

New Zealand.



ANALYSIS.

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| <p>Title.</p> <p>1. Short Title. Commencement.</p> <p>2. Section 22 of principal Act amended.</p> <p>3. Section 36 of Amendment Act, 1909, amended.</p> <p>4. Seamen left on shore in New Zealand by reason of illness, &c., deemed to be discharged.</p> | <p>5. Provisions applicable in cases of foreign-going ships.</p> <p>6. Provisions applicable in cases of intercolonial or home-trade ships.</p> <p>7. Interpretation. Repeals.</p> <p>8. Repeal.</p> <p>9. Contracts for carriage of goods from New Zealand to be governed by New Zealand law.</p> |
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1911, No. 37.

Title.

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

[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, 1911, 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 gazetting of the Proclamation) as is specified in that behalf in the Proclamation.

Section 22 of principal Act amended.

2. Section twenty-two of the principal Act is hereby amended by adding to the proviso to subsection five the words "or

"(d.) Who has worked for at least three years in a workshop as hereinbefore prescribed, and has also completed to the satisfaction of the Minister a course of mechanical engineering extending over not less than two years at such classes recognized under Part VII of the Education Act, 1908, as are approved for the purpose by the Minister."

3. Section thirty-six of the Shipping and Seamen Amendment Act, 1909, is hereby amended by omitting the words "and a dark line" in subsection two, and substituting the words "or a dark line."

Section 36 of Amendment Act, 1909, amended.

4. Where a seaman is left on shore at any place in New Zealand in any manner authorized by law by reason of illness or accident in the service of the ship incapacitating him from performing his duties, he shall be deemed to be discharged from the ship, and shall be entitled on being left on shore as aforesaid to a certificate or other evidence of discharge required by law to be given to a seaman on his discharge.

Seamen left on shore in New Zealand by reason of illness, &c., deemed to be discharged.

5. Where the ship from which a seaman is left on shore as aforesaid is a foreign-going ship trading beyond intercolonial limits—

Provisions applicable in cases of foreign-going ships.

- (a.) The master or agent shall deposit with the Superintendent the full amount of wages then due to that seaman, and, in addition, the sum of fifty pounds for the purpose of defraying any expenses lawfully incurred by the Superintendent for the maintenance of, and medical and other attendance on, the seaman so left on shore, and in payment of his passage back to the port of his engagement, or of his burial in case of his death in New Zealand.
- (b.) A clearance shall not be granted to any such ship which is not owned in New Zealand until this provision has been complied with.
- (c.) A seaman so left on shore shall, within seven days from the date of his medical attendant, or a medical practitioner appointed by the Superintendent, certifying that he is convalescent, make application to the Superintendent to be provided with a passage back to the port of his engagement if he desires to be sent back to such port, and if he fails to make such application he shall forfeit his right to such passage.
- (d.) Any part of such fifty pounds not expended as herein specified shall be refunded to the master or agent who paid the same.

6. (1.) Subject to the provisions hereinafter appearing, a seaman who has been left on shore as aforesaid from an intercolonial or home-trade ship shall be entitled to the full amount of his wages at the rate fixed by his agreement for a period of three months, unless the term of his engagement expires sooner, in which case he shall be entitled to wages to the end of his engagement, or if the engagement expires within one month after the seaman is left on shore as aforesaid, then to wages for one month :

Provisions applicable in cases of intercolonial or home-trade ships.

Provided that if at any time before the expiry of any period aforesaid the seaman is certified by a medical practitioner appointed by the Superintendent to have recovered, he shall be entitled to wages only up to the expiry of one week after the date of his recovery as so certified, and if he rejoins his ship, or is offered other employment in the capacity of a seaman before the expiry of one week after the date of his recovery, his wages shall cease from the date of his rejoining his ship or of his being offered other employment, as the case may be.

(2.) The owner of the ship from which a seaman is left on shore as aforesaid shall be liable—

- (a.) For the full amount of wages to which the seaman is entitled pursuant to the last preceding subsection ;
- (b.) For the cost of the maintenance of and medical and other attendance on the seaman during his incapacity not exceeding the period for which the seaman is entitled to wages as aforesaid ; provided that such cost shall not exceed that for which the seaman would be liable if he were received into a public hospital ; and
- (c.) For the cost of his burial where the illness or accident terminates in his death in New Zealand.

(3.) The owner, master, or agent of a ship from which a seaman has been left on shore as aforesaid shall deposit with the Superintendent the full amount of the wages then due to the seaman, together with a sum sufficient, in the opinion of the Superintendent, to cover the liability of the owner in respect of that seaman under this section ; or he may, with the consent of the Superintendent, in lieu of depositing any sum as aforesaid, give to the Superintendent such security as he may approve for the due payment of the amount of wages as aforesaid, together with the actual sum for which the owner is liable under subsection two hereof, and the Superintendent may sue for and recover the amount so secured in any Court of competent jurisdiction.

(4.) Any seaman entitled to be dealt with under this section may require the owner or master of the ship in which he is employed, instead of complying with the foregoing provisions of this section, to provide him with a free passage to the port in New Zealand where, in accordance with his agreement, he would be entitled to be discharged ; and if such passage is so provided, and on payment of all wages payable up to the arrival of that seaman at such port, the liability of the owner or master in respect of such seaman shall be deemed to have determined.

(5.) If the master of a ship leaves a seaman on shore at any place in New Zealand without complying with the foregoing provisions of this section, he shall be liable to a fine of one hundred pounds.

(6.) A Superintendent may sue and recover in any Court of competent jurisdiction the moneys required to be paid to him under this section.

(7.) The illness or accident which shall entitle a seaman to the benefits provided for in this section shall be such as wholly to incapacitate him from the performance of his duty, and shall be or appear to be of such a nature as to require or be likely to require medical treatment for a period of not less than fourteen days, and shall, so far as can be ascertained, have been contracted or sustained on board or in the service of the ship from which the seaman is so left on shore, or of its owners :

Provided that if the seaman's illness or accident has been caused by his own wilful act or default he shall not be entitled to the benefits herein referred to.

7. (1.) Payment of wages to a Superintendent under sections five and six hereof shall be deemed to be payment to the seaman.

(2.) For the purposes of the said sections five and six "seaman" includes an apprentice.

(3.) Section one hundred and nineteen of the principal Act and so much of the Second Schedule to the Shipping and Seamen Amendment Act, 1909, as amends that section are hereby repealed. Repeals.

8. Section forty-one of the Shipping and Seamen Amendment Act, 1909, is hereby repealed. Repeal.

9. All parties to any bill of lading or other document relating to the carriage of goods from any place in New Zealand to any place outside New Zealand shall be deemed to have intended to contract according to the laws of New Zealand in force for the time being, and any stipulation or agreement to the contrary, or purporting to oust or restrict the jurisdiction of the Courts of New Zealand in respect of that bill of lading or document, shall be null and void. Contracts for carriage of goods from New Zealand to be governed by New Zealand law.
