

Serial Number 1939/130.



THE SHIPPING TRANSFER EMERGENCY REGULATIONS 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 2nd day of September, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Public Safety Conservation Act, 1932, and to a Proclamation of Emergency now in force under that Act, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

PRELIMINARY.

1. These regulations may be cited as the Shipping Transfer Emergency Regulations 1939.

INTERPRETATION.

2. In these regulations, unless inconsistent with the context,—

- “ Minister ” means the Minister of Marine :
- “ New Zealand ship ” means any British ship having its port of registry in New Zealand :
- “ Ship ” has the meaning assigned to it by the Merchant Shipping Act, 1894 (Imperial)—that is to say, “ ship ” includes every description of vessel used in navigation not propelled by oars :
- “ Foreign-controlled company ” means any corporation—
 - (a) Where the majority of the directors, or persons occupying the position of directors, by whatever name called, are not British subjects ; or
 - (b) Where the majority of the voting-power is in the hands of persons who are not British subjects, or who exercise their voting-powers directly or indirectly on behalf of persons who are not British subjects ; or
 - (c) Where the control is by any other means whatever in the hands of persons who are not British subjects ; or
 - (d) Where the executive is a foreign-controlled company, or where the majority of the executive are appointed by a foreign-controlled company.

A corporation shall not be deemed to be a British subject for the purposes of this section unless it is established in and subject to the laws of some part of His Majesty's dominions or of some British Protectorate or mandated territory, and has its principal place of business therein.

3. In these regulations, unless the context otherwise requires, any reference to a ship shall include a reference to a share in a ship.

RESTRICTIONS ON THE TRANSFER OF A NEW ZEALAND SHIP.

4. (1) No person shall sell, or agree to sell, or offer for sale (whether as owner or as mortgagee or otherwise), or transfer or agree to transfer or mortgage, or agree to mortgage, a New Zealand ship, or transfer, or agree to transfer, a mortgage over a New Zealand ship except with the previous written consent of the Minister to the particular proposed transaction.

(2) Any person who enters into a transaction or purported transaction in breach of this regulation shall be guilty of an offence against these regulations.

(3) Any transaction or purported transaction entered into in breach of this regulation shall be void.

(4) Any ship which has been the subject of a transaction or purported transaction in breach of this regulation shall be subject to forfeiture within the meaning of Part I of the Merchant Shipping Act, 1894 (Imperial), and proceedings for forfeiture may be taken in manner set out in section 76 of that Act so far as applicable.

5. The Minister may require any person who is the owner or mortgagee of a New Zealand ship, or who applies to be registered as the owner or mortgagee of a New Zealand ship, to furnish to the Minister such particulars as appear necessary to him for the purpose of ascertaining whether or not that person is, or is a trustee for, or otherwise represents a foreign-controlled company, and, in the case of a corporation, may also require the secretary, or any other officer of the corporation performing the duties of secretary, to furnish those particulars.

If any person fails to supply such particulars as it is in his power to give when required, or furnishes particulars which are false in any material particular, he shall be guilty of an offence against these regulations, and shall be liable accordingly.

6. Except with the previous written consent of the Minister, no person shall procure, or attempt to procure, or be knowingly concerned in procuring or attempting to procure, the transfer of the registry of a New Zealand ship to a port of registry out of New Zealand or the removal of a New Zealand ship from the Register of British Ships.

7. Where after the date of these regulations any person who is the owner or mortgagee of a New Zealand ship ceases to be a British subject or becomes a foreign-controlled company, that ship or, in the case of a mortgagee of a ship, the interest of the mortgagee, shall be subject

to forfeiture within the meaning of Part I of the Merchant Shipping Act, 1894 (Imperial), and proceedings for forfeiture may be taken in manner set out in section 76 of that Act so far as applicable.

8. Except with the previous written consent of the Minister, no person shall grant, or agree to grant, or offer to grant, or accept or agree to accept or offer to accept, a charter of a New Zealand ship, or be knowingly concerned in the grant or acceptance, whether in New Zealand or elsewhere, of a charter of a New Zealand ship.

9. Any consent given under these regulations may be given subject to such conditions as the Minister thinks fit to impose, and in particular to conditions requiring payment to the Public Account of any sum of money approved by the Minister of Finance and providing for the time or times and manner at and in which such money shall be paid and for the manner of disposition by a transferor, mortgagor, or charterer of any moneys received by him as consideration for the transfer, mortgage, or charter party, and requiring security to be given to the satisfaction of the Minister for compliance with any condition as to payment or disposition of moneys or any other condition :

Provided, first, that every minute of approval by the Minister of Finance to a condition requiring a payment to be made to the Public Account shall be laid before the House of Representatives as soon as may be after it is signed, and shall cease to have effect on the expiration of a period of twenty-eight days beginning with the date on which the minute of approval is signed, unless at some time before the expiration of that period it has been approved by a resolution of the House of Representatives, without prejudice, however, to the validity of anything previously done under the minute or to the issue of a new minute :

Provided, secondly, that in reckoning any period of twenty-eight days for the purposes of this regulation no account shall be taken of any time during which the General Assembly is dissolved or prorogued or during which the House of Representatives is adjourned for more than four days.

RESTRICTIONS ON TRADE OF NEW ZEALAND SHIPS.

10. (1) Without the previous written consent of the Minister, it shall not be lawful for any New Zealand ship which at the date of these regulations is engaged in trading in or with New Zealand to be diverted from that trade, whether permanently or temporarily ; and every person who in New Zealand is knowingly concerned in any such diversion, whether it takes place in New Zealand or elsewhere, shall be guilty of an offence against these regulations, and shall be liable accordingly.

(2) Such consent may be granted subject to such terms as to the employment of the ship as the Minister thinks fit, and if the ship is employed otherwise than in accordance with those terms, whether in New Zealand or elsewhere, every person who in New Zealand is knowingly concerned in such employment shall be guilty of an offence against these regulations, and shall be liable accordingly.

11. It shall be the duty of every owner or charterer of a New Zealand ship, and of every servant or agent of any such owner or charterer, to afford at all times to the Minister such information as he may demand as to the voyages, employment, or whereabouts of that ship, or otherwise with respect to that ship; and every person who fails or refuses to give such information, or who wilfully gives any false information as to the matters aforesaid, shall be guilty of an offence against these regulations, and shall be liable accordingly.

GENERAL PROVISIONS.

12. Every application for the consent of the Minister under these regulations shall be made in writing signed by the applicant and addressed to the Minister, and shall be accompanied by an application fee of two pounds two shillings (£2 2s.), and a separate application shall be made in respect of every matter or transaction for which consent is sought.

13. Every person who deceives or attempts to deceive the Minister in the exercise of the authority conferred upon him by these regulations shall be guilty of an offence against these regulations, and shall be liable accordingly.

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

Issued under the authority of the Regulations Act, 1936.
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These regulations are administered by the Marine Department.