

New Zealand.



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1909, No. 36.

AN ACT to amend the Shipping and Seamen Act, 1908.

Title.

[Reserved for the signification of His Majesty's pleasure thereon.]

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

Short Title.

1. (1.) This Act may be cited as the Shipping and Seamen Amendment Act, 1909, and shall form part of and be read together with the Shipping and Seamen Act, 1908 (hereinafter referred to as the principal Act).

Commencement.

(2.) This Act shall come into operation on the day on which His Majesty's assent thereto is notified by the Governor by a Proclamation published in the *Gazette*, or on such later date (being not later than three months after the date of the Proclamation) as is specified in that behalf in the Proclamation.

Section 4 of principal Act amended.

2. Section four of the principal Act is hereby amended by repealing the definition of "Home-trade ship" and substituting the following:—

" 'Home-trade ship' means a ship—

" (a.) Employed in trading or going between any ports or places in New Zealand; or

" (b.) Plying on any navigable waters in New Zealand; or

" (c.) Going to sea from any port or place in New Zealand and returning to New Zealand without going more than fifty miles from the coast thereof:

" Provided that, for the purposes of this definition, the Cook Islands, the Kermadec Islands, the Chatham Islands, the Auckland Islands, Campbell Island, Antipodes Islands, and Bounty Islands shall be deemed to be places out of New Zealand:

" Provided also that a ship shall not be deemed to be a home-trade ship merely because in the course of or as preliminary to a voyage to or from any place out of New Zealand she is employed in going between two places in New Zealand, if she does not take on board at any place in New Zealand, to be landed or delivered at any other place in New Zealand, any cargo or passengers other than cargo consigned on through bills of lading, or passengers holding through tickets, to or from any place out of New Zealand."

Section 21 of principal Act amended.

3. Section twenty-one of the principal Act is hereby amended by adding thereto the following subsections:—

" (1A.) A certificate for a sailing-ship shall entitle the holder to serve in a steamship, or ship propelled by mechanical power other than steam, in the capacity mentioned in the certificate.

" (6.) If a ship goes to sea from any place in New Zealand or plies on any river, lake, harbour, or other navigable water in New Zealand without the officers required by this section, the owner and master are severally liable to a fine not exceeding one hundred pounds.

" (7.) A Collector of Customs may detain any ship which is not provided with the officers required by this section.

" (8.) Every person commits an offence and is liable to a fine not exceeding fifty pounds who suffers himself to be engaged or who acts as an officer of a ship without being duly certificated in accordance with this section in respect of the position for which he is so engaged or in which he so acts.

“(9.) The Minister, on such conditions as he may prescribe, may, if he thinks fit, exempt any steamer plying exclusively on any lake, and any steamer plying within river or extended river limits, from the obligation of carrying a certificated master or a certificated engineer in accordance with this section, and may at any time cancel any exemption so granted.”

4. Where the Minister is satisfied—

(a.) That the conditions under which certificates of competency for any grade are granted in any part of the British dominions other than the United Kingdom to masters, mates, or engineers are such as to secure that the holders thereof possess proper qualifications and competency equal to that required for any grade (whether similar or not) in New Zealand; and

(b.) That by the law of that part of the British dominions certificates granted in New Zealand are accepted as of equal force with certificates of any grade (whether similar or not) granted in that part of the British dominions,—

he may, by notice in the *Gazette*,—

(i.) Declare that the certificates so granted in that part of the British dominions shall be accepted as of equal force with certificates granted in New Zealand of such grade (whether similar or not) as is specified in the notice; and

(ii.) Declare that all or any of the provisions of the principal Act and its amendments shall apply to the certificates referred to in the notice; and

(iii.) Impose such conditions and make such regulations with respect to those certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as he thinks fit, and impose fines not exceeding fifty pounds for the breach of those conditions and regulations.

5. (1.) Notwithstanding anything in section twenty-seven of the principal Act, the following provisions shall apply with respect to every certificate of service granted under section twenty-seven of the Shipping and Seamen Act, 1903 :—

(a.) The holder of a certificate as master of a sailing-ship shall be entitled to command a ship propelled by steam or other mechanical power, and the holder of a certificate as master of a steamship or of a ship propelled by mechanical power other than steam shall be entitled to command a ship of either class;

(b.) The holder of a master's certificate for ships under one hundred tons register shall be entitled to command a ship of not more than one hundred tons register; and

(c.) The holder of a master's certificate for ships over one hundred tons register shall be entitled to command ships of any tonnage.

(2.) No such certificate of service shall entitle the holder to command ships in any trade or limits other than those which are specified in the certificate.

6. (1.) The Minister may cause a certificate of service as master or engineer of a ship propelled by mechanical power other than

Certificates granted out of New Zealand.

Provisions as to certificates of service under section 27 of Act of 1903.

Certificates of service in respect of

certain ships not propelled by steam.

steam, and of not more than six tons register, to be granted without examination to any person of good repute who not later than six months after the coming into operation of this Act applies for the same, and produces evidence to the satisfaction of the Minister that he was for a period of not less than one year at any time prior to the commencement of this Act in charge of a ship of that description.

(2.) A certificate of service granted under this section shall not entitle the holder thereof to command ships in any trade other than that which is specified in the certificate.

Engagement of seamen and apprentices by unauthorised persons.

7. (1.) A person shall not engage or supply a seaman or apprentice to be entered on board any ship in New Zealand, unless that person is an owner, master, mate, or engineer of the ship, or is a Superintendent.

(2.) A person shall not employ any other person for the purpose of engaging or supplying a seaman or apprentice to be entered on board any ship in New Zealand, unless the person so employed is an owner, master, mate, or engineer of the ship, or is a Superintendent.

(3.) A person shall not receive or accept to be entered on board any ship any seaman or apprentice, if that person knows that the seaman or apprentice has been engaged or supplied in contravention of this section.

(4.) If a person acts in contravention of this section, he shall for each seaman or apprentice in respect of whom an offence is committed be liable to a fine not exceeding twenty pounds.

Repeal.

(5.) This section is in substitution for section thirty-nine of the principal Act, which section is hereby accordingly repealed.

Seamen to have knowledge of English language.

8. (1.) The Superintendent or other officer before whom a seaman is engaged to be entered on board any British ship at any port in New Zealand shall not allow a seaman to sign the agreement if in his opinion the seaman does not possess a sufficient knowledge of the English language to understand the necessary orders that may be given to him in the course of the performance of his duties.

(2.) If the master or owner of any British ship engages in New Zealand any seaman who does not possess such sufficient knowledge as aforesaid, the master or owner shall be liable to a fine not exceeding twenty pounds.

(3.) This section shall not apply to any seaman who is the holder of a certificate of discharge in respect of service on board any British ship if that service was commenced in New Zealand after the date of the coming into operation of this Act.

Rating as A.B.

9. (1.) For the purpose of reducing the period of service required as a qualification for the rating of A.B., the words "three years before the mast" shall be substituted for the words "four years before the mast," and "two years of that employment" shall be substituted for "three years of that employment," and "two or more years' sea service" shall be substituted for "three or more years' sea service" in subsection one of section fifty-one of the principal Act.

(2.) The Superintendent or other officer before whom a seaman is engaged shall refuse to enter the seaman as A.B. on the agreement with the crew unless the seaman gives such satisfactory proof as is

required by the said section fifty-one of his title to be so rated; and if any seaman, for the purpose of obtaining a rating as A.B., makes any false statement or false representation he shall be liable to a fine not exceeding five pounds.

10. (1.) In the case of any ship of not less than three hundred tons register which has been approved by the Minister as a training-ship the provisions of section fifty-four of the principal Act shall be modified to the extent that four second-year apprentices, or three third-year apprentices, or two fourth-year apprentices shall be deemed to be equivalent to one able seaman and may be carried in his stead:

Modification of certain provisions in their application to ships approved as training-ships.

Provided that the number of able seamen shall not in any case be less than two-thirds of the number required by the Fourth Schedule to the principal Act.

(2.) The Minister may from time to time exempt any ship mentioned in the last preceding subsection from payment of any light dues prescribed by section two hundred and eighty-seven of the principal Act.

11. A sea-going or extended river fishing-boat under one hundred tons register shall not be subject to the provisions of section fifty-four of the principal Act, and every such boat when going to sea shall be provided with the following officers—namely, a duly certificated master, and, in the case of a steamship or of a boat propelled by other mechanical power than steam, with an engineer holding a second-class engineer's certificate or of a higher grade. Such a boat propelled by steam and running in river or extended river limits shall have an engineer holding a river-engineer's certificate:

Exemption in favour of certain fishing-boats.

Provided that this section shall not exempt a fishing-boat going to the Kermadec, Chatham, Auckland, Campbell, Antipodes, and Bounty Islands from carrying a duly certificated first or only mate.

12. When by reason of the termination of an agreement with the crew by effluxion of time a seaman is discharged, and he is re-engaged on the day of his discharge on the same ship, his wages under the new agreement shall commence on the following day.

Wages on discharge and re-engagement on same ship.

13. Section eighty-five of the principal Act is hereby amended by adding to subsection one thereof the following paragraph:—

Section 85 of principal Act amended.

“(c.) Any claim not exceeding fifty pounds by a seaman or apprentice for wages earned by him, if that claim has been referred to the Court by a Magistrate's Court under the last preceding section, or is by virtue of that section not required to be heard and determined in a Magistrate's Court.”

14. (1.) An examination of provisions on board any British ship may be made in the manner prescribed by section one hundred and ten of the principal Act whenever directed by the Minister or whenever the Superintendent has reason to believe that an examination is necessary, and subsections two, three, and four of that section shall apply to such examination.

Examination of provisions and water.

(2.) Provisions on British ships which have already been examined and passed by the proper officer of the Board of Trade shall be exempt from further examination under this section unless it appears to the Minister that further examination is necessary.

(3.) For the purposes of the said section one hundred and ten provisions on British ships not registered in New Zealand shall not be deemed to be deficient in quantity if they are sufficient according to the scale of provisions required by the Imperial Merchant Shipping Act.

Certificated cooks
for foreign-going
ships.

15. (1.) After the expiration of six months from the commencement of this Act every British foreign-going ship of not less than a thousand tons gross tonnage, going to sea from any place in New Zealand, shall be provided with and carry a duly certificated cook who is able to prove one month's service at sea in some capacity.

(2.) A cook shall not be deemed to be duly certificated within the meaning of this section unless he is the holder of a certificate of competency in cooking granted by the Board of Trade, or by the Marine Department, or by some school of cookery or other institution approved for the purpose by that Board or by the Minister, or is the holder of certificates of discharge showing at least two years' service as cook at any time before the expiration of the said period of six months, or is the holder of a certificate of service granted under this section.

(3.) The cook shall be rated in the ship's articles as ship's cook, or in the case of ships of not more than two thousand tons gross tonnage, or ships in which the crew or the majority of the crew provide their own provisions, either as ship's cook or as cook and steward.

(4.) If any such ship goes to sea from any port in New Zealand without conforming to the requirements of this section, the owner and master of the ship shall be severally liable to a fine not exceeding twenty-five pounds, unless it is proved that there was some sufficient reason for the failure to conform to those requirements.

(5.) On the application, within one year after the commencement of this Act, of any person who proves to the satisfaction of the Minister that at any time before the expiration of the aforesaid period of six months he has served for two years as cook on board any foreign-going ship or ships, the Minister may, if he thinks fit, grant to that person a certificate of service as cook, which shall have the same effect and may be cancelled or suspended in the same manner as a certificate of competency in cooking granted by the Marine Department under the foregoing provisions of this section.

(6.) The Minister may from time to time make rules as to the examination by the Marine Department of candidates for certificates of competency in cooking, and as to the qualifications of such candidates, and as to the fees payable by them for examination, and as to the issue, cancellation, or suspension of such certificates.

Section 121 of
principal Act
amended.

16. Subsection one of section one hundred and twenty-one of the principal Act is hereby amended by inserting, at the end of paragraph (b), the following: "Provided that in the case of home-trade steamships under one hundred tons register, the Minister may grant exemption from the requirement as to separate rooms in the case of mates and engineers who are carried in excess of the requirements of this Act, and he may also fix the minimum size of the separate rooms when only one mate and one engineer are carried on a steamship."

17. Section one hundred and twenty-two of the principal Act is hereby amended—

Section 122 of principal Act amended.

(a.) By omitting from subsection one thereof the words “seventy-two nor more than”:

(b.) By omitting from the said subsection the words “twelve nor more than eighteen,” and substituting “fifteen”:

(c.) By adding the following subsection:—

“(8.) In estimating the space available for the proper accommodation of seamen there may be taken into account the space occupied by any mess-rooms, bath-rooms, or washing-places appropriated exclusively to the use of those seamen, so however that the space in any place appropriated to the use of seamen in which they sleep is not less than seventy-two cubic feet, and twelve superficial feet for each seaman.”

18. The amendments made by the last preceding section shall not apply in the case of any ship registered or built before the commencement of this Act, or in course of construction at the commencement of this Act, nor to any ship of less than one hundred tons register, and all such ships shall remain subject to the requirements of section one hundred and twenty-two of the principal Act in the same manner as if the last preceding section were not in force.

Ships built or in course of construction not to be subject to requirements of last preceding section.

19. Section one hundred and twenty-two of the principal Act is hereby further amended by adding the following subsection:—

Section 122 of principal Act further amended.

“(9.) This section applies only to ships registered in New Zealand or engaged in the home trade.”

20. (1.) The owner and master of every ship shall from time to time provide such sanitary, hospital, and lavatory accommodation, including bath-rooms, as in the opinion of the Minister is sufficient for the requirements of the crew, and in the case of steamships that provision shall include an adequate supply of hot water for the use of all members of the crew employed in connection with the engines of the ship.

Sanitary and other accommodation to be provided.

(2.) If the owner or master of any ship makes default in providing such accommodation as aforesaid, he shall be liable for every such offence to a fine not exceeding fifty pounds, and any ship may be detained by the Minister until due provision has been made therein in accordance with this section.

(3.) This section applies only to ships registered in New Zealand or engaged in the home trade.

(4.) This section does not apply to any ship of less than three hundred tons register.

21. (1.) In any case of death or of accident whereby a seaman employed in or about any ship is killed, or becomes totally, permanently, or temporarily incapacitated for his work, the master shall, on arrival at any port in New Zealand, if the death or accident occurs at sea, or if it occurs in a port in New Zealand, then before sailing from that port, report the same to the Superintendent, who shall inquire into the cause of the death or accident, and shall, in the case of death or total incapacity, make in the official log an entry to the effect either that the statement of the cause of the death or accident therein contained is in his opinion true or otherwise, as the

Notice of accidents to be given to Superintendent.

result of the inquiry requires; and the Superintendent shall, for the purpose of such inquiry, have the powers of a Marine Inspector.

(2.) If in the course of the inquiry it appears to the Superintendent that any such death or accident as aforesaid has been caused by violence or other improper means, he shall either report the matter to the Minister or, if the emergency of the case so requires, shall take immediate steps to bring the offender or offenders to justice.

(3.) The Superintendent shall report to the Secretary on every inquiry held by him under this section.

(4.) If the master fails to conform to the requirements of this section he is liable to a fine not exceeding twenty pounds.

(5.) This section is in substitution for section one hundred and twenty-four of the principal Act, and that section is hereby repealed accordingly.

Expenses of medical attendance in case of injuries or illness.

22. (1.) If the master of, or a seaman or apprentice belonging to, a ship registered in New Zealand receives any hurt or injury in the service of the ship, or suffers from any illness (not being venereal disease, or an illness due to his own wilful act or default or to his own misbehaviour), the expense of providing the necessary surgical and medical advice and attendance and medicine, and also the expense of his maintenance until he is cured, or dies, or is returned to a proper return port, and of his conveyance to the port, and in the case of death the expense (if any) of his burial, shall be defrayed by the owner of the ship, without any deduction on that account from his wages.

(2.) If the master or a seaman or apprentice is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expenses of the removal and of providing the necessary advice and attendance and medicine, and of his maintenance while away from the ship, shall be defrayed in like manner.

(3.) The expense of all medicines, surgical and medical advice, and attendance given to a master, seaman, or apprentice whilst on board his ship shall be defrayed in like manner.

(4.) In all other cases any reasonable expenses duly incurred by the owner for any seaman or apprentice in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies whilst on service, may, if duly proved, be deducted from the wages of the seaman or apprentice.

(5.) For the purposes of this section either the port at which the master, seaman, or apprentice was shipped, or a port in the country to which he belongs, shall be deemed to be a proper return port.

Repeal.

(6.) This section is in substitution for section one hundred and seventeen of the principal Act, and that section is hereby repealed accordingly.

In certain cases Minister may pay medical expenses.

23. (1.) Any expenses attendant on the illness, hurt, injury, or death of a master, seaman, or apprentice and payable by the owner of the ship under the last preceding section may, in default of payment by the owner, be paid by the Minister.

(2.) All sums so paid by the Minister shall be a charge on the ship, and shall be a debt due to the Crown recoverable from the owner of the ship for the time being, or, where the ship has been lost, from the person who was the owner of the ship at the time of the loss, either by ordinary process of law or in the same Court and manner as wages due to seamen.

(3.) In any proceeding for such recovery a certificate of the facts signed by the Minister, together with such vouchers (if any) as the case requires, shall be sufficient evidence, unless the contrary is proved, that the said expenses were duly paid by the Minister.

(4.) This section is in substitution for section one hundred and eighteen of the principal Act, and that section is hereby repealed accordingly. Repeal.

24. Section one hundred and thirty-two of the principal Act (relating to the punishment of desertion and absence without leave) is hereby amended by adding thereto the following proviso:— Section 132 principal Act amended.

“Provided also that no seaman who has been engaged in New Zealand shall be sentenced to imprisonment under this section for desertion or any other such offence as aforesaid.”

25. Where a seaman who has been lawfully engaged or has undertaken to engage in New Zealand, and has received under his agreement or engagement an advance note or an advance in cash, and after negotiating his advance note or having received an advance in cash wilfully or through misconduct fails to engage or join his ship or deserts therefrom before the note becomes payable, he shall be liable to a fine not exceeding five pounds or to imprisonment for any term not exceeding one month. Provisions as to failure to join ship and to desertion.

26. Where it is shown to the satisfaction of the Superintendent that a seaman lawfully engaged or who has undertaken to engage in New Zealand has wilfully or through misconduct failed to engage or join his ship, or is guilty of desertion or of absence without leave, the Superintendent shall report the matter to the Minister, who may direct that any of the seamen's certificates of discharge shall be withheld for such period as the Minister thinks fit; and while a seaman's certificate of discharge is so withheld every Superintendent or other person having the custody of the necessary documents may, notwithstanding anything in the principal Act, refuse to furnish copies of any of that seaman's certificates of discharge or certified extracts of any particulars of service or character. Certificates of discharge may be withheld.

27. A sailing or steam fishing-boat which does not exceed ten tons register shall not be subject to the provisions of the principal Act relating to survey and to carrying certificated officers. Exemption of small fishing-boat from certain provisions.

28. Section one hundred and seventy-eight of the principal Act is hereby amended by adding to subsection one thereof the following proviso:— Section 178 of principal Act amended.

“Provided that the Secretary may, in his discretion, at any time before the expiration of the term of any certificate, if he is satisfied that the condition of the hull, machinery, and equipments of the ship is such as to justify him in doing so, extend the term of that certificate, for any period not exceeding one month.”

29. (1.) The provisions of sections one hundred and seventy-one to one hundred and eighty-five of the principal Act shall, so far Survey of sailing-ships.

as applicable, apply (with all necessary modifications) to intercolonial sailing-ships trading or carrying passengers from any port in New Zealand to any other port, and also to sailing-ships over five tons register employed in the home-trade :

Provided that if any sailing-ship referred to in this section has been docked in any port outside New Zealand, and her hull has been examined in dock by a Surveyor to Lloyd's Register, or by a Government Surveyor of the State in a port of which she has been so docked, and the examining Surveyor has certified that the hull is in good condition and is sufficient for the service intended, the Minister may, on such conditions as he thinks fit, dispense with the inspection of the hull in dock at the time of survey for a survey certificate.

Repeal.

(2.) This section is in substitution for section one hundred and eighty-six of the principal Act, which section is hereby repealed accordingly.

Section 188 of principal Act amended.

30. Section one hundred and eighty-eight of the principal Act is hereby amended by repealing paragraph (a), and substituting therefor the following :—

“(a.) If the ship does not exceed six tons register, and carries passengers or freight for hire, she shall carry a duly certificated master or engineer.

“(aa.) If the ship is a fishing-boat of not more than ten tons register she shall not be subject to the provisions of this Act relating to survey and to carrying certificated officers, and if the ship is a pleasure yacht of not more than ten tons register she shall not be subject to the provisions of this Act relating to survey.”

Provisions to apply on reduction of restricted limits.

31. (1.) Where the limits for restricted-limit steamships have been or are hereafter reduced by the Minister in exercise of the powers conferred upon him by section one hundred and eighty-nine of the principal Act, any person who has served as master of a steamship in extended river limits prior to their reduction may be examined for a certificate of competency as home-trade master without being required to serve as mate whilst in possession of a home-trade mate's certificate, provided he presents himself for examination within six months from the date of the reduction of the limits, or within six months of the date of the coming into operation of this Act, whichever may be the last to happen.

(2.) The holder of a certificate as master or engineer of a river-steamer who has been master or engineer of a steamer plying within extended river limits before their reduction shall be entitled to serve as master or engineer, as the case may be, of a steamer trading within what were the extended river limits before the reduction was made.

Life-saving appliances on foreign ships.

32. Sections one hundred and ninety-seven to two hundred of the principal Act (relating to life-saving appliances) shall apply to all foreign ships while at any port in New Zealand :

Provided that the Governor may by Order in Council direct that those provisions shall not apply to any ship of a foreign country in which the provisions in force relating to life-saving appliances appear to the Governor to be as effective as those of the principal Act, on proof that those provisions are complied with in the case of that ship.

33. Section two hundred and one of the principal Act is hereby amended by adding the following subsections :—

Section 201 of principal Act amended.

“(3.) A certificate issued in pursuance of the Imperial Merchant Shipping Act in respect of the compasses of any ship shall, during its currency, exempt the ship from the foregoing requirements of this section as to adjustment of compasses, but the Minister may at any time require the compasses of that ship to be adjusted in the same manner as if no such certificate was in force.

“(4.) If any ship goes to sea from any port in New Zealand and any requirement of this section is not complied with, then for each matter in which default is made the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds, and the master (if in fault) shall be liable to a fine not exceeding fifty pounds.”

34. Sections two hundred and seven to two hundred and twelve of the principal Act, relating to load-line (except subsections three and four of section two hundred and nine), shall apply to all foreign ships while at any port in New Zealand as they apply to British ships, but without prejudice to any direction of the Governor in Council given under section two hundred and thirteen of the same Act in the case of ships of any foreign country in which the regulations with respect to overloading and improper loading are equally effective with the provisions of the principal Act.

Load-line on foreign ships.

35. (1.) Section two hundred and nine of the principal Act (which relates to the time for marking load-lines) shall apply to all British foreign-going ships, and, so far as it is applied by this Act to foreign ships, to all foreign foreign-going ships, whether the owner is required to enter the ship outwards or not.

Extension of provisions as to the time of marking load-lines.

(2.) In the case of a ship which the owner is not required to enter outwards—

(a.) The disc indicating the load-line shall be marked before clearance for the ship is demanded :

(b.) The master shall prepare a statement similar to that required to be inserted in the form of entry under subsection two of the said section two hundred and nine, and in the case of a British ship shall enter a copy of the statement in the agreement with the crew and in the official log-book, and subsections three and four of that section shall apply accordingly :

(c.) The master shall deliver a copy of the statement to the officer of Customs from whom a clearance for the ship is demanded, and a clearance shall not be granted until the statement is so delivered.

(3.) Where the certificate referred to in subsection three of section two hundred and twelve of the principal Act (which relates to regulations as to load-line) is required to be delivered, the provisions of this section as to the statement to be prepared by the master shall not take effect.

36. (1.) All ships employed in river and extended-river limits carrying cargoes of sand, shingle, gravel, cement, or other dead-weight cargo, and all home-trade ships under twenty tons register carrying cargoes of such material, shall be marked with a load-line the upper edge of which shall not be submerged when the ship is in salt water,

Load-lines and discs on certain ships.

(2.) Such load-line shall be shown by a white line on a dark ground and a dark line on a light ground, painted longitudinally on each side amidships, at least three feet long and two inches wide. The position of the load-line shall be fixed by a Surveyor of Ships and by a master mariner appointed by the Minister.

(3.) Such master mariner must have practical knowledge of the class of ship to be marked and of the trade in which she is engaged, and must have no interest in the ship.

(4.) In fixing the load-line, the age, build, strength, and general seaworthiness of the ship shall be taken into consideration.

(5.) A load-line certificate in a form approved by the Minister, showing the vessel's freeboard, shall be issued by the Superintendent at the port where the load-line is fixed.

(6.) The master of any ship referred to in this section which plies in river or extended-river limits or goes to sea—

(a.) Without having load-lines marked as herein provided; or

(b.) Having the upper edge of such load-lines submerged when loaded,—

shall be liable to a fine not exceeding one hundred pounds.

37. Section two hundred and nineteen of the principal Act (relating to grain cargoes) shall apply to a foreign ship which loads a grain cargo in New Zealand.

38. (1.) Before a ship (whether British or foreign) laden in New Zealand with a grain cargo leaves her final port of loading in New Zealand the master shall deliver or cause to be delivered to the Collector of Customs a notice stating—

(a.) The kind of grain on board, and the quantity thereof; and

(b.) The mode in which the grain cargo is stowed; and

(c.) The precautions taken against shifting.

(2.) If the master of any ship makes default in complying with the requirements of this section, or makes any false or misleading statement in any such notice, he shall be liable to a fine not exceeding twenty pounds.

(3.) In this section the expression "grain cargo" has the same meaning as in section two hundred and nineteen of the principal Act.

39. Where on any investigation or inquiry under the provisions of Part VIII of the principal Act the Court finds that a shipping casualty has been caused or contributed to by the wrongful act or default of any person, and an application for rehearing has not been made under section two hundred and forty-three of the principal Act, or has been refused, the owner of the ship, or any other person who, having an interest in the investigation or inquiry, has appeared at the hearing and is affected by the decision of the Court, may appeal from that decision in the same manner and subject to the same conditions in and subject to which a master may appeal under those sections against a decision with respect to the cancelling or suspension of his certificate.

40. (1.) The limitation of the liability of the owners of any ship established by section two hundred and ninety-five of the principal Act in respect of loss of or damage to ships, goods, merchandise, or other things shall extend and apply to all cases where (without their actual fault or privity) any loss or damage is caused to property or

Grain cargoes on foreign ships.

Notice of grain cargo being on board.

Appeal from decision on investigation as to shipping casualties.

Limitation of liability of ship-owner.

rights of any kind, whether on land or on water, or whether fixed or movable, by reason of the improper navigation or management of the ship.

(2.) The limitation of liability established by section two hundred and ninety-five of the principal Act or by this section shall relate to the whole of any losses and damages which may arise upon any one distinct occasion, although those losses and damages may be sustained by more than one person, and shall apply whether the liability arises at common law or under any Act, and notwithstanding anything contained in such Act.

(3.) Nothing in this section shall affect the provisions of the Workers' Compensation Act, 1908.

41. Section three hundred of the principal Act is hereby amended by adding thereto the following subsection:—

Section 300 of principal Act amended.

“(3.) This section applies to all bills of lading and shipping documents in respect of merchandise or property to be carried to or from any port or place in New Zealand, whether the ship is a British or a foreign ship, and whether the loss or damage has occurred in New Zealand or at sea or in any port or place out of New Zealand, and whether the contract of carriage is made in New Zealand or elsewhere, or is governed in other respects by the law of New Zealand or by the law of any other country.”

42. (1.) Notwithstanding anything in section three hundred and four of the principal Act, the provisions of Part XI of that Act shall extend and apply to the owners, builders, or other parties interested in any ship built in New Zealand from and including the launching of the ship until the registration thereof under Part XII of the principal Act or under the Imperial Merchant Shipping Act:

Liability of owners of ships launched but not registered.

Provided that this section shall not be construed so as to extend section two hundred and ninety-four of the principal Act to the owners of any ship or any share therein after the ship has become a foreign ship.

(2.) For the purposes of this section the tonnage of a ship shall be ascertained as provided by paragraphs (b) and (c) of section two hundred and ninety-six of the principal Act with regard to foreign ships.

(3.) For the purposes of this section the term “ship” shall include every description of vessel used or intended to be used in navigation and not propelled by oars, and whether completed or in course of completion or construction.

43. Part XI of the principal Act (relating to the liability of shipowners) shall be read so that the word “owner” shall be deemed to include any charterer to whom the ship is demised.

Liability of charterer.

44. (1.) If it is alleged—

(a.) That the owners of any British or foreign ship are liable to pay damages in respect of personal injuries, including fatal injuries, caused by the ship, or sustained on, in, or about the ship, in any port in New Zealand, in consequence of the wrongful act, neglect, or default of the owners of the ship or the master or officers or crew thereof, or any other person in the employment of the owners of the ship, or of any defect in the ship or its apparel or equipment; or

Detention of ships in cases of personal accidents.

(b.) That the owners of any such ship are liable to pay compensation or to indemnify any person against the payment of compensation under the Workers' Compensation Act, 1908, in respect of any accident, wherever that accident occurred,—

and at any time that ship is found in any port of New Zealand, a Judge of the Supreme Court or the Judge of the Court of Arbitration, upon its being shown to him by any applicant that the owners are probably liable in respect of such damages, compensation, or indemnity, and that none of the owners reside in New Zealand, may, in his discretion, issue an order directed to any officer of Customs or other officer named by the Judge, requiring him to detain the ship until such time as the owners, agent, master, or consignee thereof has made satisfaction in respect of such damages, compensation, or indemnity, or has given security, to be approved by the Judge, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of such damages, compensation, or indemnity, and to pay all costs, damages, compensation, and other moneys that may be awarded therein.

(2.) On any such order being made the officer of Customs or other officer to whom the order is directed shall detain the ship accordingly, and the provisions of the principal Act as to the detention of ships (including the penal provisions thereof) shall apply accordingly.

(3.) In any legal proceedings in relation to such damages, compensation, or indemnity as aforesaid the person giving security shall be made defendant, and shall be stated to be the owner of the ship, and the production of the order of the Judge made in relation to the security shall be conclusive evidence of the liability of the defendant to the proceeding.

(4.) If the owner of a ship is a corporation it shall for the purposes of this section be deemed to reside in New Zealand if it has an office in New Zealand at which service of writs can be effected.

(5.) Rules of Court may be made for the purposes of this section ; but in default of such rules, or so far as they do not extend, the procedure under this section shall be such as the Judge to whom the application is made deems appropriate to the case.

(6.) In this section the term "owner" includes a charterer to whom the ship has been demised.

45. (1.) Subsection one of section three hundred and eighteen of the principal Act is hereby amended by inserting at the end thereof the words "and the registry of the ship in that book shall be considered as closed except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein."

(2.) Where the registry of a ship is considered as closed on account of a transfer to persons not qualified to be the owners of British ships, any unsatisfied registered mortgage (including mortgages made under a certificate of mortgage) may, if the ship comes within the jurisdiction of the Supreme Court, be enforced by that Court notwithstanding the transfer, without prejudice, in cases where the ship has been sold under a judgment of a Court, to the effect of that judgment.

Provisions with respect to mortgages of ships sold to foreigners.

46. Section three hundred and nineteen of the principal Act is hereby amended by repealing subsection two, and substituting therefor the following:—

Section 319 of principal Act amended.

“(2.) If default is made in registering anew a ship, or in registering an alteration of a ship so altered as aforesaid, the owner of the ship shall be liable on summary conviction to a fine not exceeding one hundred pounds, and, in addition, to a fine not exceeding five pounds for every day during which the offence continues after conviction.”

47. (1.) The following addition is hereby made to that part of the Fourth Schedule to the principal Act which is headed “Firemen, Trimmers, and Greasers” :—

Fourth Schedule to principal Act amended.

								[greasers.
Of 4,000-horse power, and under 5,000-horse power,	12 firemen,	6 trimmers,	and 3					
“ 5,000 ” ”	6,000 ” ”	15 ” ”	9 ” ”	3				
“ 6,000 ” ”	7,000 ” ”	18 ” ”	9 ” ”	3				
“ 7,000 ” ”	8,000 ” ”	18 ” ”	12 ” ”	3				

(2.) The Fourth Schedule to the principal Act is hereby further amended by adding at the end thereof the following words :—

In the case of any steamship fitted with mechanical stokers the Minister may, by warrant under his hand, reduce the number of firemen required to be carried on that ship in accordance with the foregoing scale, and may at any time revoke any such warrant. In the case of any steamship so constructed that the full number of trimmers as specified in the foregoing scale is, in the opinion of the Minister, not required, he may, by warrant under his hand, reduce the number of trimmers required to be carried on that ship, but any such warrant may be at any time revoked.

When the Minister is satisfied that the firing or trimming in a steamship is such that it can be done with a less number of firemen or trimmers than specified in this Schedule, he may, by warrant under his hand, authorise a less number of either class to be carried, provided that the total number of both classes equals the total number mentioned in the Schedule; but any such warrant may be at any time revoked.

48. The master of any ship in a New Zealand port shall, with all convenient despatch, cause the body of any seaman who dies on board to be buried on shore, and if he makes default in so doing he shall be liable to a fine not exceeding fifty pounds.

Burial of deceased seamen.

49. (1.) If a shipowner desires to use any signals for the purpose of a private code, he may register them with the Minister, who shall give public notice of such registration.

Private signals.

(2.) The Minister may refuse to register any signal which in his opinion cannot easily be distinguished from other signals.

(3.) Where a signal has been so registered, its display by the authority of the shipowner in whose name it is registered shall not subject any person to any penalty under the principal Act.

(4.) The Minister may, if he thinks fit, cancel the registration of any signal at any time, and shall give public notice of such cancellation.

(5.) Every person is liable to a fine not exceeding fifty pounds who—

(a.) Uses any signal so registered except by the authority of the person in whose name it is registered; or

(b.) Uses any signal the registration of which has been cancelled by the Minister.

50. The Governor may from time to time by Order in Council make regulations requiring ships registered in New Zealand and

Wireless telegraphy.

carrying passengers to be provided with apparatus for transmitting messages by means of wireless telegraphy, and may by such regulations prescribe fines not exceeding fifty pounds for any breach thereof by the owner or master of a ship.

Ships built in New Zealand.

51. The following provisions apply in the case of every ship over twenty-five tons gross tonnage built in New Zealand after the coming into operation of this Act:—

- (a.) Plans and specifications shall be submitted to the Minister, and the building of the ship shall not be commenced until the Minister has approved of the plans and specifications.
- (b.) Every person who commits a breach of this section is liable to a fine not exceeding one hundred pounds.
- (c.) If a ship is built without compliance with this section the Minister may order her to be detained either absolutely or until the performance of such conditions with respect to alterations as he thinks fit.
- (d.) There shall be payable for the examination of the plans and specifications of a ship under this section such fees, not exceeding those specified in the First Schedule hereto, as the Minister directs.

Shipping wool, flax, tow, and skins.

52. (1.) The Governor may from time to time appoint Inspectors whose duty it shall be to inspect wool, flax, tow, skins, or other goods liable to spontaneous combustion, before shipment on any foreign-going ship, and to prevent the shipment of any such goods that in the opinion of an Inspector are in such a condition as to be unfit for shipment, having regard to the risk of fire.

(2.) For the purpose of preventing damage by fire the Governor may from time to time, by Order in Council gazetted, make regulations—

- (a.) Prescribing the duties of shippers and the powers of the said Inspectors with regard to the shipment of wool, flax, tow, skins, or other goods liable to spontaneous combustion:
- (b.) Prescribing the mode of stowing on board ship any wool, flax, tow, skins, or other goods liable to spontaneous combustion, and the precautions to be taken for the prevention and suppression of fire on board any ship carrying any such goods:
- (c.) Fixing fines, not exceeding two hundred pounds, for the breach of any such regulations:
- (d.) Fixing a scale of fees to be payable by shippers of wool, flax, tow, skins, or other goods liable to spontaneous combustion, for the inspection thereof under this section; provided that the total amount of such fees estimated to be receivable in any one year shall not exceed the total estimated cost of administration of this section in that year.

Search for missing ships registered in New Zealand.

53. When a ship registered in New Zealand is missing, and the owner has not caused reasonable search to be made for her, the Minister may require the owner to make such a search, and if after such request the owner does not forthwith cause reasonable search to

be made for the ship he shall be guilty of an offence, and shall be liable to a fine not exceeding one hundred pounds.

54. The Secretary may, in his discretion, grant a permit to the owner or master of any passenger steamship for the carriage on any specified excursion or voyage of a specified number of passengers in excess of the maximum number allowed by the ship's certificate.

Permits to carry extra passengers on excursions.

55. The Secretary may, in his discretion, grant to the owner or master of a ship holding a restricted-limit certificate a permit authorising that ship, on such conditions as the Secretary thinks fit, to proceed on a specified occasion from one port or place in New Zealand to any other port or place in New Zealand.

Special permit to owner or master of ship with restricted-limit certificate.

56. (1.) Where any person, whether a British subject or not, is charged with having committed any offence against the principal Act or this Act, on board any ship registered in New Zealand, whether the ship was at the time of the offence on the high seas or in any port, harbour, or territorial waters of any country other than New Zealand, and that person is found within the jurisdiction of any Court in New Zealand which would have had cognisance of the offence if it had been committed in New Zealand within the limits of its ordinary jurisdiction, that Court shall have jurisdiction to try the offence as if it had been so committed.

Offences on New Zealand ships.

(2.) Section three hundred and thirty-five of the principal Act is hereby repealed.

Repeal.

57. (1.) The Minister may, if he thinks fit, and upon such conditions (if any) as he thinks fit to impose, exempt any ship from any specified requirement contained in or prescribed in pursuance of the principal Act or of this Act, or dispense with the observance of any such requirement in the case of any ship, if he is satisfied that that requirement has been substantially complied with in the case of that ship, or that compliance with the requirement is unnecessary in the circumstances of the case, and that the action taken or provision made as respects the subject-matter of the requirement in the case of the ship is as effective as or more effective than actual compliance with the requirement.

Dispensing-powers of the Minister.

(2.) The Minister shall annually lay before Parliament a special report stating the cases in which he has exercised his powers under this section during the preceding year, and the grounds upon which he has acted in each case.

58. Where the Governor is satisfied that the enforcement of any provision of the principal Act or of this Act or of any rules or regulations made thereunder in regard to ships of any country would be inconsistent with the provisions of any treaty, declaration, or convention heretofore or hereafter made between the Government of that country and His Majesty the King or the Imperial Government and concurred in by the Parliament of New Zealand, he may by Proclamation suspend the operation of that provision with respect to ships of that country so far as is necessary to avoid any such inconsistency.

Suspension of provisions if inconsistent with provisions of treaty, &c.

59. The principal Act is hereby further amended in manner indicated by the Second Schedule hereto.

Miscellaneous amendments of principal Act.

60. The enactments mentioned in the Third Schedule hereto are hereby repealed to the extent indicated in that Schedule.

Repeals.

Schedules.

SCHEDULES.

Section 51.

FIRST SCHEDULE.

FEES FOR EXAMINATION OF PLANS OF SHIPS.

	£	s.	d.
For ships not exceeding 100 tons register	1	10	0
" exceeding 100 tons but not exceeding 200 tons register ...	2	0	0
" exceeding 200 tons but not exceeding 300 tons register ...	3	0	0
" over 300 tons, but not exceeding 600 tons register ...	5	0	0
" over 600 tons register	6	0	0
Additional fee for examination of plans and specifications of boilers of steamships	2	0	0

Section 59.

SECOND SCHEDULE.

MISCELLANEOUS AMENDMENTS OF THE SHIPPING AND SEAMEN ACT, 1908.

Number of Section affected.	Nature of Amendment.
Section 4 ...	After the definition of "freeboard" insert,— " 'Go to sea' or 'proceed to sea' includes the getting under way for the purpose of going to sea." After the definition of "Minister" insert,— " 'Officer,' in relation to a ship, means the master, mates, and engineers of the ship."
Section 21, (1) ...	In the definition of "passenger" insert the words "his domestic" before the word "servants." After paragraph (f) insert,— " (ff.) If the ship is a sailing-vessel plying in a harbour or river, then with a master holding a certificate as master of a harbour or river sailing-ship or of a higher class." After "sailing-ship," in paragraph (g), insert "or a ship propelled by steam or other mechanical power and is." After "fishing-boat," in paragraph (h), insert "over ten tons register." After paragraph (j) insert the following paragraph:— " (jj.) If the ship is a steamship propelled by turbines, then with such number of engineers as the Governor in Council, having regard to the indicated horse-power, from time to time prescribes."
Section 22, (1) ...	In paragraph (k) omit "two," and substitute "three." After "Master of river steamer" insert "Master of harbour or river sailing-ship."
Section 22, (5) ...	After the words "erecting machinery" insert the words "When the workshop service has been performed in a place where engines are manufactured or repaired, or where other work of a similar class is performed, and the work on which the applicant has been principally employed is fitting, turning machining, and erecting machinery, the Minister may accept the service and sanction the examination of the candidate if he is satisfied that the work was such as to be useful training for an engineer."
Section 26 ...	After the word "certificate" wherever it occurs insert the words "of service," and omit the words "without examination" wherever they occur.
Section 27 ...	Omit all words after "under this Act."

SECOND SCHEDULE—*continued.*MISCELLANEOUS AMENDMENTS OF THE SHIPPING AND SEAMEN ACT, 1908—*continued.*

Number of Section affected.	Nature of Amendment.
Section 51, (4) ...	<p>After "the agreement" insert "and when employed in another capacity in case of emergency the master shall make an entry of the employment in the official log, with a statement of the circumstances which constituted the emergency."</p> <p>After the first proviso to subsection (4) add the following proviso:—</p> <p>"Provided also that a greaser may be employed as a storekeeper, and a greaser or fireman may be employed as a donkey-man."</p>
Section 55 ...	Omit from subsection (3) all words after the words "foreign-going ship."
Section 79, (2) ...	<p>After the word "voyage" insert the words "or by reason of the ship being laid up by the owner," and add the following proviso:—</p> <p>"Provided that on the termination of the service, by reason of the ship being laid up by the owner, any seaman shall be entitled to a free passage back to the port where the agreement was originally signed if he so desires."</p>
Section 84 ...	Omit "Court of summary jurisdiction" wherever those words occur, and substitute "Magistrate's Court."
Section 85 ...	In paragraph (a), after "seaman," insert "or apprentice."
Section 89, (1) ...	After "any ship" insert "registered in New Zealand."
Section 94, (1) ...	After "seaman or apprentice" insert "of any ship registered in New Zealand."
Section 111 ...	<p>In paragraph (a), after "voyage," insert "of any British ship registered in New Zealand or engaged in the home trade."</p> <p>In paragraph (b), after "voyage," insert "of any such ship."</p>
Section 112, (2)...	Omit "every ship navigating between New Zealand and any other place," and substitute "every foreign-going ship registered in New Zealand, and every home-trade ship of thirty tons register and upwards."
Section 119, (3)...	<p>In paragraph (e), after the words "three months," insert the words "or where the engagement expires within one month from the commencement of the illness, then during one month after such expiry"; and after the words "in addition" insert the words "in either case"; and omit all words after the words "whichever occurs first," and substitute the following:—</p> <p>"Provided that if the engagement terminates in less than one month after the seaman is left on shore, and the seaman does not recover within that period, he shall receive one month's wages, or if he recovers within one month he shall receive wages up to the date of recovery. In the case of home-trade ships the seaman shall also receive the expenses of maintenance and medical and other attendance for the same period as that for which he receives wages, and the deposit or approved guarantee with the Superintendent shall be sufficient to provide for such wages and expenses."</p> <p>In paragraph (f), after the words "medical attendant," insert the words "unless the seaman rejoins his ship or takes or is offered other employment, in which case the wages shall cease from the date of his recovery"; and at the end of the paragraph add "Provided that if a seaman rejoins his ship before the expiration of one week after the date of his recovery as so certified, he shall be entitled to the benefits of this paragraph only up to the date of rejoining."</p>

SECOND SCHEDULE—*continued.*MISCELLANEOUS AMENDMENTS OF THE SHIPPING AND SEAMEN ACT, 1908—*continued.*

Number of Section affected.	Nature of Amendment.
Section 119, (3)— <i>continued.</i>	Add the following paragraph :— “(f.) In the case of the death of any such seaman arising out of such illness or accident, the expenses of his burial shall be paid out of the deposit made under paragraph (e) hereof, and if the balance of the deposit at the time of that death is not sufficient to defray those expenses, the Superintendent may recover the balance of those expenses from the master or agent.”
Section 156 ...	At the end of the section add the following subsection :— “(13.) This section applies only to steamships registered in New Zealand.”
Section 171, (2)...	At the end of the subsection add “and if any steamship plies on any navigable water or proceeds to sea on any voyage or excursion without such certificate, the master and owner shall be severally liable to a fine not exceeding fifty pounds.”
Section 176, (2)...	At the end of the subsection add “and if the owner, master, or agent to whom the notice of transmission has been given fails to pay the fee or to take up the certificate within a reasonable time thereafter, he shall be liable to a fine not exceeding ten pounds.”
Section 188 ...	Omit from the first proviso the word “five,” and substitute the word “six.”
Section 202 ...	At the end of paragraph (b) add “and also of the fact that the provisions in the boats and the equipments were then examined by him and were found in good order or otherwise, as the case may be.”
Section 203, (4)...	Omit “ship registered in New Zealand,” and substitute “British ship.”
Section 210, (1)...	Omit “Collector or other chief officer of Customs,” and substitute “Superintendent.”
Section 210, (2)...	Omit “Collector of Customs,” and substitute “Superintendent.”
Section 212, (3)...	Omit “Collector of Customs,” and substitute “Superintendent.”
Section 223, (1)...	Omit “Collector of Customs” and “Collectors,” and in each case substitute “Superintendent.”
Section 229 ...	Omit “has taken on board all or any part of her cargo at a port in New Zealand, and is while at that port unsafe,” and substitute “at a port in New Zealand is unsafe by reason of the defective condition of her hull, equipments, or machinery, or.”
Section 235 ...	After the word “Superintendent” in subsection (6) insert the words “or Surveyor.”
	Insert the following subsection :— “(4A.) Where the formal investigation relates solely to matters connected with the engineers of a ship, or with the engine-room, there shall be two Assessors, each of whom shall be the holder of an engineer’s certificate of the first class.”
Section 240 ...	After “Supreme Court” insert “in its Admiralty jurisdiction.”
Section 270, (1)...	After “British or foreign ship” insert “or elsewhere in saving life from any British ship.”
Section 287 ...	After “whaling” insert “pleasure yachts under twenty-five tons register, missionary ships.”
Section 296 ...	In paragraph (a) omit “gross tonnage without deduction on account of engine-room,” and substitute “registered tonnage, with the addition of any engine-room space deducted for the purpose of ascertaining that tonnage.”
Fourteenth Schedule	After “home-trade” insert “or trading or going between New Zealand and the Chatham Islands, the Auckland Islands, Campbell Island, Antipodes Islands, or Bounty Islands.”

THIRD SCHEDULE.
ENACTMENTS REPEALED.

,Section 60.

Title of Act.	Extent of Repeal.
1908, No. 178.— The Shipping and Seamen Act, 1908.	Section 2, subsection (1). Section 86. Sections 92 and 93. Section 103. Sections 105 to 107. Section 116. Section 140. Section 170. Section 317.