

Serial Number 1940/72.



THE SHIPPING SEIZURE EMERGENCY REGULATIONS 1940.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 23rd day of April, 1940.

Present :

THE HON. P. FRASER PRESIDING IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Shipping Seizure Emergency Regulations 1940.

2. For the purposes of these regulations the term " enemy ship " shall be deemed to include any ship belonging to or under the control of the Government or any national of any country that for the time being is—

- (a) At war with His Majesty ; or
- (b) In the occupation of the forces of any country at war with His Majesty ; or
- (c) Under the control of any country at war with His Majesty.

3. Subject to clause 4 of these regulations, the following ships may be seized as prize by Collectors of Customs on behalf of His Majesty's Government in New Zealand :—

- (a) Any enemy ship :
- (b) Any neutral ship engaged in rendering unneutral service :
- (c) Any neutral ship engaged in breach of blockade :
- (d) Any neutral ship which is herself contraband of war.

4. The following ships shall not be liable to seizure as prize :—

- (a) Ships protected by a British or allied pass or license, or under the general provisions of an Order in Council of His Majesty or of His Excellency the Governor-General in Council and while acting in accordance therewith :

- (b) Hospital ships as provided by the Hague Convention of the 18th October, 1907, for the adaptation of the principles of the Geneva Convention to Maritime War ; also neutral merchant ships, yachts, or boats having on board wounded, sick, or shipwrecked of the belligerents, but subject to any undertaking that may have been given to them they remain liable to capture for any violations of neutrality they may have committed :
- (c) Enemy vessels employed exclusively in coast fisheries or small boats employed in local trade. This immunity does not extend to fishing-vessels capable of being used for deep-sea fishing :
- (d) Enemy ships while exclusively engaged on religious, scientific, or philanthropic missions :
- (e) Enemy ships employed as cartel ships.

5. The Shipping Detention Emergency Regulations 1939 and the Shipping Detention Emergency Regulations 1939, Amendment No. 1,* are hereby revoked.

C. A. JEFFERY,
Clerk of the Executive Council.

* Statutory Regulations 1939, Serial numbers 1939/136 and 1939/137, pages 623 and 624.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 29th day of April, 1940.
These regulations are administered in the Customs Department.