



TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. XXIX.

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ANALYSIS.

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| <p>Title.<br/>Preamble.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Sections 260 to 266 of "The Merchant Shipping Act, 1854," adopted.</li> <li>3. Sections 292, 293, 294, and 329 of "The Merchant Shipping Act, 1854," adopted.</li> <li>4. Adoption of certain sections of "The Merchant Shipping Act Amendment Act, 1862."</li> <li>5. Sections 7, 10, and 11 of "The Merchant Shipping Act, 1871," adopted.</li> <li>6. Date when the 5th and 9th sections of "The Merchant Shipping Act Amendment Act, 1862," to take effect.</li> </ol> | <ol style="list-style-type: none"> <li>7. Declaration required by 12th section of said Act, what to mean.</li> <li>8. Fees prescribed by Table (B) of the said Act adopted, but may be altered by Governor in Council.</li> <li>9. How costs of survey of ships in certain cases to be paid.</li> <li>10. Governor may appoint Surveyors and fix their remuneration. Powers of Inspectors.</li> <li>11. Penalty for obstructing Surveyors in the execution of their duty.</li> <li>12. Governor may delegate authority.</li> <li>13. Construction of terms in the said Acts.</li> </ol> |
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AN ACT to amend "The Merchant Shipping Acts Adoption Act, 1869." [22nd September, 1873.] Title.

WHEREAS by "The Merchant Shipping Acts Adoption Act, 1869," among other things, certain provisions of an Act of the Imperial Parliament called "The Merchant Shipping Act, 1854," (hereinafter called "the principal Act,") and of another Act of the said Parliament called "The Merchant Shipping Act Amendment Act, 1862," were applied and adapted to all British ships registered at, trading with, or being at any place within the jurisdiction of New Zealand, and to the owners masters and crews thereof: And whereas it is expedient that certain other provisions of the said Acts, and certain provisions of other Acts of the Imperial Parliament relating to merchant shipping, should be applied and adapted as hereinafter provided: Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

I. The Short Title of this Act shall be "The Merchant Shipping Acts Adoption Act, 1873," and it shall be read and construed with "The Merchant Shipping Acts Adoption Act, 1869." Short Title.

*Merchant Shipping Acts Adoption.*

Sections 260 to 266 of "The Merchant Shipping Act, 1854," adopted.

2. The provisions contained in sections two hundred and sixty to two hundred and sixty-six, inclusive, of the principal Act, are hereby applied and adapted to the masters mates and engineers of any British ship, who or any of whom, under the provisions of any enactment or regulations for the time being in force within the Colony, have received or may hereafter receive certificates of competency from any authority within the Colony authorized to grant the same.

Sections 292, 293, 294, and 329 of "The Merchant Shipping Act, 1854," adopted.

3. The provisions contained in sections two hundred and ninety-two, two hundred and ninety-three, two hundred and ninety-four, and three hundred and twenty-nine of the principal Act, are hereby applied and adapted to all British ships registered at, trading with, or being at any place within the jurisdiction of New Zealand, and to the owners and masters thereof. The provisions of the said section three hundred and twenty-nine of the principal Act shall extend to foreign ships when within the limits of New Zealand.

Adoption of certain sections of "The Merchant Shipping Act Amendment Act, 1862," 25 and 26 Vict. c. 63.

4. The provisions of sections five, six, seven, eight, nine, ten, eleven, and twelve of "The Merchant Shipping Act Amendment Act, 1862," are hereby applied and adapted to all British steamships registered at, trading with, or being at any place within the jurisdiction of New Zealand, and to the engineer or engineers of all such steamships.

Sections 7, 10, and 11 of "The Merchant Shipping Act, 1871," adopted.

5. The provisions contained in sections seven, ten, and eleven of "The Merchant Shipping Act, 1871," are hereby applied and adapted to all British ships registered at, trading with, or being at any place within the jurisdiction of New Zealand, and to the owners masters and crews thereof.

Date when the 5th and 9th sections of "The Merchant Shipping Act Amendment Act, 1862," to take effect.

6. Where the words "on and after the first day of June, one thousand eight hundred and sixty-three," occur in the fifth section of "The Merchant Shipping Act Amendment Act, 1862," there shall be substituted, in the application of the said section to the purposes of this Act, the words "on and after the passing of this Act;" and where the words "first day of April, one thousand eight hundred and sixty-two," occur in the ninth section of the said Act, there shall be substituted, in the application of the said section to the purposes of this Act, the words "first day of January, one thousand eight hundred and seventy-one."

Declaration required by 12th section of said Act what to mean.

7. In the application of the twelfth section of "The Merchant Shipping Act Amendment Act, 1862," to the purposes of this Act, the declaration therein referred to shall mean the declaration required to be made by an engineer-surveyor in accordance with the provisions of "The Steam Navigation Act Amendment Act, 1867."

Fees proscribed by Table (B) of the said Act adopted, but may be altered by Governor in Council.

8. The table of fees marked (B), mentioned or referred to in section seven of "The Merchant Shipping Act Amendment Act, 1862," shall be and the same is hereby also adopted: Provided that the Governor in Council may from time to time prescribe such other fees in lieu thereof, either wholly or in part, as he may think fit.

All fees payable by virtue of the said seventh section, or by virtue of this Act, or of the powers hereby given to the Governor in Council, shall be paid into the Public Account, and shall go to and form part of the consolidated revenue of the Colony.

How costs of survey of ships in certain cases to be paid.

9. The costs of the survey of ships under the seventh section of "The Merchant Shipping Act, 1871," hereby adopted, shall be paid in the manner therein provided out of any moneys appropriated by the General Assembly for contingencies of the department having charge of the administration of this Act; and the Court to which appeal may be made as provided in the tenth section of the said Act shall be the Supreme Court of New Zealand.

Governor may appoint Surveyors

10. The Governor may from time to time appoint such number of fit and proper persons to be Surveyors for the purposes of this Act

at such ports or places as he thinks fit, and may from time to time remove such Surveyors, or any of them, and may from time to time fix and alter the rates of remuneration to be received by such Surveyors; and such Surveyors shall have all the powers of Inspectors appointed by the Board of Trade under the principal Act.

and fix their remuneration:

Powers of Inspectors.

11. Every person who wilfully impedes any Surveyor appointed as aforesaid in the execution of his duty, whether on board any ship or elsewhere, shall incur a penalty not exceeding ten pounds, and may be seized and detained by such Surveyor or other person, or by any person or persons whom he may call to his assistance, until such offender can be conveniently taken before some Justice of the Peace or other officer having proper jurisdiction.

Penalty for obstructing Surveyors in the execution of their duty.

12. It shall be lawful for the Governor at any time, as he shall think fit, by any document in writing under his hand, to delegate to any person or persons all or any of the powers duties or authorities by this Act and by "The Merchant Shipping Acts Adoption Act, 1869," conferred or imposed upon him, and such delegation may be either absolute or conditional or restricted, and for any period whatsoever, and shall be revocable at the pleasure of the Governor, and may be either generally for the whole Colony, or specially for any particular part or parts thereof to be specified in the document whereby the powers duties and authorities shall be delegated, and every such document shall be published in the *New Zealand Gazette*.

Governor may delegate authority.

13. In applying the provisions of this Act and the provisions of the principal Act and the other Acts or parts of Acts hereby adopted, and in order to adapt the same to British ships registered at, trading with, or being at any place within the jurisdiction of New Zealand, and to the owners masters and crews thereof, the following words and expressions shall have the meanings hereby assigned to them (unless there be something in the subject or context repugnant to such construction), that is to say,—

Construction of terms in the said Acts.

"The United Kingdom" shall mean and include New Zealand.

"The Board of Trade" shall mean and include the Governor of New Zealand.

"Ship" shall mean and include every description of vessel used in navigation and not propelled by oars.

"Master" shall mean and include every person (not being a pilot) having the command or charge of any ship.

"Seamen" shall mean and include every person (except masters pilots and apprentices duly indentured and registered) engaged or employed in any capacity on board any ship.

"Foreign-going steamship" shall mean and include every steamship not included in the definition of a "sea-going home-trade passenger steamship" next hereinafter contained.

"Sea-going home-trade passenger steamship" shall mean and include every steamship employed in trading or going between any port or place in New Zealand, but not to or from the Chatham Islands, the Auckland Islands, or Campbell Island.

"Local Marine Board" shall mean and include any person or persons from time to time appointed by the Governor by warrant under his hand to exercise or perform, at any port or place in New Zealand, any of the duties or powers vested in or imposed on a Local Marine Board by the provisions hereby adopted.