

New Zealand.



ANALYSIS.

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1936, No. 43.

AN ACT to protect British Shipping against Competition from Foreign Shipping in the Carriage of Passengers and Goods between New Zealand and the Commonwealth of Australia if such Foreign Shipping is by the Laws of its own Country protected against Competition from British Shipping in the Carriage of Passengers or Goods between Ports or Territories of that Country. Title.
 [29th October, 1936.]

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

1. This Act may be cited as the Protection of British Shipping Act, 1936. Short Title.

2. In this Act the term “master” in relation to any ship means the person for the time being having the command or charge of the ship, and the term “owner” in relation to any ship includes any agent in New Zealand of the owner and any charterer to whom the ship may be demised. Interpretation.

Application
of this Act.

3. (1) This Act applies only with respect to ships of a foreign country to which it is applied by the Governor-General by Order in Council on any of the following grounds, namely:—

- (a) That by the operation of the laws of that country British ships are prohibited from carrying passengers or goods between ports of that country or between that country and any territory or territories belonging to that country; or
- (b) That by the operation of the laws of that country restrictive conditions, that are not applicable to the ships of that country, are imposed on the carriage by British ships of passengers or goods between any ports or territories of that country; or
- (c) That the ships of that country receive from any source any subsidies, concessions, rebates, allowances, or other valuable privileges whatsoever which enable them to compete on unequal terms with British shipping in the carriage of any passengers or goods.

(2) Nothing in this section shall authorize the application of this Act to any country if any rights conferred on that country by any treaty or convention that for the time being is binding upon His Majesty's Government of New Zealand would thereby be infringed.

(3) Any Order in Council under this section may be at any time in like manner revoked.

(4) The validity of any Order in Council purporting to be made under the authority of this section shall not be questioned in any Court.

4. (1) While any Order in Council under the last preceding section is in force in respect of any foreign country, it shall not be lawful (except as provided in subsection two of this section)—

- (a) For any ship of that country to receive any passengers or goods in New Zealand for carriage to the Commonwealth of Australia:
- (b) For any such ship to land in New Zealand any passengers or goods received on board such ship in any part of the Commonwealth of Australia:

Restrictions
on carriage
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- (c) For any person to embark in New Zealand as a passenger on any such ship for any port in the Commonwealth of Australia (whether or not such port is his final destination):
- (d) For any person in New Zealand to ship any goods on any such ship, consigned to any place in the Commonwealth of Australia.
- (2) Nothing in the foregoing provisions of this section shall make it unlawful—
- (a) For any ship to receive and carry as a passenger to any port in the Commonwealth of Australia any person who arrived in New Zealand by the same ship or by any other ship of the same country within the period of six months immediately preceding the date of his departure from New Zealand; or
- (b) For any ship to land any person in New Zealand from any port in the Commonwealth of Australia if that person arrived in Australia by the same ship or by another ship of the same country within the period of six months immediately preceding the date of his departure from Australia for New Zealand; or
- (c) For any person referred to in paragraph (a) or paragraph (b) of this subsection to embark in New Zealand on any such ship or to land in New Zealand from any such ship.
- (3) Nothing in subsection one of this section shall relate to—
- (a) The landing in New Zealand from the Commonwealth of Australia or the shipment from New Zealand to the Commonwealth of Australia of any goods theretofore landed in error in the Commonwealth of Australia or in New Zealand, as the case may be, by the same ship or by any other ship of the same country, if such goods have not, in the interval between landing and reshipment, been removed from the control of the Customs:
- (b) The landing in New Zealand or the embarkation in New Zealand of through passengers from or to the Commonwealth of Australia.
5. (1) If any person lands in New Zealand or embarks as a passenger in New Zealand contrary to the

provisions of this Act he shall be liable on summary conviction to a fine of one hundred pounds, and the owner and the master of the ship shall be severally liable on summary conviction to a fine of one hundred pounds in respect of every such person.

(2) If any goods are shipped in New Zealand contrary to the provisions of this Act, the owner and the master of the ship and the consignor of the goods shall be severally liable on summary conviction to a fine of one hundred pounds.

(3) If any goods are landed in New Zealand contrary to the provisions of this Act, the owner and the master of the ship shall be severally liable on summary conviction to a fine of one hundred pounds, and the goods shall be forfeited to His Majesty. The provisions of Part XVI of the Customs Act, 1913, shall apply with respect to goods forfeited under this section as if they had been forfeited in accordance with that Act.

6. (1) Notwithstanding that clearance has been granted to any ship under the Customs Act, 1913, any officer of Customs, if he has reason to believe that an offence against this Act has been committed by the owner or master of the ship, may detain such ship:

Provided that no ship shall be detained pursuant to this subsection for a longer period than forty-eight hours unless within such period proceedings in respect of such offence are instituted against the owner or master of the ship.

(2) All the provisions of the Shipping and Seamen Act, 1908, relating to the detention of ships (including the penal provisions thereof) shall, with the necessary modifications, apply to the detention of any ship pursuant to this section.

(3) Where a fine imposed by any Court in proceedings against the owner or master of a ship for an offence against this Act is not paid at the time and in manner ordered by the Court, the Court shall, without prejudice to any other powers of the Court for enforcing payment, have power to direct the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture, and apparel.

7. The Governor-General may from time to time, by Order in Council, make all such regulations as may be deemed necessary for the purpose of giving full effect to the provisions of this Act.

See Reprint
of Statutes,
Vol. VII, p. 165

Enforcement
of penalties
against ship
for offences
against this
Act.

Cf. 1926,
No. 27, s. 10;
see Reprint
of Statutes,
Vol. VIII,
p. 484

See Reprint
of Statutes,
Vol. VIII,
p. 414

Regulations.