



ANALYSIS

Title.

1. Short Title.
2. Interpretation.
3. Application of New Zealand Acts to offences committed outside New Zealand.

4. Jurisdiction in respect of offences committed in territorial waters or outside New Zealand.
5. Consent of Attorney-General to institution of proceedings for offences.
6. Saving as to jurisdiction under other Acts.
7. Repeals.

1953, No. 120

Title.

AN ACT to confer jurisdiction with respect to offences committed on ships on the high seas or within the territorial waters of New Zealand or other countries.

[27 November 1953]

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

Short Title.

See Reprint of Statutes, Vol. II, p. 182

1. This Act may be cited as the Offences at Sea Act 1953, and shall be read together with and deemed part of the Crimes Act 1908 (hereinafter referred to as the principal Act).

Interpretation.

2. (1) In this Act—

“Commonwealth country” means a country which is a member of the British Commonwealth of Nations; and includes every territory for whose international relations the Government of that country is responsible; and has in relation to the Republic of Ireland the extended meaning given by subsection two of this section:

“Commonwealth ship” has the same meaning as in the Shipping and Seamen Act 1952; and includes an unregistered ship which is by Part XII of that Act required to be registered in New Zealand or in some other Commonwealth country: 1952, No. 49

“Foreign country” means a country which is not a Commonwealth country:

“Foreign ship” means a ship which is not a Commonwealth ship:

“Offence” means an offence for which the offender may be proceeded against by indictment; and includes any such offence which may be dealt with summarily under the Summary Jurisdiction Act 1952; and also includes an offence against section four or section five of the Police Offences Amendment Act (No. 2) 1952 (which relate to common assault and assaults on children and females respectively): 1952, No. 41
1952, No. 43

“Territorial waters”, in relation to any country, means such part of the sea adjacent to the coast of that country as is within the territorial sovereignty of that country; and includes ports, harbours, rivers, and other places in which at the passing of this Act the Admiralty of England has jurisdiction (whether exclusive or not) in respect of offences of any kind committed on board Commonwealth ships.

(2) The provisions of this Act shall have the same operation in relation to the Republic of Ireland and to the citizens thereof, and to ships registered therein or belonging thereto, and to persons who belong or have belonged to those ships, and to all other persons on board those ships, in the same manner as if the Republic of Ireland were a Commonwealth country and as if the citizens thereof were British subjects.

3. (1) Where, at any place beyond the limits of New Zealand, any person does or omits to do any act to which this Act applies, and that act or omission would, if it took place within the limits of New Zealand, be an offence, whether the Act creating the offence was enacted before or after the passing of this Act, then, Application of New Zealand Acts to offences committed outside New Zealand.

subject to the provisions of the Act creating the offence, he commits an offence for which he is liable to be arrested, proceeded against, and tried in New Zealand.

(2) Every such offence shall be deemed to be an offence of the same nature and shall be liable to the same punishments as if it had been committed within the limits of New Zealand; and, subject to the provisions of section five of this Act, every such offence shall be tried, determined, and adjudged in the same manner and by the same Court as if the offence had been committed within the limits of New Zealand.

(3) The provisions of section four of the principal Act shall apply with respect to offences for which the offender may be proceeded against and tried under this section.

4. (1) This Act applies with respect to any act done or omitted to be done by any person—

- (a) Whether or not he is a British subject, within the territorial waters of New Zealand, although it may have been done or omitted on board or by means of a foreign ship;
- (b) Whether or not he is a British subject, on board any Commonwealth ship on the high seas or on board any such ship within the territorial waters of any Commonwealth country other than New Zealand or of any foreign country;
- (c) Being a British subject, on board any foreign ship (not being a ship to which he belongs) on the high seas or on board any such ship within the territorial waters of any Commonwealth country other than New Zealand.

(2) Where any person who belongs, or within three months previously has belonged, to any Commonwealth ship does or omits to do any act at any place beyond the limits of New Zealand, whether on shore or afloat, not being an act or omission to which this Act applies by virtue of subsection one of this section, and that act or omission would, if it took place within the limits of New Zealand, be an offence against property or persons, then this Act shall apply in

Jurisdiction
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respect of that act or omission in the same manner in all respects as if that act or omission had taken place on board a Commonwealth ship.

5. (1) Proceedings for the trial and punishment of any person who, not being a New Zealand citizen, is charged with having committed beyond the limits of New Zealand an offence on board or by means of any ship which is not a New Zealand ship or an offence to which subsection two of section four of this Act applies shall not, by virtue only of the provisions of this Act, be instituted in any Court, except with the consent of the Attorney-General, and on his certificate that it is expedient that the proceedings should be instituted:

Consent of Attorney-General to institution of proceedings for offences.

Provided that a person charged with any such offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

(2) On the hearing of the charge in respect of any such offence against any person who is not a New Zealand citizen it shall not be necessary to aver in the indictment or information in respect of the offence that the consent of the Attorney-General as is required by subsection one of this section has been given; and the production of a document purporting to be signed by the Attorney-General, and containing such a consent and certificate, shall be sufficient evidence for all the purposes of this section of the consent and certificate required by this section.

6. (1) Nothing in section three or section four or section five of this Act shall be construed to affect or prejudice any jurisdiction conferred by any Act of the Parliament of England or of Great Britain or of the United Kingdom which has effect as part of the law of New Zealand, or by any Act of the New Zealand Parliament, or now by law existing, in relation to matters arising within the limits or territorial waters of New Zealand or elsewhere.

Saving of jurisdiction under other Acts.

(2) Nothing in this Act shall apply with respect to any offence under the Shipping and Seamen Act 1952.

1952, No. 49

Repeals.

7. (1) As from the commencement of this Act the following Acts (being Acts of the Parliament of England or of the Parliament of Great Britain or of the Parliament of the United Kingdom) shall cease to have effect as part of the law of New Zealand, namely:

28 Hen. 8, c. 15

39 Geo. 3, c. 37

46 Geo. 3, c. 54

7 & 8 Vict., c. 2

12 & 13 Vict.,
c. 96

23 & 24 Vict.,
c. 122

37 & 38 Vict.,
c. 27

41 & 42 Vict.,
c. 73

See Reprint
of Statutes,
Vol. VIII,
p. 578

(a) The Offences at Sea Act 1536:

(b) The Offences at Sea Act 1799:

(c) The Offences at Sea Act 1806:

(d) The Admiralty Offences Act 1844:

(e) The Admiralty Offences (Colonial) Act 1849:

(f) The Admiralty Offences (Colonial) Act 1860:

(g) The Courts (Colonial) Jurisdiction Act 1874:

(h) The Territorial Waters Jurisdiction Act 1878.

(2) It is hereby declared that the provisions of sections twenty and twenty-one of the Acts Interpretation Act 1924 shall apply with respect to the Acts specified in subsection one of this section as if those Acts were Acts of the General Assembly of New Zealand.
