

REPEALED. See Act. 19 No.

New Zealand.



Title.	ANALYSIS.
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1936, No. 59.

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:—

1. (1) This Act may be cited as the Shipping and Seamen Amendment Act, 1936, and shall be read together with and deemed part of the Shipping and Seamen Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. VIII, p. 249

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

Commencement.

Provisions as to  
certificates of  
engineers for  
motor-ships.

2. (1) Section twenty-two of the principal Act is hereby amended by omitting from subsection one the words:—

“First-class engineer of a ship propelled by mechanical power other than steam:

“Second-class engineer of a ship of the description last mentioned:

“Restricted-limit engineer of the same description of ship”,

and substituting the following words:—

“First-class motor engineer:

“Second-class motor engineer:

“First-class coastal motor engineer:

“Second-class coastal motor engineer:

“Restricted-limit engineer of a ship propelled by mechanical power other than steam.”

(2) Nothing in the last preceding subsection shall be construed to affect any certificate granted before the commencement of this Act.

(3) Section twenty-two of the principal Act is hereby further amended by omitting from subsection one the words:—

“First-class engineer:

“Second-class engineer:”,

and substituting the following words:—

“First-class steam engineer:

“Second-class steam engineer:”.

(4) A certificate as a first-class engineer or as a second-class engineer granted before the commencement of this Act shall be deemed to be a certificate as a first-class steam engineer or as a second-class steam engineer, as the case may be. Unless the context otherwise requires, all references in the principal Act to a certificate as a first-class engineer or as a second-class engineer shall be construed as references to a certificate as a first-class steam engineer or as a second-class steam engineer, as the case may be.

(5) An engineer shall be deemed to be a first-class engineer duly certificated for foreign-going motor-ships—

(a) If he is the holder of a certificate as a first-class motor engineer; or

(b) If he is the holder of a certificate as a first-class steam engineer, and the certificate is endorsed for service in motor-ships pursuant to rules

made under section twenty-three of the principal Act: or

- (c) If he is the holder of a certificate as a first-class engineer of a ship propelled by mechanical power other than steam, and the certificate is endorsed by the Secretary to show that the holder has before the commencement of this Act served as chief engineer of a foreign-going motor-ship for a period of not less than six months, or for two or more periods amounting in the aggregate to not less than six months.

(6) An engineer shall be deemed to be a second-class engineer duly certificated for foreign-going motor-ships—

- (a) If he is the holder of a certificate as a second-class motor engineer; or
- (b) If he is the holder of a certificate as a second-class steam engineer, and the certificate is endorsed for service in motor-ships pursuant to rules made under section twenty-three of the principal Act; or

- (c) If he is the holder of a certificate as a first-class or second-class engineer of a ship propelled by mechanical power other than steam, and the certificate is endorsed by the Secretary to show that the holder has before the commencement of this Act served as second engineer, or partly as chief engineer and partly as second engineer, of a foreign-going motor-ship for a period of not less than six months, or for two or more periods amounting in the aggregate to not less than six months.

(7) An engineer shall be deemed to be a first-class engineer duly certificated for home-trade motor-ships—

- (a) If he is the holder of a certificate as a first-class motor engineer, or as a first-class coastal motor engineer, or as a first-class engineer of a ship propelled by mechanical power other than steam; or

- (b) If he is the holder of a certificate as a first-class steam engineer, and the certificate is endorsed for service in motor-ships pursuant to rules made under section twenty-three of the principal Act:

Provided that no such endorsement shall be required before the expiration of four years from the commencement of this Act.

(8) An engineer shall be deemed to be a second-class engineer duly certificated for home-trade motor-ships—

(a) If he is the holder of a certificate as a second-class motor engineer, or as a second-class coastal motor engineer; or

(b) If he is the holder of a certificate as a second-class steam engineer, and the certificate is endorsed for service in motor-ships pursuant to rules made under section twenty-three of the principal Act:

Provided that no such endorsement shall be required before the expiration of four years from the commencement of this Act.

Repeal.

(9) Section one hundred and eighty-eight of the principal Act is hereby amended by repealing paragraph (b).

Section 21 of principal Act (as to engineers to be carried by motor-ships) amended.

3. Section twenty-one of the principal Act is hereby amended by repealing paragraphs (p) and (q) of subsection one, and substituting the following paragraphs:—

“(p) If the ship is a foreign-going motor-ship,—

“(i) In the case of a ship of five hundred and sixty-five brake horse-power or upwards, then with at least two engineers of whom one shall be a first-class engineer duly certificated for foreign-going motor-ships, and the other shall be a first-class or second-class engineer so certificated:

“(ii) In the case of a ship of less than five hundred and sixty-five brake horse-power, then with at least one engineer who shall be a first-class or second-class engineer duly certificated for foreign-going motor-ships:

“(q) If the ship is a home-trade motor-ship,—

“(i) In the case of a ship of three hundred brake horse-power or upwards, then with at least two engineers of whom one shall be a first-class engineer duly certificated for home-trade motor-ships, and the other shall be a first-class or second-class engineer so certificated:

“(ii) In the case of a ship of more than sixty but less than three hundred brake horse-power, then with at least one engineer who

shall be a first-class or second-class engineer duly certificated for home-trade motor-ships :

“(iii) In the case of a ship of sixty brake horse-power or less, then with at least one engineer who shall be a first-class or second-class engineer duly certificated for home-trade motor-ships, or the holder of a certificate as a second-class engineer of a ship propelled by mechanical power other than steam.”

4. (1) A fishing-vessel over ten and under three hundred tons register shall not be subject to the provisions of section fifty-four of the principal Act, but every such vessel when going to sea shall be provided with the following officers, namely :—

Manning of certain fishing-vessels.

(a) In any case with a duly certificated master ; and

(b) If the vessel goes to the Kermadec, Chatham, Auckland, Campbell, Antipodes, or Bounty Islands, then with a duly certificated first or only mate in addition to the master ; and also

(c) If the vessel is a steamship, then with at least one engineer who shall be the holder of a certificate as a first-class steam engineer or as a second-class steam engineer ; or

(d) If the vessel is a foreign-going motor-ship, then with at least one engineer who shall be a first-class or second-class engineer duly certificated for foreign-going motor-ships ; or

(e) If the vessel is a home-trade motor-ship, then with at least one engineer who shall be a first-class or second-class engineer duly certificated for home-trade motor-ships ; or

(f) If the vessel is a steamship or a motor-ship running within river or extended river limits, then with an engineer duly certificated for such a ship.

(2) This section is in substitution for section eleven of the Shipping and Seamen Amendment Act, 1909, and that section is hereby accordingly repealed.

Consequential repeal.

See Reprint of Statutes, Vol. VIII, p. 432

Modifying section 64 of principal Act.

Cf. 6 Edw. VII, c. 48, s. 60

5. Notwithstanding anything in section sixty-four of the principal Act, a seaman may except from the release signed by him under that section any specified claim or demand against the master or owner of the ship, and a note of any claim or demand so excepted shall be entered

upon the release. The release shall not operate as a discharge and settlement of any claim or demand so noted, nor shall subsection four of that section apply to any payment, receipt, or settlement made with respect to any such claim or demand.

Section 222 of principal Act amended.

*Cf.* 57 & 58 Vict., c. 60, s. 85

Third Schedule to principal Act amended.

6. Section two hundred and twenty-two of the principal Act is hereby amended by omitting from subsection one the word "cargo", and substituting the words "deck cargo, that is to say".

7. The Third Schedule to the principal Act is hereby amended by omitting so much thereof as relates to engineers, and substituting the following:—

*Engineers.*

	£	s.	d.
First-class steam engineer's or motor engineer's certificate (whether extra or ordinary) .. .. .	2	0	0
If already in possession of a second-class certificate ..	1	0	0
Second-class steam engineer's or motor engineer's certificate	1	0	0
Third-class engineer's certificate .. .. .	1	0	0
River engineer's certificate .. .. .	1	0	0
Marine-engine driver's certificate .. .. .	1	0	0
Coastal motor engineer's certificate .. .. .	1	0	0
Restricted-limits engineer of a ship propelled by mechanical power other than steam .. .. .	0	10	0