and any Department of State of the Government of New Zealand.

* 6 Edw. 7. c. 48.

† 56 & 57 Vict. c. 66.

4. An application for registration of a New Zealand Government ship shall be made in writing under the hand of the Minister or Permanent Head of a Department and shall contain the following particulars :—

- (a) A statement of the name and description of the ship ;
- (b) A statement of the time when and place where the ship was built ; or, if the ship was foreign built and the time and place of building are unknown, a statement to that effect and of her foreign name ;
- (c) A statement of the nature of the title to the said ship, whether by original construction by or for the Government of New Zealand or by purchase, capture, condemnation, or otherwise, and a list of the documents of title, if any, in case she was not originally constructed by or for the Government of New Zealand ;
- (d) A statement of the name of the Master.

5. The Registrar on receiving an application under the last preceding regulation shall—

- (a) Enter the ship in the Register Book as belonging to the Government of New Zealand represented by the Department of (giving the name of the Department) and shall also enter therein :
- (b) The name of the port to which she belongs ;
- (c) The particulars stated in the application for registration ;
- (d) The details comprised in the Surveyor's Certificate.

6. On the registry of a New Zealand Government ship the Registrar shall retain in his possession the Surveyor's Certificate and the application for registry and any documents of title mentioned in such application.

7. Upon the transfer by Bill of Sale of a New Zealand Government ship the Minister or Permanent Head of a Department for the time being shall be the transferor, and the Bill of Sale shall be in Form A in the proper form prescribed under the Merchant Shipping Act, 1894* (hereinafter referred to as the Principal Act), omitting the covenant contained in that form.

8. The application for a Certificate of Sale referred to in Sections 39 to 42 and Sections 44 to 46 of the principal Act may be made in respect of a New Zealand Government ship by the Minister or Permanent Head of a Department.

9. The person to whom the management of a New Zealand Government ship is entrusted by the New Zealand Government shall be registered as provided by Section 59 (2) of the Principal Act.

10. Where any provision of the Merchant Shipping Acts which by virtue of the Merchant Shipping Act, 1906†, and this Order in Council is applicable to New Zealand Government ships imposes any duty or liability or confers any right or power upon or contemplates any act being performed by the owner of a ship, such duty, liability, right or power shall, subject always to the other provisions of this Order in Council, be carried out, borne, or exercised by the Permanent Head of the Department in respect of which the ship is registered.

11. In this Order in Council the term " Merchant Shipping Acts " shall mean and include any of the Merchant Shipping Acts, any provision of which is by virtue of the Merchant Shipping Act, 1906,† and this Order applicable to Government ships.

* 57 & 58 Vict. c. 60.

† 6 Edw. 7. c. 48.

12. The term "Seamen" in Section 113 of the Principal Act shall not be deemed to mean or include any person employed on tugs, dredgers or similar craft owned by the Government of New Zealand or any seaman in His Majesty's Royal Navy or His Majesty's Royal New Zealand Navy.

13. The following sections of the Merchant Shipping Acts shall not apply to New Zealand Government ships registered in pursuance of this order, namely:—

(i) The Merchant Shipping Act, 1894*—

Sections: 1, 2, 8 to 12, 16, 23, 27 to 38, 39 to 42 so far as they relate to mortgages, 43, 44 to 46 so far as they relate to mortgages, 48, 49, 50, 52, 54 to 58, 59 (2) and (3), 62, 68 to 72, 74, 76, 84, 85, 87, 103 (4), 105 to 109, 131 to 147, 155 to 158, 162 to 168, 171 (2), 174, 182 to 184, 210, 224 (2), 262, 263, 267 to 431, 435, 446 to 450, 452 to 457, 459 to 461, 468, 472, 492 to 501, 520 (b), 567, 568, 634 to 665, 667 to 679, 689 (2), (3) and (4), 692, 693 and 729 (1), (d), and (3) so far as they relate to any papers or documents belonging to or in the possession of the Crown.

(ii) The Merchant Shipping Act, 1897†—

The whole Act.

(iii) The Merchant Shipping (Mercantile Marine Fund) Act, 1898‡—

The whole Act.

(iv) The Merchant Shipping Act, 1906§—

Sections: 9, 11, 13 to 27, 35, 38 (2), so much thereof as is subsequent to the word "Master" where it first occurs, (3), 51 to 53, 57, 76, 77, 81 and 83.

14. No provision of the Merchant Shipping Acts which according to a reasonable construction would not apply in the case of New Zealand Government ships shall be deemed to apply to such ships by reason only that its application is not hereby expressly excluded.

15. Any instrument for use in a port of registry outside New Zealand may be signed on behalf of a Minister or Permanent Head of a Department by a High Commissioner of New Zealand or a Trade Commissioner for New Zealand purporting to be authorized in that behalf.

E. C. E. LEADBITTER.

* 57 & 58 Vict. c. 60.

† 60 & 61 Vict. c. 59.

‡ 61 & 62 Vict. c. 44.

§ 6 Edw. 7. c. 48.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 26th day of September, 1946.

This order is administered (for New Zealand) in the Marine Department.