

Despatch: Apprehension of Deserters from Foreign Ships.

Marine Department,
Wellington, 31st July, 1936.

THE following circular despatch, received from the Right Hon. the Secretary of State for the Dominions, is published for general information.

P. FRASER, Minister of Marine.

NEW ZEALAND.

Circular despatch B. No. 152.

Downing Street,
29th September, 1934.

MY LORD,—

I have the honour to state that His Majesty's Government in the United Kingdom have had under review the arrangements made with certain foreign powers for the mutual surrender of merchant seamen deserters, and also the various Orders in Council which have followed such arrangements under the provisions of the Merchant Shipping Act, 1894.

2. An Order in Council has now been passed under the provisions of section 238 of the Merchant Shipping Act providing so far as the United Kingdom and the colonies are concerned for the revocation of the Orders in Council in relation to those foreign countries with whom agreements have lapsed and giving effect to clauses regarding the surrender of merchant seamen deserters in a number of more recent commercial treaties with certain other foreign countries. Copies of the Order in Council are enclosed herewith.

I have, &c.,
J. H. THOMAS.

Governor-General His Excellency The Right Honourable Lord Bledisloe, G.C.M.G., K.B.E., &c.

Statutory Rules and Orders, 1934, No. 893.

MERCHANT SHIPPING.

THE DESERTERS FROM FOREIGN SHIPS ORDER, 1934.

At the Court at Buckingham Palace, the 14th day of August, 1934.

Present :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by subsection (1) of section 238 of the Merchant Shipping Act, 1894 (57-8 V., c. 60), (hereinafter referred to as the principal Act), it is provided that where it appears to His Majesty that due facilities are or will be given by the Government of any foreign country for recovering and apprehending seamen who desert from British merchant ships in that country, His Majesty may, by Order in Council stating that such facilities are or will be given, declare that that section shall apply in the case of such foreign country, subject to any limitations, conditions, and qualifications contained in the Order :

And whereas by certain Orders in Council made under section 1 of the Foreign Deserters Act, 1852 (15-6 V., c. 26), the dates whereof are specified in the first column of Part I of the First Schedule hereto, provisions were made as more particularly appear in the said Orders for the apprehension of seamen who desert from merchant ships belonging to the foreign countries set out in the second column of Part I of the said First Schedule or to subjects of the rulers of or to citizens of such foreign countries :

And whereas by virtue of the provisions of section 745 of the principal Act the said Orders in Council are still in force as if they had been made under that Act :

And whereas by an Order in Council made on the 26th September, 1901 (S.R. & O. Rev. 1904, VIII, Merchant Shipping, p. 80), it was ordered and declared that section 238 of the principal Act should apply in the case of the Republic of Honduras :

And whereas it is expedient that the Orders in Council specified in the said First Schedule should be revoked :

And whereas it appears to His Majesty that due facilities are given by the Governments of the foreign countries specified in the Second Schedule hereto for recovering and apprehending seamen who desert from British merchant ships in those countries :

And whereas the provisions of section 1 of the Rules Publication Act, 1893 (56-7 V., c. 66), have been complied with :

Now, therefore, His Majesty, by virtue of the powers vested in him by the principal Act, and by and with the advice of his Privy Council, is pleased to order and declare, and doth hereby order and declare, as follows :—

1. (1) This Order may be cited as "The Deserters from Foreign Ships Order, 1934."

(2) The Interpretation Act, 1889 (52-3 V., c. 63), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The Orders in Council specified in the First Schedule hereto are hereby revoked.

3. Section 238 of the principal Act shall apply in the case of each of the foreign countries specified in the Second Schedule hereto with regard to any seaman or apprentice who deserts from a merchant ship belonging to a subject of any such foreign country when within the United Kingdom, the Channel Islands, the Isle of Man, or any colony within the meaning of section 11 of the Statute of Westminster, 1931.

E. C. E. LEADBITTER.

FIRST SCHEDULE.

PART I.

Date of Order in Council.	Name of Foreign Country.
16th October, 1852	.. Austria-Hungary.
10th August, 1888	.. Independent State of Congo.
24th September, 1886	.. Republic of the Equator.
18th March, 1880	.. Germany.
28th May, 1889	.. United States of Mexico.
29th December, 1887	.. Republic of Paraguay.
27th August, 1860	.. All the Russias.
11th June, 1863	.. Republic of Salvador.
18th August, 1892	.. United States of America.
24th September, 1886	.. Oriental Republic of the Uruguay.
7th March, 1887	.. Zanzibar.

PART II.

26th September, 1901	.. Republic of Honduras.
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SECOND SCHEDULE.

NAME OF FOREIGN COUNTRY.

Estonia.	Germany.	Portugal.
Finland.	Latvia.	Yugoslavia.

Load-line Certificates issued by the Netherlands Government to Netherlands Ships.

Marine Department,
Wellington, 31st July, 1936.

THE following despatch and its enclosures, received from the Secretary of State for Dominion Affairs, are published for general information.

P. FRASER, Minister of Marine.

NEW ZEALAND.

Circular despatch A. No. 3.

Dominions Office,
12th May, 1936.

MY LORD,—

With reference to my Circular despatch B. No. 10 of the 20th January, I have the honour to transmit copies of the Merchant Shipping (Netherlands Load-line Certificates) Order, 1936, made on the 24th March, 1936 (Statutory Rules and Orders, 1936, No. 266).

I have, &c.,

MALCOLM MACDONALD.

Governor-General His Excellency Colonel the Right Honourable Viscount Galway, G.C.M.G., D.S.O., O.B.E., &c.

Statutory Rules and Orders, 1936, No. 266.

MERCHANT SHIPPING LOAD-LINE.

THE MERCHANT SHIPPING (NETHERLANDS LOAD-LINE CERTIFICATES) ORDER, 1936.

At the Court at Buckingham Palace, the 24th day of March, 1936.

PRESENT :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by section 445 of the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60), (hereinafter called "the principal Act"), it was enacted that where the Board of Trade certify that the laws and regulations for the time being in force in any foreign country and relating to overloading and improper loading are equally effective with the provisions of the principal Act relating thereto, His Majesty in Council may direct that on proof of a ship of that country having complied with those laws and regulations she shall not when in a port of the United Kingdom be liable to detention for non-compliance with the said provisions of the principal Act, nor shall there arise any liability to any fine or penalty which would otherwise arise for non-compliance with those provisions :