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Reprint of this Act.



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1959, No. 102

An Act to amend the Shipping and Seamen Act 1952

[23 October 1959]

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

1. Short Title—This Act may be cited as the Shipping and Seamen Amendment Act 1959, and shall be read together with and deemed part of the Shipping and Seamen Act 1952 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section two of the principal Act is hereby amended by inserting in subsection one, in their appropriate alphabetical order, the following definitions:

“‘Absence without leave’, in relation to any seaman or apprentice, means his failure without reasonable cause to join or to proceed to sea in the ship to which he belongs, or his absence without leave at any time within twenty-four hours of the ship’s sailing from any port, either at the commencement or during the progress of a voyage, or his absence at any time without leave or sufficient cause from his ship or from his duty; and ‘absent without leave’ has a corresponding meaning:

“‘Radio officer’ means a radio officer qualified in accordance with rules made pursuant to section two hundred and nine of this Act:

“‘Register length’ or ‘length’, in relation to any ship, means the length of the ship measured from the foreside of the head of the stem to the afterside of the head of the stern post, or to the foreside of the head of the rudder stock if no stern post is provided:

“‘Sea-going ship’ means a ship which plies or proceeds to sea on any voyage or excursion beyond restricted limits:

“‘Sea service’ means service in a ship plying or proceeding to sea on any voyage or excursion beyond restricted limits:”.

(2) Section two of the principal Act is hereby further amended by repealing the definition of the term “Pacific trading ship” in subsection one, and substituting the following definition:

“‘Pacific trading ship’ means a foreign-going ship plying or proceeding between any port in New Zealand and any other port within Pacific limits, not being a ship that, in the course of or as a preliminary to any voyage to New Zealand from any port beyond Pacific limits or from New Zealand to any port beyond Pacific limits, calls at one or more ports within Pacific limits; and ‘engaged in the Pacific trade’ has a corresponding meaning:”.

(3) Subsection one of section two of the principal Act is hereby further amended as follows:

- (a) By omitting from the definition of the expression “load line ship” the words “sea going”:
- (b) By inserting in the definition of the term “officer”, after the words “a mate”, the words “a radio officer”:
- (c) By inserting in the definition of the expression “Safety Convention ship”, after the words “Safety Convention applies”, the words “being a ship that is subject to the provisions of the Safety Convention”:
- (d) By adding to the definition of the term “ship” the words “and, in the case of any punt or ferry, includes for the purposes of Parts IV and VIII of this Act any machinery, cable, or hauling gear used in conjunction with the punt or ferry”.

(4) Section one hundred and fifty-seven of the principal Act is hereby consequentially amended by repealing subsection three.

3. Application of casualty provisions to Her Majesty’s ships and aircraft—Section three of the principal Act is hereby amended by inserting, after subsection one, the following subsection:

“(1A) Notwithstanding anything in subsection one of this section, the provisions of Part VIII of this Act (relating to shipping inquiries and Courts) shall, if and to the extent that the Minister so directs, apply in any specified case where any ship concerned is one of Her Majesty’s ships, not being a commissioned ship of the New Zealand Naval Forces, or where any aircraft concerned is one of Her Majesty’s civil aircraft.”

4. Seal of Marine Department—Section eight of the principal Act is hereby amended by omitting from subsection two the word “Tudor”.

5. Powers of naval officers and fishery officers in respect of fishing boats—Section fourteen of the principal Act is hereby amended by inserting, after subsection one, the following subsections:

“(1A) Any officer for the time being in command of a ship of the New Zealand Naval Forces shall in respect of any fishing boat have all the powers of a Marine Inspector under this Act.

“(1B) Any fishery officer appointed under the Public Service Act 1912 for the purposes of Part I of the Fisheries Act 1908 shall, for the purposes of examining the official log book and checking the identity and qualifications of the crew of any fishing boat or for securing compliance by the owner or master of any fishing boat with rules made under this Act in respect of lifesaving appliances or fire appliances, have such of the powers of a Marine Inspector under this Act as the Secretary may from time to time approve and notify in writing to the fishery officer concerned.”

6. Carrying of certificated officers—(1) Section seventeen of the principal Act is hereby amended by adding to subsection one the following proviso:

“Provided that, where the Minister is satisfied that, having regard to the register tonnage of the ship in relation to her size or other registered particulars or to the intended use of the ship, the scale set out in the First Schedule to this Act is insufficient for the safe and efficient manning of any specified restricted-limit ship, he may, by notice in writing to the owner, require that the ship shall carry such certificated master and certificated officers as are specified in the notice, and in that case the ship shall be provided with a master and officers as specified in the notice.”

(2) The principal Act is hereby further amended by repealing the First Schedule, and substituting the First Schedule set out in the Schedule to this Act.

(3) Section five of the Shipping and Seamen Amendment Act 1954 is hereby consequentially repealed.

(4) Subsections two and three of this section shall come into force on a date to be fixed for the commencement thereof by the Governor-General, by Order in Council, and different dates may be so fixed in respect of different kinds of certificates of competency and different kinds of ships.

7. Amending provisions as to certificates of competency—

(1) Section nineteen of the principal Act is hereby amended by repealing paragraphs (e) to (j) of subsection one, and substituting the following paragraphs:

- “(e) Mate of home-trade ship:
- “(f) Master of small home-trade ship:
- “(g) Master of foreign-going fishing boat:
- “(h) Skipper of home-trade fishing boat:
- “(i) Master of restricted-limit launch:”.

(2) Section nineteen of the principal Act is hereby further amended by repealing paragraphs (n) and (o) of subsection one.

(3) Section nineteen of the principal Act is hereby further amended by inserting, after subsection one, the following subsections:

“(1A) Nothing in this section shall be deemed to prevent the granting, in accordance with regulations made under this Act, of—

- “(a) Voluntary certificates as extra master or as extra first-class engineer or as compass adjuster:
- “(b) Endorsements to authorise holders of certificates of competency as skipper of home-trade fishing boat to serve as mate of foreign-going fishing boat:
- “(c) Service certificates of like effect to the appropriate certificate of competency to persons who at the date of commencement of this subsection are deemed sufficiently experienced in the command of home-trade fishing boats:
- “(d) Certificates of competency of a grade inferior to the certificate of competency as skipper of home-trade fishing boat for mates of such boats or for masters of small fishing boats:
- “(e) Continuous service record certificates as evidence of experience in fishing boats where the requirement of the regulations is sufficient experience therein:

“(f) Local launchmen’s licences issued under regulations made pursuant to subsection two A of section two hundred and fifty-three of this Act.

“(1B) For the purposes of this Part of this Act and of the First Schedule to this Act, every home-trade cargo ship not exceeding sixty register tons registered at the date of the commencement of this subsection shall be deemed to be a ship not exceeding ninety feet register length.”

(4) Section nineteen of the principal Act is hereby further amended by omitting from subsection three the word “first”.

(5) Section nineteen of the principal Act is hereby further amended by inserting, after subsection three, the following subsection:

“(3A) A certificate as first mate of home-trade ship granted before the date of the commencement of this subsection shall be deemed to be a certificate as mate of home-trade ship.”

(6) Regulations made under section twenty of the principal Act prescribing the qualifications for the grant of any of the certificates of competency referred to in subsection one of this section may provide for the continued availability of certificates of competency as second mate of home-trade ship or as master of ship under twenty-five register tons carrying cargo only or as master of fishing boat or as master of river ship or as master of restricted-limit motor ship not exceeding ten register tons or as river engineer or as marine-engine driver, and the regulations may make such interim provision as may be considered necessary in respect of crew requirements until sufficient persons become qualified for the grant of the certificates specified in subsection one of this section.

(7) This section shall come into force on a date to be fixed for the commencement thereof by the Governor-General, by Order in Council, and different dates may be so fixed in respect of different kinds of certificates of competency and different kinds of ships.

8. Certificates granted to persons who are not British subjects—Section twenty of the principal Act is hereby amended by inserting in subsection five, after paragraph (a), the following paragraph:

“(aa) Provide that a certificate of competency granted to a person who is not a British subject shall be subject to cancellation if the holder does not become a naturalised British subject within a specified time; and”.

9. Production of certificates—The principal Act is hereby amended by repealing section twenty-five, and substituting the following section:

“25. The master of every home-trade ship of twenty-five register tons or more (whether or not she is a Commonwealth ship) or of a foreign-going Commonwealth ship—

“(a) Before signing the agreement with the crew before a Superintendent, shall produce to him the certificates which the master and other officers of the ship are by this Act required to hold; and

“(b) In the case of a running agreement, shall also, before the second and every subsequent voyage, produce to the Superintendent the certificate of any officer then first engaged by him who is required by this Act or by regulations under this Act to hold a certificate; and

“(c) On any other occasion shall, if so required by a Superintendent, produce to him the certificates which the master and other officers of the ship are by this Act or by regulations under this Act required to hold.”

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10. Articles of agreement opened overseas—Section thirty-two of the principal Act is hereby amended by inserting in subsection three, after the words “the agreement shall be”, the words “either those prescribed in accordance with this Part of this Act or”.

11. Contents of articles of agreement—Section thirty-four of the principal Act is hereby amended by adding to paragraph (c) of subsection two the words “and by subsection six of section one hundred and thirty-one of this Act”.

12. Dispensations, exemptions, and substitutions to be recorded in articles of agreement—Section thirty-four of the principal Act is hereby further amended by adding the following subsection:

“(4) Where the Minister, in exercise of his powers under section five hundred and five of this Act, or any person in exercise of any powers delegated to him by the Minister, gives or makes any dispensation, exemption, or substitution in respect of any requirement prescribed in the First Schedule or Second Schedule to this Act, or in any regulations made pursuant to subsection ten of section seventeen or subsection two of section fifty-five of this Act, for a New Zealand ship or home-trade ship for which an agreement is required, or in

respect of any requirement pursuant to subsection three of section seventeen of this Act in the case of a Commonwealth ship (not being a New Zealand ship), an entry shall be made by a Superintendent in the articles of agreement of the ship in such manner as the Secretary directs, whether generally or in any particular case. Every such entry shall specify the nature of the dispensation, exemption, or substitution, the name and qualifications of any person who substitutes for a more highly-qualified officer or other member of the crew, and the nature of any limitations or conditions which apply, and the Superintendent shall cause the entry to be made in the articles of agreement of the ship."

13. Reporting changes in crew of foreign-going ship—Section forty-five of the principal Act is hereby amended as follows:

- (a) By omitting from subsection one the words "foreign-going ship whose crew has been engaged before a Superintendent", and substituting the words "foreign-going Commonwealth ship any of whose crew has been engaged before a Superintendent or proper officer":
- (b) By inserting in subsection two and also in subsection three, after the words "foreign-going", the word "Commonwealth":
- (c) By omitting from subsection three the words "proceeding to sea", and substituting the words "finally leaving New Zealand".

14. Engagement of crew for foreign ship—The principal Act is hereby further amended by inserting, after section forty-six, the following section:

"46A. (1) Where any officer, seaman, or apprentice, being in each case a British subject, contracts in New Zealand to serve on any foreign ship, the following provisions shall apply:

- "(a) The contract shall not be binding on the officer, seaman, or apprentice, unless it is in writing and unless, before the ship leaves New Zealand or before the expiration of three days from the making of the contract, whichever sooner occurs, it is approved in writing by a Superintendent; and
- "(b) Unless the Superintendent otherwise approves, the master or owner or agent of the ship shall deposit with the Superintendent such sum as the Superin-

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tendent requires as sufficient to defray the expenses of the return of the officer, seaman, or apprentice to New Zealand from such place as he may reach in the course of his service with the ship and his maintenance while on shore awaiting passage back to New Zealand; and

- “(c) The money so deposited may, without prejudice to any right of the master or owner or agent of the ship to recover under any contract the cost of return of the officer, seaman, or apprentice to New Zealand, be used to defray the expenses of the return of the officer, seaman, or apprentice to New Zealand and his maintenance while on shore awaiting passage back to New Zealand, notwithstanding that the occasion for the payment of those expenses arises at any time after he has been discharged from or has left the foreign ship or has not since his discharge or leaving the ship returned to New Zealand; and
- “(d) The Superintendent, instead of requiring a deposit in accordance with the provisions of paragraph (b) of this subsection, may enter into such arrangement as he deems sufficient to ensure the payment of any expenses of the return of the officer, seaman, or apprentice to New Zealand and his maintenance while on shore awaiting passage back to New Zealand, and every such arrangement shall take effect according to its terms; and
- “(e) A clearance shall not be granted to the ship until the provisions of this subsection are complied with.
- “(2) The master and the owner and the agent of any foreign ship each commits an offence against this Act,—
- “(a) If that ship sails from New Zealand with any officer, seaman, or apprentice serving under contract made in New Zealand, unless the contract has been approved by a Superintendent in accordance with the provisions of subsection one of this section; or
- “(b) If a deposit in accordance with paragraph (b) of that subsection has not been made or a Superintendent has not approved in writing an arrangement in accordance with paragraph (d) of that subsection.
- “(3) Nothing in the foregoing provisions of this section shall apply with respect to any contract entered into by the master or owner or agent of a foreign ship with any officer,

seaman, or apprentice, if he was serving in any capacity in the ship on her arrival in New Zealand and the contract is in renewal of or in substitution for any contract under which the officer, seaman, or apprentice was serving in the ship at the time of her arrival in New Zealand.”

15. Appointment of Examiners for certificates of competency as A.B.—Section fifty of the principal Act is hereby amended by inserting, after subsection one, the following subsection:

“(1A) For the purpose of granting certificates of competency as A.B. to persons desirous of obtaining them, examinations shall be held by such Examiners as the Minister from time to time appoints; and the Examiners shall adhere strictly to the requirements of regulations made pursuant to this section.”

16. Number of seamen and engine-room attendants—(1) Section fifty-five of the principal Act is hereby amended by adding to subsection one the following additional provisoes:

“Provided further that nothing in the Second Schedule hereto shall apply to any fishing boat in respect of which other provision has been made by regulations under this Act:

“Provided also that, where the Minister is satisfied that, having regard to the register tonnage of the ship in relation to her size or other registered particulars or to the intended use of the ship, the requirements of this Act are insufficient for the safe and efficient manning of any specified restricted-limit ship, he may, by notice in writing to the owner, require that the ship shall carry such numbers of A.B.s, ordinary seamen, apprentices or boys, greasers, and motormen, and, if she is a coal-burning steamship, such numbers of firemen and trimmers as are specified in the notice, and in that case the ship shall be provided with the numbers specified in the notice.”

(2) Part I of the Second Schedule to the principal Act is hereby amended by adding the following words:

“In the case of ships propelled by mechanical power over 200 register tons not authorised to carry passengers, the number of able seamen required to be carried may be one less than as specified in this Part of this Schedule.

“For the purposes of this Part of this Schedule and for the purposes of subsection four of section fifty-five of this Act,—

“(a) Two first-year apprentices or one second-year apprentice shall be deemed to be equivalent to one ordinary seaman and may be carried in his stead:

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“(b) An efficient deck hand, being a seaman with two years’ sea service who has passed the examination for able seaman, shall be deemed equivalent to an able seaman, and may be carried in his stead in any ^{Amo. 196,} fishing boat or in any home-trade ship which is not ^{No. 8.} a passenger ship in any case where the Superintendent first satisfies himself that no duly qualified able seaman is immediately available; but, in the case of a cargo ship, the permitted substitutions shall not exceed two where the number of able seamen required by this Part of this Schedule is five or less, and shall not exceed one for every three able seamen where the requirement of this Part is more than five able seamen:

“(c) The term of an engagement shall not be reduced by reason only that the seaman concerned is a duly permitted substitute.”

(3) Part II of the Second Schedule to the principal Act is hereby further amended—

(a) By omitting the words “In the case of ships propelled by mechanical power over 200 register tons not authorised to carry passengers the number of able seamen required to be carried may be one less than as specified in this Schedule”:

(b) By omitting the words “For the purposes of this Schedule two first-year apprentices or one second-year apprentice shall be deemed to be equivalent to one ordinary seaman, and may be carried in his stead”.

17. Crew of ships under tow—The principal Act is hereby further amended by inserting, after section fifty-five, the following section:

“55A. (1) Except as provided in this section, the requirements of this Part of this Act as to the number and qualifications of the officers and crew to be carried in any ship shall not apply with respect to—

“(a) Any barge, lighter, hulk, or other like ship that does not have its own means of propulsion; and

“(b) To any other ship that is for the time being towed or propelled by another ship, except by reason of the distress of the ship being towed or propelled.

“(2) Where, for the safe or efficient management or control of any ship while being towed or propelled by another ship, or of any lines, lights, or any other apparatus on any such

first-mentioned ship, any person is employed in that ship, that person shall be deemed to form part of the crew of the ship which is towing or propelling the other.

“(3) Any person carried on board any ship which is being rowed or propelled by another ship shall be additional to the officers and crew required under this Part of this Act to be carried in the ship which is towing or propelling the other.

“(4) The Minister may from time to time, by notice in the *Gazette*,—

“(a) Specify the number and qualifications of the officers and crew to be carried by any class of home-trade ship engaged in towing or propelling lighters, barges, hulks, and other like ships or by any class of restricted-limit ship in addition to those otherwise required to be carried under this Part of this Act:

“(b) After consultation with organisations which appear to the Minister to be representative of owners and seamen concerned, specify the numbers and qualifications of officers and crew to be carried by any such class of ship in substitution for those otherwise required to be carried under this Part of this Act.

“(5) Notwithstanding anything in the foregoing provisions of this section, the Minister may, by notice in writing to the owner or master concerned, require that—

“(a) Any ship which is towed or propelled by another ship shall carry such officers and crew as the Minister specifies, not being in excess as regards number or qualifications of the officers and crew which would be required if the ship was not being so towed or propelled:

“(b) The officers and crew of any ship about to be used to tow or propel another ship shall be increased on that occasion to such extent as the Minister specifies:

“(c) On any occasion that a salvage tug goes beyond restricted limits to assist a ship in distress, the tug shall carry such officers and crew as the notice specifies, and, where compliance with the requirements of this Act as to articles of agreement with the crew would unduly delay the tug, it shall be a sufficient compliance with those requirements if the master and crew complete those articles before a Superintendent within twenty-four hours after the tug's first arrival at a port after her departure.

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“(6) This section applies to every New Zealand ship and to every home-trade ship (whether or not she is a Commonwealth ship).”

18. Reports of character on certificates of discharge—Section fifty-eight of the principal Act is hereby amended by repealing subsection four, and substituting the following subsections:

“(4) Where a seaman is discharged before a Superintendent, the master shall make and sign, in a form approved by the Minister, a report (in this Act referred to as the report of character) of the conduct, ability, and sobriety of the seaman discharged, or may state in that form that he declines to give any opinion on those particulars or upon any of them; and the Superintendent before whom the discharge is made shall enter on the certificate of discharge a copy of the report, and the seaman shall allow the entry to be made:

“Provided that the master shall not decline to give a report of character, unless there is entered in the official log book an offence committed by the seaman, or unless the seaman has been censured by the master for misconduct and that fact has been entered in the official log book.

“(4A) Any report of character entered on the certificate of discharge by the Superintendent shall be consistent with any statement of the conduct, ability, and sobriety of the seaman concerned entered in the official log book in accordance with the requirements of section one hundred and seventy-eight of this Act.

“(4B) In any case where an offence by the seaman is entered in the official log book, there shall be no obligation on the master to make an unfavourable report or to decline to report on the character of the seaman concerned, if the offence appears to the master to relate to an isolated incident rather than to general conduct, ability, or sobriety.”

19. Withholding certificates of discharge—Section fifty-nine of the principal Act is hereby amended by adding the following subsection as subsection two thereof:

“(2) Notwithstanding anything in subsection one of this section, in any case where, pursuant to section one hundred and fifty-seven of this Act, not less than fourteen days' wages have been forfeited by any seaman, the Secretary shall not direct the withholding of that seaman's certificate of discharge for more than fourteen days from the date of the offence in respect of which the wages were forfeited.”

20. Seamen engaged outside New Zealand and discharged in New Zealand by reason of illness or accident—Section sixty-seven of the principal Act is hereby further amended by repealing paragraph (c) of subsection one, as substituted by section two of the Shipping and Seamen Amendment Act 1957, and substituting the following paragraph:

“(c) Unless he is a New Zealand citizen, a seaman so left on shore shall—

“(i) As soon as practicable thereafter notify the Superintendent, either personally or in writing, of his place of abode; and

“(ii) Forthwith notify the Superintendent, either personally or in writing, of any changes from time to time in his place of abode; and

“(iii) Attend for medical examination by a medical practitioner at the times and places from time to time directed by the Superintendent; and

“(iv) Within seven days from the date on which the medical practitioner certifies that the seaman is fit to travel, either apply to the Superintendent to be provided with a passage back to the proper return port of the seaman or apply to a Magistrate’s Court presided over by a Magistrate for an order authorising him to remain in New Zealand:”.

21. Arrest of seaman failing to attend for medical examination or to leave New Zealand—(1) Section sixty-seven of the principal Act is hereby further amended by inserting in subsection one A, as enacted by section two of the Shipping and Seamen Amendment Act 1957, after the words “this Act”, the words “and may be arrested by any constable without warrant”.

(2) Section sixty-seven A of the principal Act, as enacted by section three of the Shipping and Seamen Amendment Act 1957, is hereby amended by inserting in subsection two, after the words “this Act”, the words “and may be arrested by any constable without warrant”.

22. Decision by Superintendents of questions as to wages—Section seventy-seven of the principal Act is hereby amended by omitting from subsection one the words “ten pounds”, and substituting the words “an amount equal to fourteen days’ wages”.

23. Seamen entitled to award rates of wages and conditions—Section eighty-nine of the principal Act is hereby amended by adding the following subsections:

“(5) For the purpose of this section, the current rate of wages payable to any seaman shall be not less than the wages for the time being prescribed by the award or industrial agreement that would be appropriate to the seaman if he were employed in a New Zealand ship.

“(6) In this section the term ‘wages’ includes any emoluments, allowances, special rates, conditions of employment, provisions relating to holidays, hours of work, conditions of work, accommodation, and facilities.”

24. Examiners for certificates of competency as ship’s cook—Section one hundred and thirty-six of the principal Act is hereby amended by inserting, after subsection one, the following subsection:

“(1A) For the purpose of granting certificates of competency as ship’s cook to persons desirous of obtaining them, examinations shall be held at such times and places, and by such Examiners, as the Minister from time to time appoints; and the Examiners shall adhere strictly to the requirements of regulations made under this section.”

25. Settlement of questions by Superintendent—The principal Act is hereby further amended by inserting, after section one hundred and fifty-one, the following heading and section:

“Settlement of Questions by Superintendent

“151A. (1) The master or owner of a New Zealand ship may agree with a seaman or apprentice to refer a question which has arisen between them to a Superintendent for his decision.

“(2) A Superintendent may hear and decide a question referred to him under this section, and the procedure at any such hearing shall be such as the Superintendent in his sole discretion considers suitable.

“(3) In any case where the Superintendent is of opinion that the question raised is frivolous or vexatious, or is one which ought to be decided by a Court of law, or is one which might more appropriately be dealt with under section seventy-seven of this Act, or is one which might more appropriately be dealt with under the disputes procedure of an award or industrial agreement, he may refuse to deal with it.

“(4) Where in the opinion of the Superintendent a question referred to him under subsection one of this section could be better dealt with by some other person, the Superintendent may, with the consent in writing of the parties to the agreement to refer the question to him, appoint that other person to hear and decide the question, and the person so appointed shall, in respect of that question, have all the powers of a Superintendent under this section.

“(5) An agreement referred to in subsection one of this section shall, unless the contrary intention appears from the agreement, be deemed to contain a provision that the decision of the Superintendent shall be final and binding on each party to the agreement and a person claiming under such a party.

“(6) A Superintendent who gives a decision on a question referred to him under this section shall record that decision in a document under his hand, and that document shall be admissible in evidence.”

26. Deserter or absentee without leave from New Zealand ship—Section one hundred and fifty-seven of the principal Act, as amended by section four of the Shipping and Seamen Amendment Act 1957, is hereby further amended by adding to paragraph (a) of subsection two the following proviso:

“Provided that the seaman or apprentice shall not be proceeded against for any offence under this paragraph if disciplinary proceedings for the imposition of a fine have been duly taken against him pursuant to the articles of agreement of the ship and entered in the official log book pursuant to section one hundred and sixty-eight of this Act:”.

27. Deportation of deserting seamen—(1) Section one hundred and fifty-eight of the principal Act, as substituted by subsection one of section five of the Shipping and Seamen Amendment Act 1957, is hereby amended by inserting, after subsection one, the following subsection:

“(1A) Subject to the provisions of subsection seventeen of this section, this section also applies to every seaman who, having been engaged elsewhere than in New Zealand on any Commonwealth ship where the agreement with the crew was first made elsewhere than in New Zealand,—

“(a) Deserts or absents himself without leave from that ship within the limits or territorial waters of New Zealand or is left on shore in New Zealand in any manner authorised by law by reason of illness or accident; and

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“(b) Not being a person who is authorised by an order made under section one hundred and fifty-eight A of this Act to remain in New Zealand, engages in New Zealand on any Commonwealth ship where the agreement with the crew was first made elsewhere than in New Zealand,—

as if the seamen had been engaged in the country in which the agreement with the crew was first made.”

(2) Section one hundred and fifty-eight of the principal Act, as so substituted, is hereby further amended by inserting, after subsection fourteen, the following subsection:

“(14A) Where a seaman detained in a penal institution under the provisions of this section is admitted to hospital, he shall be deemed for the purposes of subsection fourteen of this section to be detained in a penal institution while he is a patient in the hospital:

“Provided that, if the master or owner or agent of the ship satisfies the Superintendent that a passage for the deportation of the seaman under this section became available by a ship leaving New Zealand at any time while the seaman was a patient in the hospital, the liability under that subsection of the master or owner or agent for the maintenance of the seaman shall be deemed to have ceased on the date on which the last-mentioned ship left New Zealand.”

28. Applications by deserting seamen for permission to remain in New Zealand—Section one hundred and fifty-eight A of the principal Act, as enacted by section six of the Shipping and Seamen Amendment Act 1957, is hereby amended by inserting, after subsection four, the following subsections:

“(4A) Every decision made by a Magistrate’s Court on any such application shall be final.

“(4B) Any constable may at any time within two years after the making of an order granting an application under this section apply to any Magistrate’s Court presided over by a Magistrate to have the order revoked on the ground that—

“(a) Material evidence which was false or misleading was given in connection with the application; or

“(b) A material fact in connection with the application was withheld from the Court,—

and the Registrar of the Court shall give notice in writing of every such application to the master or owner or agent of the ship from which the seaman deserted or absented himself, and the master or owner or agent of the ship shall be entitled to appear and be heard on the application.

“(4c) Where the Court is satisfied that one of the grounds mentioned in subsection four B of this section has been made out and that no special circumstances exist that would justify it in refusing the application, the Court may revoke the order, which as from the date of the revocation shall for the purposes of this Act be deemed not to have been made, and section one hundred and fifty-eight of this Act shall thereupon apply to the seaman as if he had been convicted on the date of the revocation of an offence against subsection two of that section. Every decision by a Magistrate’s Court under this subsection shall be final.”

29. Offences against discipline—(1) Section one hundred and sixty-four of the principal Act is hereby amended by omitting from paragraph (e) of subsection one the word “officer”, and substituting the words “seaman or apprentice”.

(2) Section one hundred and sixty-four of the principal Act is hereby further amended by inserting, after subsection one, the following subsection:

“(1A) If the master of any Commonwealth ship or home-trade ship assaults any seaman or apprentice of that ship, he commits an offence against this Act, and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds.”

30. Expenses of deporting seaman undergoing imprisonment—Section one hundred and seventy-five of the principal Act is hereby amended by inserting in subsection eight, as added by section eight of the Shipping and Seamen Amendment Act 1957, after the word “including”, the words “the cost of maintaining him in a penal institution pending deportation, at a rate determined from time to time by the Minister of Justice, and”.

31. Entry of report of character in official log—Section one hundred and seventy-eight of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph:

“(d) A statement of the conduct, ability, and sobriety of each of his crew, or a statement that he declines to give an opinion on those particulars:

“Provided that the master shall not enter a statement that he declines to give such an opinion, unless there is entered in the official log book an offence

committed by the seaman, or unless the seaman has been censured by the master for misconduct and this fact has been entered in the official log book;”.

32. Additional matters to be entered in official log—The principal Act is hereby further amended by inserting, after section one hundred and seventy-eight, the following section:

“178A. (1) This section applies to ships which are required by this Act to carry an official log book but for which an agreement with the crew is not required.

“(2) The owner or master of every ship to which this section applies shall cause a record of every engagement or discharge of a master or seaman to be entered in the official log book promptly on the day of that happening.

“(3) Where a ship to which this section applies is not a fishing boat, the owner or master as soon as conveniently thereafter, and in any case before the ship departs a second time from the port where a change of master or crew has occurred, shall produce the official log book to a Superintendent, who shall stamp the record of the change.

“(4) Where a ship to which this section applies is a fishing boat, the owner or master shall produce the official log book for examination at any time if so required by a Superintendent or by a fisheries officer appointed under the Public Service Act 1912 for the purposes of Part I of the Fisheries Act 1908, and shall, as may from time to time be specified in writing to him by the Secretary, provide the Secretary with copies of log entries or other information concerning the service on board that ship of all persons.”

Am. 1967

No. s.

Am. 196

No. s.

33. Fishing boats exempt from certain provisions—(1) Section one hundred and eighty-five of the principal Act is hereby amended by omitting from subsection two the words “fifteen register tons”, and substituting the words “sixty feet register length”.

Am. 196

No. s.

(2) Any fishing boat which immediately before the passing of this Act was exempt, pursuant to the provisions of subsection two of section one hundred and eighty-five of the principal Act, from the provisions of Part II of that Act relating to the carrying of certificated officers shall, subject to any regulations made pursuant to section two hundred and forty-three of that Act, continue to be so exempt as if subsection one of this section had not been passed.

34. Plans and specifications for ships built in New Zealand—Section one hundred and ninety-six of the principal Act is hereby amended as follows:

- (a) By omitting from subsection one the words “twenty-five tons gross tonnage”, and substituting the words “fifty feet register length or intended to carry more than fifty passengers”:
- (b) By inserting in paragraph (a) of subsection one, after the word “specifications” where it first occurs, the words “in duplicate”.

35. Amending provisions as to partial surveys—Section one hundred and ninety-nine of the principal Act is hereby amended by omitting from the first proviso to subsection one the words “the requirements for the issue of a particular certificate (not being a certificate of survey)”, and substituting the words “any of the requirements for the issue of a particular certificate”.

36. Amending provisions as to returns by Surveyors—Section two hundred and one of the principal Act is hereby amended by omitting from subsection one the word “burden”, and substituting the word “tonnage”.

37. Warning devices and means of egress—(1) The principal Act is hereby further amended by inserting, after section two hundred and two, the following heading and section:

“Warning Devices and Means of Egress

“202A. (1) This section applies to foreign-going New Zealand ships and to all home-trade ships (whether or not they are Commonwealth ships).

“(2) Without limiting the general power to make rules conferred by section five hundred and four of this Act, rules may be made under that section providing that the owners of every ship to which this section applies shall make provision therein for warning devices, for emergency illumination, and for doorways, passageways, stairways, companionways, ladderways, scuttles, and other means of egress for all persons (whether crew or passengers) who may be carried to sea in the ship, and for means of indication, signs, or directions for the use of such devices, illumination, and egress.

“(3) Rules made pursuant to this section may prescribe different requirements for different classes of ships or for ships of different ages, and may prescribe a time after the date of

the commencement of the rules within which owners of ships shall comply with them, and may provide for the granting of exemptions from any requirements of the rules and for conditions subject to which such exemptions may be granted.

“(4) Notwithstanding anything in any such rules, where in the circumstances of the case a Surveyor considers that the rules do not make appropriate or sufficient provision and that compliance with the rules would not remove a hazard or undue risk to passengers or crew, the Surveyor may refuse to give a declaration of survey, and where he refuses to give a declaration of survey shall within seven days after making his survey notify the owner or his agent of his refusal and of his reasons therefor.

“(5) Where a Surveyor finds that, since the last date of survey of any ship, any warning devices, emergency illumination, means of egress, or directions for use of such devices, illumination, or egress have not in his opinion been reasonably maintained, or that egress has become impeded or directions obscured, or that the requirement of any rule made under this section has not been complied with, the provisions of subsections two and three of section two hundred and six of this Act, with the necessary modifications, shall apply in all respects as if the deficiencies found by the Surveyor were deficiencies in respect of lifesaving appliances.

“(6) If the ship proceeds to sea and the requirements of the Surveyor as so specified have not been complied with, the owner of the ship (if in fault) and the master of the ship (if in fault) each commits an offence against this Act.”

(2) Section one hundred and forty-five of the principal Act is hereby amended by omitting from paragraph (b) of subsection one the words “but has a separate entrance to the deck otherwise than through the engine room”.

38. Boat drill and fire drill—(1) Section two hundred and seven of the principal Act is hereby amended—

- (a) By omitting from paragraph (a) of subsection one the words “the rules for lifesaving appliances”, and substituting the words “rules made pursuant to this Act”:
- (b) By inserting in paragraph (b) of subsection one, after the word “lifesaving”, the words “and fire”:
- (c) By adding to subparagraph (i) of paragraph (b) of subsection one the words “as required by rules made under this Act”:

- (d) By omitting from subparagraph (ii) of paragraph (b) of subsection one the words “any month”, and substituting the words “any period of fourteen days as required by rules made under this Act”.
- (2) Section two hundred and seven of the principal Act is hereby further amended by adding to subsection one the following paragraph:
- “(d) Cause a boat drill or fire drill or both to be carried out in the presence of a Surveyor at such time while the ship is in port as the Surveyor requires.”

39. Radio rules—Section two hundred and nine of the principal Act is hereby amended by omitting from paragraph (a) of subsection two and also from paragraph (b) of the same subsection the words “sea going”.

40. Certificates of survey—Section two hundred and thirteen of the principal Act is hereby amended by inserting in paragraph (b) of subsection one, after the words “crew of the ship”, the words “for whom accommodation is provided”.

41. Additional certificates of survey—Section two hundred and thirteen of the principal Act is hereby further amended by adding the following subsections:

“(3) Notwithstanding anything in this Act, more than one certificate of survey having effect in different circumstances may be issued in respect of the following classes of ships:

“(a) Passenger ships usually plying on night voyages in the home trade, but sometimes carrying additional deck passengers on daylight excursions:

“(b) Passenger ships usually plying between New Zealand ports and other ports within Pacific limits, but sometimes carrying additional deck passengers between islands within Pacific limits:

“(c) Cargo ships usually engaged in the home trade, but sometimes voyaging to the Chatham Islands or any other island within Pacific limits:

“(d) Tugs and salvage ships usually plying within restricted limits, but sometimes plying into or beyond home-trade limits:

“(e) Any other ship or class of ship from time to time approved by the Minister.

“(4) Where two or more certificates of survey are issued in respect of any ship, the master shall cause a statement as to the certificate of survey under which she is for the time being operating to be entered in the official log.”

42. Transmission of certificates—Section two hundred and eighteen of the principal Act is hereby amended by omitting from subsection five the words “the period of two months”, and substituting the words “the period specified therein not exceeding two months”.

43. Modification of provisions for exemption of certain ships—Section two hundred and nineteen of the principal Act is hereby amended by omitting from subsection two the words “wireless telegraphy”, and substituting the words “radiotelegraphy or radiotelephony”.

44. Duration of certificates—Section two hundred and twenty-four of the principal Act is hereby amended by repealing subsection one, and substituting the following subsections:

“(1) A certificate of survey, a safety certificate, a radio certificate, or a radio exemption certificate shall be in force for a period not exceeding one year from the date of its issue. A safety equipment certificate in respect of a New Zealand ship (whether issued in New Zealand or elsewhere) shall be in force for a period not exceeding one year from the date of its issue, and a safety equipment certificate in respect of any other ship shall be in force for a period not exceeding two years from the date of its issue.

“(1A) Notwithstanding anything in subsection one of this section, no certificate referred to therein shall be in force for a longer period than that specified in the certificate or shall remain in force after notice is given by the Secretary to the owner or his agent or the master of the ship in respect of which it has been issued that the Minister has cancelled the certificate.”

45. Extension of certificates—(1) Section two hundred and twenty-six of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:

“(1) The Secretary may, in his discretion, if he is satisfied that survey facilities are not available or for other sufficient cause and that the condition of the hull, machinery, and equipments of the ship is such as to justify him doing so, grant an extension of any certificate issued under this Part of this Act—

“(a) In the case of any certificate of survey issued under section two hundred and thirteen of this Act, for a period not exceeding three months; and

“(b) In the case of a Safety Convention certificate issued in respect of any New Zealand ship, for a period not exceeding one month—

from the date when the certificate would, but for the extension, expire.”

(2) Section two hundred and twenty-six of the principal Act is hereby further amended by omitting from subsection two the words “If any ship”, and substituting the words “If any New Zealand ship”.

(3) Section two hundred and twenty-six of the principal Act is hereby further amended by adding the following subsection:

“(4) Any extension of a certificate under the provisions of this section may be granted, notwithstanding that the certificate has expired, provided application for the extension is received before the date the certificate would expire. On any such extension being granted, the certificate shall be deemed always to have been in force:

“Provided that nothing in this subsection shall be deemed to authorise the granting of any extension beyond the period specified in subsections one to three of this section.”

46. Safety valves—Section two hundred and forty-two of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:

“(1) Every steamship shall be provided with not fewer than two safety valves on each boiler; and each such valve shall be provided with proper lifting gear, and be so constructed that it is out of the control of the engineer when the steam is up and that the aggregate area of the valves on each boiler is not less than the aggregate area prescribed by the Surveyor for that boiler in association with the maximum working pressure approved for that boiler by the Surveyor.”

47. Safety rules for small craft and other vessels—(1) The principal Act is hereby further amended by repealing section two hundred and forty-three, and substituting the following section:

“243. (1) Without limiting the general power to make rules conferred by section five hundred and four of this Act, rules may be made under that section on the recommendation of the Minister, made after consultation by him with such organisations as appear to him to be representative of owners of vessels to which the rules will apply, for ensuring the safety of vessels to which this section applies.

“(2) Different rules may be made pursuant to this section in respect of different classes of such vessels or in respect of the same class of vessels in different circumstances.

“(3) Without prejudice to the generality of the preceding provisions of this section, rules made pursuant to this section may—

“(a) Prescribe the requirements that the hull, equipments, and machinery of any such vessels shall comply with:

“(b) Provide for the inspection and licensing of any such vessels:

“(c) Prescribe the requirements as to the master, officers, and seamen of any such vessels and the qualifications of those persons, and prohibit any such vessels from going to sea or plying or being otherwise used in any specified manner, unless manned in accordance with those requirements:

“(d) Prohibit the overloading or overcrowding with passengers of any such vessels (being vessels to which regulations made pursuant to section three hundred and twenty-two of this Act do not apply):

“(e) Require any such vessels to which the rules for life-saving appliances do not apply to have on board such equipment as may be prescribed:

“(f) Prescribe penalties not exceeding one hundred pounds for non-compliance with the provisions of the rules.

“(4) This section applies to—

“(a) Ships to which section two hundred and forty-six of this Act applies:

“(b) Barges, lighters, and like vessels under tow:

“(c) Surf boats:

“(d) Other vessels or boats, whether or not used in navigation, and however propelled.”

(2) Section one hundred and eighty-five of the principal Act is hereby consequentially amended by inserting in subsection three, before the words “A fishing boat”, the words “Except as may be provided in regulations made pursuant to section two hundred and forty-three of this Act”.

48. Exemption of certain ships—Section two hundred and forty-four of the principal Act is hereby amended by omitting from subsection one the words “except section two hundred and six”.

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49. Survey of small ships—(1) Section two hundred and forty-six of the principal Act is hereby amended as follows:

(a) By omitting from paragraph (a) of subsection two the words “fifteen tons register”, and substituting the words “sixty feet register length”:

(b) By omitting from paragraph (e) of subsection two, as enacted by section twelve of the Shipping and Seamen Amendment Act 1957, the words “in overall length”, and substituting the words “register length”.

(2) Any fishing boat which immediately before the passing of this Act was exempt from survey pursuant to the provisions of section two hundred and forty-six of the principal Act shall, subject to any regulations made pursuant to section two hundred and forty-three of that Act, continue to be so exempt as if paragraph (a) of subsection one of this section had not been passed.

50. Control of foreign-going pleasure yachts—(1) The principal Act is hereby further amended by inserting, after section two hundred and forty-six A, as inserted by section thirteen of the Shipping and Seamen Amendment Act 1957, the following section:

“246B. (1) This section applies to—

“(a) Pleasure yachts which are New Zealand ships:

“(b) Pleasure yachts which, being less than fifteen register tons, are employed solely or usually on the coasts or inland waters of New Zealand and—

“(i) Are not registered in any other country; or

“(ii) Carry any person who is under sixteen years of age:

“(c) Any other specified pleasure yacht from time to time directed by the Minister, by notice to the owner.

“(2) The master of every yacht to which this section applies shall not go to sea from any port in New Zealand on any voyage during the course of which the yacht will be more than fifty miles from the nearest part of the coast of New Zealand, unless—

“(a) If departing for a port beyond New Zealand,—

“(i) There is in force in respect of that yacht and that voyage a certificate issued under this section; and

“(ii) The yacht complies with all the requirements arising from the inspection made for the purposes of that certificate; and

“(iii) The master has produced to the Collector of Customs at the port of departure the certificate referred to in subparagraph (i) of this paragraph and deposited with him a true statement of the intended destination of the yacht and the proposed route and of the full names of the master and members of the crew, their nationality, and the names and addresses of their next of kin; or

“(b) If departing for another port in New Zealand or intending to return to the same port, the master has deposited with the secretary of a yacht club to which he belongs or with the Harbourmaster at the port of departure, or, where there is no Harbourmaster at that port, with the Harbourmaster of the nearest port at which there is a Harbourmaster, the statement referred to in subparagraph (iii) of paragraph (a) of this subsection and also an undertaking to comply with the sailing rules of a yacht club applicable to such a voyage, being rules approved by the Secretary for Marine.

“(3) The inspection of any yacht for the purposes of this section shall be conducted by a group of not fewer than two honorary yacht inspectors, appointed as such by the Secretary, who may from time to time invite organisations of yachtsmen to nominate suitably qualified persons for appointment, and those inspectors shall report in writing to the Secretary and to the master or owner of the yacht on the hull, equipments, and stores of the yacht and any machinery therein and generally on the suitability of the yacht and crew for the proposed voyage, and any such report may specify any defects or deficiencies which should be remedied before the yacht will be considered suitable for the voyage.

“(4) Where the honorary yacht inspectors, after examining the hull, equipments, and stores of any yacht and any machinery therein and inquiring as to the experience and qualifications of the proposed master and crew, are satisfied that the yacht is reasonably suitable for the proposed voyage according to standards generally accepted by experienced yachtsmen, they may report in writing to the Secretary to that effect, but no such inspector shall be under any liability whatsoever to any person by reason of having given that report.

“(5) On receipt of the report specified in subsection four of this section, the Secretary may issue a certificate that the yacht is suitable for the proposed voyage.

“(6) The Secretary may from time to time by writing delegate to any yacht club the power to appoint honorary yacht inspectors under this section, and in such a case the report of those inspectors in relation to any yacht inspected by them shall be made to the club, and the certificate under this section may be issued by the club. Any such delegation may be at any time revoked by the Secretary by notice in writing to the yacht club.

“(7) The master of every yacht, before finally going to sea from any port in New Zealand on any voyage during the course of which the yacht will be more than fifty miles from the nearest part of the coast of New Zealand, shall comply with the provisions of subparagraph (iii) of paragraph (a) of subsection two of this section or, as the case may require, paragraph (b) of that subsection, and, in any case to which paragraph (a) of that subsection applies, the yacht may be detained until those provisions are complied with.

“(8) The master of every yacht and every member of the crew thereof each commits an offence against this Act where—

“(a) The master fails to comply with any of the provisions of subsection two of this section; or

“(b) The yacht goes to sea from a port in New Zealand on a voyage in respect of which a certificate under this section has been issued, and after the issue of the certificate there has been any material alteration in the condition of the hull or in the equipments, stores, machinery, master, or crew; or

“(c) After leaving a port in New Zealand on a voyage to a port beyond New Zealand in respect of which a statement of the intended destination and proposed route has been produced to a Collector of Customs, there is any material change in that destination or route, except by reason of stress of weather or mishap or other circumstances which the master could not have prevented or forestalled, proof of which shall lie on the defendant; or

“(d) During the course of any voyage from a port in New Zealand the yacht proceeds more than fifty miles from the nearest part of the coast of New Zealand, unless before leaving that port the provisions of subsection two of this section are complied with:

“Provided that it shall be a good defence in any proceedings for an offence against this paragraph if the defendant proves that the yacht would not

have proceeded more than fifty miles from the nearest part of the coast of New Zealand except by reason of stress of weather, mishap, or other circumstance which the master could not have prevented or forestalled.

“(9) Where the master or any member of the crew of a yacht commits an offence against this section and any expenses are incurred by the Crown in making inquiries for or carrying out a search for the yacht or in rescuing the master or any member of the crew, the amount of those expenses, not exceeding in the case of the master the value of the yacht and the equipments and stores thereof and the property of the master aboard the yacht when she returns to New Zealand, and not exceeding in the case of a member of the crew the value of his property aboard the yacht when she returns to New Zealand, may be recovered by the Crown in any Court of competent jurisdiction as a debt owing by the master or member of the crew, as the case may be.

“(10) A certificate by the Secretary as to the amount of any such expenses shall in all proceedings be sufficient evidence thereof, unless the defendant proves to the contrary.

“(11) Without limiting any other mode of recovery, any amount payable to the Crown by the master or a member of the crew under subsection nine of this section may be assessed by the Court by which he is convicted, and shall be recoverable as a fine.”

(2) This section shall come into force on a date to be fixed by the Governor-General, by Order in Council made on the recommendation of the Minister after consultation by him with such organisations as appear to him to be representative of owners of pleasure yachts to which this section applies.

51. Evidence of compliance with requirements as to certificates—The principal Act is hereby further amended by inserting in Part IV, after section two hundred and forty-nine, the following section:

“249A. Where this Act requires that in respect of any ship about to proceed to sea the owner or master shall produce to the Collector of Customs any survey certificate or any other certificate referred to in section one hundred and ninety-eight, section two hundred and two, section two hundred and twenty-two, section two hundred and thirty-four, section two hundred and sixty-four, section two hundred and seventy-three, or section two hundred and eighty-four of this Act, the Collector of Customs may accept, as evidence that there is in

force in respect of the ship all such certificates as may be appropriate to the voyage about to be commenced and that the certificates are current, a statement in writing to that effect signed by a Superintendent, and the acceptance by the Collector of such a statement shall on that occasion be deemed a compliance by the owner or master with any requirement of this Act to produce those certificates to the Collector."

52. Manning of ships in restricted limits and inland waters—

(1) Section two hundred and fifty-three of the principal Act is hereby amended by repealing subsections one and two, and substituting the following subsections:

"(1) Subsections two and two A of this section apply with respect to ships used only within restricted limits defined pursuant to section two hundred and fifty of this Act or on any river or lake or other inland water.

"(2) The following provisions shall apply in the case of ships to which this subsection applies, namely:

"(a) If the ship carries more than fifty passengers for hire or reward within extended river limits, or more than one hundred and fifty passengers for hire or reward within river limits or on any river or lake or other inland water, she shall carry, in addition to the master and officers specified in the First Schedule to this Act, one or more seamen or the number of seamen specified in regulations made pursuant to subsection two A of this section:

"(b) If the ship does not exceed fifty feet register length and, being owned by a person engaged in some agricultural or pastoral pursuit, is employed in carrying the produce or other goods of the owner and does not carry passengers or cargo for hire or reward, she shall not be subject to the provisions of this Act relating to survey and to carrying certificated officers.

"(2A) Without limiting the general power to make regulations conferred by section five hundred and four of this Act, regulations under that section in respect of ships to which this subsection applies may make provision for the following matters:

"(a) The issue of certificates of competency as master or as engineer or as both master and engineer of ships to which this subsection applies, those certificates being either of one grade or of different grades, and either generally for all such ships or specifically for specific classes of such ships:

- “(b) The examination of candidates for such certificates, the subject-matter of the examinations, and the appointment of examiners:
- “(c) The qualifications to be possessed by candidates for such certificates, the fees to be paid for the certificates, and the mode in which and the events on the happening of which the certificates may be cancelled:
- “(d) Varying, according to the nature of the trade in which the ships are employed, the requirements of the First and Second Schedules to this Act in respect of the numbers and grades of officers to be carried by different classes of such ships and the numbers of seamen to be carried therein:
- “(e) The issue of local launchmen’s licences permitting the holder to act, according to specified circumstances, as master or as both master and engineer of a specified motor launch not exceeding fifty feet register length when the launch is used in accordance with the terms of the licence and within the river limits or inland waters specified in the licence:
- “(f) The examination, including practical tests, of candidates for local launchmen’s licences, the appointment of examiners, and the fees to be paid by candidates for such licences and renewals thereof:
- “(g) Prescribing the currency of such licences, for the renewal thereof, and for the earlier cancellation of licences for misconduct of the holder or for poor maintenance or careless navigation of the launch to which the licence relates.”

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(2) Section two hundred and fifty-three of the principal Act is hereby further amended by omitting from subsection three the words “or paragraph (b)”.

(3) Section two hundred and forty-six of the principal Act is hereby consequentially amended by omitting from paragraph (d) of subsection two the words “paragraph (c) of subsection one”, and substituting the words “paragraph (b) of subsection two”.

53. Cargo on open launches—Section two hundred and fifty-four of the principal Act is hereby amended by omitting from subsection three the words “having an open cockpit”, and substituting the words “not fully decked”.

54. Ships not to be taken to sea without load-line certificate—Section two hundred and sixty-four of the principal Act is hereby amended by inserting in paragraph (b) of subsection one, after the words “load-line ship”, the words “a Load Line Convention certificate or”.

55. Inspection of ships with respect to load lines and submersion lines—Section two hundred and seventy of the principal Act is hereby amended by inserting, after the words “New Zealand”, the words “or any ship which is required by section two hundred and eighty-four of this Act to be marked with submersion lines”.

56. Submersion lines on ships not subject to provisions as to load lines—Section two hundred and eighty-four of the principal Act is hereby amended as follows:

- (a) By omitting from subsection six the words “go to sea or ply or proceed in tidal water”, and substituting the words “be used in navigation, however propelled or towed”:
- (b) By omitting from subsection nine the words “go to sea or ply or proceed in tidal water”, and substituting the words “be used in navigation, however propelled or towed”.

57. Inspection for enforcing regulations—Section two hundred and eighty-eight of the principal Act is hereby amended by omitting from subsection one and also from subsections two, four, and five the words “fog signals”, and substituting in each case the words “sound signals”.

58. Reporting of accidents—(1) Section two hundred and ninety-seven of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:

“(1) When any ship to which this section applies has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency either in her hull or (in the case of a ship propelled by mechanical power) in any part of her machinery, or has been in collision with another ship, the master shall transmit to a Superintendent—

- “(a) Where possible, by radiotelegraph or radiotelephone in the first instance, a preliminary report; and

“(b) In all cases, if in port when the accident or damage occurs, within twenty-four hours of the happening, or otherwise within twenty-four hours of first reaching a port (whether in New Zealand or elsewhere) a full report in writing signed by him—of the accident or damage, and of the probable cause thereof, stating the name of the ship, her official number (if any), the port at which she is registered or to which she belongs, and the place where she is.”

(2) Section two hundred and ninety-seven of the principal Act is hereby further amended by omitting from subsection two the words “the Minister” wherever they occur, and substituting in each case the words “a Superintendent”.

59. Testing of anchors and chain cables—(1) Section three hundred of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:

“(1) A maker of or dealer in anchors or chain cables shall not sell or contract to sell, nor shall any person purchase or contract to purchase, for the use on any ship, nor shall any person use on any ship, any chain cable or any anchor exceeding in weight one hundred and sixty-eight pounds which has not been tested and, where appropriate, stamped or otherwise marked in accordance with the requirements of—

“(a) The Act of the United Kingdom Parliament intituled the Anchors and Chain Cables Act 1899; or

“(b) The provisions of the law of any other Commonwealth country or of any foreign country of like purpose and effect to the said Anchors and Chain Cables Act 1899.”

(2) Section three hundred of the principal Act is hereby further amended by omitting from subsection two the words “the said Anchors and Chain Cables Act 1899”, and substituting the words “the requirements of subsection one of this section”.

(3) Section three hundred of the principal Act is hereby further amended by repealing subsection four, and substituting the following subsection:

“(4) Any person delivering a certificate or other document of like character relating to the proof testing of any anchor or chain cable, or other chain or cable, shall place in some conspicuous part of the certificate or document in such manner as to be clearly legible a statement of the name of the person or organisation issuing the same, the nature of the proof testing, and the place and date of the proof testing.”

60. Offences in relation to anchors and chain cables—

(1) Section three hundred and one of the principal Act is hereby amended by repealing paragraphs (b) and (c), and substituting the following paragraphs:

“(b) Places on any anchor or chain cable or on any chain or cable any distinctive mark appointed by the law of any Commonwealth country or of any foreign country to indicate that it has been proved in accordance with the law of that country, or any other mark so closely resembling any such distinctive mark as to be calculated to lead persons to believe that the anchor, chain cable, or other chain or cable has been proved in accordance with the law of that country when the anchor, chain cable, or other chain or cable has not been so proved; or

“(c) Delivers any certificate or other document of a like character relating or purporting to relate to the proof testing of any anchor, chain cable, or other chain or cable, that resembles a certificate or other document of proof testing delivered by any person authorised so to do by the law of any Commonwealth country or of any foreign country, or is otherwise calculated to lead persons to suppose that the anchor, chain cable, chain, or cable in respect of which it is delivered has been proved by the law of any such country; or”.

(2) Section three hundred and one of the principal Act is hereby further amended by omitting from paragraph (d) the words “the said Anchors and Chain Cables Act 1899”, and substituting the words “the corresponding provisions of the law of any Commonwealth country (other than New Zealand) or of any foreign country”.

61. Where shipping casualty deemed to occur—Section three hundred and twenty-three of the principal Act is hereby amended by adding the following paragraphs:

“(f) When any loss of life ensues by reason of any accident or mishap occurring to any ship or by the use or management of any ship on or near the coasts of New Zealand:

“(g) When in any place any such accident or mishap occurs to any New Zealand ship or by the use or management of any New Zealand ship.”

62. Formal investigation—Section three hundred and twenty-five of the principal Act is hereby amended by adding to subsection ten the words “for foreign-going ships”.

63. Removal of wrecked ships and aircraft—Section three hundred and fifty-three of the principal Act is hereby amended by inserting in subsection one, after the words “limits of New Zealand”, the words “or in any river or lake or other inland water”.

64. Exempting from coastal-light dues ships engaged on scientific work—Section three hundred and seventy-five of the principal Act is hereby amended by inserting in subsection two, after paragraph (g), the following paragraph:

“(gg) Ships employed solely for scientific, marine surveying, or exploration purposes:”.

65. Measurement of ship—Section three hundred and eighty-eight of the principal Act is hereby amended by inserting, after subsection one, the following subsection:

“(1A) Notwithstanding anything in subsection one of this section, where—

“(a) The Governor-General is satisfied that the provisions of the law of any Commonwealth country other than New Zealand or of any foreign country are of like effect to the tonnage regulations of this Act; and

“(b) The Governor-General has, by Order in Council, so declared,—

the Secretary, if he is satisfied that the tonnage of a ship has been ascertained by the Government of such a Commonwealth or foreign country or by an authority recognised by the Government of such a Commonwealth or foreign country in accordance with the provisions of the law of that country, may direct that the tonnage so ascertained shall be accepted as if it were the tonnage of the ship ascertained in accordance with the tonnage regulations of this Act, and in every such case the provisions of this Act as to the tonnage of the ship shall apply as if the tonnage of the ship had been ascertained in accordance with the tonnage regulations of this Act.”

66. Tonnage of ships of other countries—Section four hundred and fifty of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:

“(1) Whenever the Governor-General is satisfied that the provisions of the law of any foreign country as to the measurement of tonnage are of like effect to the tonnage regulations of this Act, the Governor-General may, by Order in Council, direct that the ships of that country shall, without being remeasured in New Zealand, be deemed to be of the tonnage denoted in their certificates of registry or other national papers; and the Governor-General may, by any such Order in Council, limit the time during which that order is to remain in force, and may make that order subject to such conditions and qualifications (if any) as may be deemed expedient, and the operation of the order shall be limited and modified accordingly.”

67. Mode of making declarations—Section four hundred and fifty-four of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:

“(1) Declarations required by this Part of this Act shall, when made in New Zealand, be made before any person before whom a declaration may be made under section nine of the Oaths and Declarations Act 1957 or before any Registrar of Ships, and, when made out of New Zealand, shall be made—

“(a) Before any person before whom a declaration may be made outside New Zealand under section eleven of the Oaths and Declarations Act 1957; or

“(b) If the declaration is made in any Commonwealth country, before any Registrar of Ships at a port of registry in that country, or, if the declaration is made in a foreign country, before a proper officer.”

68. Apprehension of seamen from foreign ships—Section four hundred and seventy-three of the principal Act is hereby amended by inserting in subsection one and also in subsections two, three, four, five, and seven, after the word “master” wherever it occurs, the words “or agent”.

69. Prevention of desertion from foreign ships—Section four hundred and seventy-five of the principal Act is hereby amended by inserting in subsection one, after the word “master”, the words “or agent”.

70. Public notice of approved forms—Section five hundred and two of the principal Act is hereby amended by omitting from subsection two the words “and, before finally issuing any

such form or altering or revoking any such form which has been issued, he shall cause public notice thereof to be given in such manner as he thinks requisite in order to prevent inconvenience”.

71. Dispensing powers of Minister—Section five hundred and five of the principal Act is hereby amended by repealing subsection two.

72. Correction of errors in certificates, etc.—The principal Act is hereby further amended by inserting, after section five hundred and seven, the following section:

“507A. Where the Minister, in the case of any certificate or document issued by the Minister, and the Secretary, in the case of any document issued by the Secretary, is satisfied that any mistake in any certificate or other document issued under this Act exists by reason of any error or omission, he may correct the mistake, and for that purpose may require the production of the certificate or document or may cancel the certificate or document and issue a correct one in its place:

“Provided that nothing in this section shall be deemed to authorise the correction of any mistake in any certificate of survey, load-line certificate, safety certificate, radio certificate, or Safety Convention certificate, or an exemption certificate, except on the recommendation of a Surveyor of Ships.”

SCHEDULE

Section 6 (2)

"FIRST SCHEDULE

SCALE OF OFFICERS FOR NEW ZEALAND SHIPS, AND FOR OTHER COMMONWEALTH SHIPS AND FOREIGN SHIPS WHEN PLYING AS HOME-TRADE SHIPS

(Unless Varied Pursuant to Sections 55A, 184, 243, or 253)

Part I—Deck Officers

Class of Ship	Grade of Master	Mates Minimum Number of Deck Officers Holding Certificates Proper for the Ship and Voyage
1. Foreign-going ship (not being a fishing boat)	Master of foreign-going ship	Two (1)
2. Home-trade ship (not being a fishing boat)—		
(a) If 90 feet or more register length	Master of home-trade ship ..	Two (2)
(b) If less than 90 feet register length and carrying passengers	Master of home-trade ship ..	One (3)
(c) If less than 90 feet register length and not carrying passengers	Master of small home-trade ship, or as provided in (5)	One (4)
(d) If less than 90 feet register length and engaged in towing	Master of small home-trade ship, or as provided in (5)	One (4), or as provided in (5)
3. Restricted-limit ship (not being a fishing boat)—		
(a) If 50 feet or more register length	Master of small home-trade ship or master of river ship or as provided in (5)	
(b) If less than 50 feet register length	Master of restricted-limit launch or as provided in (5)	
4. Fishing boat (6)—		
(a) Foreign-going boat ..	Master of foreign-going fishing boat	One (7)
(b) Home-trade boat exceeding 60 feet register length	Skipper of home-trade fishing boat	As provided in (5)
(c) Home-trade boat not exceeding 60 feet register length	As provided in (5) ..	As provided in (5)

REMARKS:

(1) One to hold certificate as first mate of foreign-going ship, and one as second mate of foreign-going ship.

(2) One to hold certificate as mate of home-trade ship, and one either as mate of home-trade ship or master of small home-trade ship.

A. If the ship is not running more than 300 miles between terminal ports, only one mate is required, and he shall hold a certificate as mate of home-trade ship.

B. Provided that the Secretary or a Surveyor duly authorised by the Secretary may, if the ship is running more than 300 miles between terminal ports, and subject to such conditions as he thinks fit, exempt any such ship from carrying a second mate in respect of any particular voyage, if it is proved to his satisfaction that to comply with this requirement would unduly delay the ship.

(3) Holding certificate as mate of home-trade ship or master of small home-trade ship. If the ship is not running more than 100 miles between terminal ports, no mate is required.

(4) Holding certificate as master of small home-trade ship, master of river ship, or master of restricted-limit launch. If the ship is not running more than 100 miles between terminal ports, no mate is required.

(5) As prescribed pursuant to section 55A or by regulations made pursuant to section 243 or section 253, as the case may be.

(6) Subject to section 185 (2).

(7) Holding certificate as skipper of home-trade fishing boat.

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SCHEDULE—continued
Part II—Engine-room Officers

Class of Ship	Minimum Number of Engineers Holding Certificates Proper for the Ship and Voyage	
	Chief or Only Engineer	Second Engineer
<i>Steamships</i>		
1. Foreign-going ship (not being a fishing boat)—		
(a) If 565 BHP or more ..	First-class steam ..	Second-class steam (1)
(b) If less than 565 BHP ..	Second-class steam ..	(2)
2. Home-trade ship (not being a fishing boat)—		
(a) If 565 BHP or more ..	First-class steam ..	Second-class steam (1)
(b) If less than 565 BHP ..	Second-class steam ..	(2)
3. Restricted-limit ship (not being a fishing boat)—		
(a) Steamship plying within extended river limits—		
(i) If 565 BHP or more	Second-class steam ..	(3)
(ii) If 200 BHP and less than 565 BHP	Third-class steam
(iii) If less than 200 BHP	River engineer (6) ..	(5)
(b) Steamship plying within river limits	Third-class steam or river engineer (4)	(5)
4. Fishing boat: Foreign going or home trade	Second-class steam (7) REP. 1961 No. S.
<i>Motorships</i>		
5. Foreign-going ship (not being a fishing boat)—		
(a) If 565 BHP or more ..	First-class motor ..	Second-class motor (1)
(b) If less than 565 BHP ..	Second-class motor ..	(8)
6. Home-trade ship (not being a fishing boat)—		
(a) If 565 BHP or more ..	First-class coastal motor (9)	Second-class coastal motor (9) (1)
(b) If 300 BHP and less than 565 BHP	First-class coastal motor (10)	(8)
(c) If 200 BHP and less than 300 BHP	Second-class coastal motor	.. AMD. 1961 No. S.
(d) If less than 200 BHP ..	Local motorship (11)	..
7. Restricted-limit ship—		
(a) If 565 BHP or more ..	Second-class coastal motor	(12)
(b) If 200 BHP and less than 565 BHP	Local motorship (11)
(c) If less than 200 BHP ..	(13)
8. Fishing boat (14)—		
(a) Foreign going	Second-class motor (15) REP. 1961 No. S.
(b) Home trade—		
(i) If 400 BHP or more	Second-class motor (15)
(ii) If 200 BHP and less than 400 BHP	Local motorship
(iii) If less than 200 BHP	(16)
(c) Restricted limits	(16)

REMARKS:

(1) If a passenger ship, add (as the case may require) one third-class steam engineer or one second-class motor engineer; and for each 3,000 BHP or part thereof after the first 1,125 BHP, add one additional engineer holding (as the case may require) a third-class steam or a second-class motor certificate, but where such an engineer is not available, an engineer with lower qualifications may be substituted.

(2) If a passenger ship, add one third-class steam.

REP. 106
No. S.
Substituted.

SCHEDULE—*continued**Part II—Engine-room Officers—continued*

- (3) If carrying more than 150 passengers, or if the duration of the voyage exceeds four hours, add one third-class steam.
- (4) If carrying more than 150 passengers, substitute second-class steam.
- (5) If the duration of the voyage exceeds four hours, add one engineer holding a river engineer's certificate or steam certificate of higher grade.
- (6) If carrying more than 150 passengers, substitute third-class steam.
- (7) If less than 565 BHP, a suitably experienced holder of a recognised trawler engineer's certificate or third-class steam certificate may, at the discretion of the Secretary or of a Surveyor duly authorised by the Secretary, be substituted.
- (8) If a passenger ship, add one additional engineer holding (as the case may require) a second-class motor certificate or second-class coastal motor certificate, but, where such an engineer is not available, an engineer with lower qualifications may be substituted.
- (9) If a passenger ship, substitute, respectively, first-class motor and second-class motor.
- (10) Alternatively, a second-class motor.
- (11) If carrying more than 150 passengers, substitute second-class coastal motor.
- (12) If carrying more than 150 passengers, substitute or, as the case may require, add local motorship.
- (13) As prescribed by regulations made pursuant to section 253.
- (14) Subject to section 185 (2).
- (15) Where such an engineer is not available, a suitably experienced holder of a recognised trawler engineer's certificate or other suitably experienced engineer with lower qualifications may, at the discretion of the Secretary or of a Surveyor duly authorised by the Secretary, be substituted.
- (16) As prescribed by regulations made pursuant to section 243 or section 253, as the case may be.

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No. s. *Part III—Radio Officers*

As prescribed by radio rules made pursuant to section 209.

Part IV—Supplementary Provisions

For the purposes of this Schedule—

1. A reference in Part I or Part II to a number in brackets (thus, (1)) is a reference to the paragraph so numbered in the 'Remarks' following that Part.

2. Where the number or grade of officers required by this Schedule to be provided in any ship, not being a fishing boat or a ship engaged in towing, exceeds that required to be provided in the same circumstances immediately before the commencement of this Schedule, the Secretary may, on application by the owner made not later than twelve months after the commencement of this Schedule, grant a permit to the owner to continue to employ the former number or grade of officers for such period as is specified in the permit.

3. Where the number of officers required by this Schedule to be provided in any ship is less than the number required to be carried in the same circumstances immediately before the commencement of this Schedule, the Secretary may, on application by an organisation representing the officers concerned made not later than twelve months after the commencement of this Schedule, and after consulting the owner, require that for such period as the Secretary specifies the ship shall continue to be provided with the number and grade of officers which she usually carried immediately before the commencement of this Schedule.

4. The holder of a certificate of competency issued under this Act (not being a certificate as second mate of home-trade ship) who immediately before the commencement of this Schedule held a certificate entitling him to be employed in any capacity and was employed in that capacity

SCHEDULE—*continued*

may, notwithstanding anything in this Schedule, continue to engage in the same capacity or, where he makes application to the Secretary not later than three years after the commencement of this Schedule, with the consent in writing of the Secretary endorsed on the certificate of competency, in any equivalent or approximately equivalent capacity for which this Schedule provides.

5. Where the Secretary refuses to grant his consent to any application under clause 2 or clause 3 or clause 4 of this Part, the applicant may, within three months after the date on which notice of that refusal is given to him, appeal against the decision to the Minister, and the decision of the Minister thereon shall be final.

6. In Part I of this Schedule—

(a) The grade of certificate specified in the first column of this paragraph shall be deemed to have the same value as the grade of certificate specified in the second column of this paragraph, namely:

1st Column	2nd Column
Master of ship under 25 register tons carrying cargo only	Master of small home-trade ship
Master of fishing boat	Skipper of home-trade fishing boat.
Master of restricted-limit motor ship not exceeding 10 register tons	Master of restricted-limit launch:

(b) Any person who at the commencement of this Schedule was the holder of a certificate as second mate of home-trade ship may continue to serve as mate on a ship where there is also a mate holding a certificate as mate of home-trade ship issued after the commencement of this Schedule or holding a certificate as first mate of home-trade ship issued before the commencement of this Schedule.

7. In Part I of this Schedule, the expression 'terminal ports' means the port from which the ship first takes her departure and the last port at which she calls before commencing her return voyage, or the port from which the ship first takes her departure and the port thereafter at which the ship first makes an overnight stop, whichever is the shorter in intervening distance.

8. A fishing boat shall be deemed to be a foreign-going ship if, in the ordinary course of a voyage or excursion, she goes to sea more than 50 miles from the coasts of the North Island or the South Island (including Stewart Island) or from the Chatham Islands.

9. The entry of a foreign-going ship into home-trade waters or of a foreign-going or home-trade ship into restricted limits, in the course of a voyage to or from any port in New Zealand, shall not entitle the ship to depart from the scale of deck officers and engine-room officers manning usually appropriate to the ship: Provided that the Secretary may, on a particular occasion, approve the substitution of one or more officers having qualifications appropriate to the home trade or restricted limits, as the case may be.

10. (1) In Part II of this Schedule the symbols BHP stand for brake horsepower.

SCHEDULE—*continued*

(2) For the purposes of Part II of this Schedule, the relationship between brake horsepower (BHP), nominal horsepower (NHP), and indicated horsepower (IHP) shall be deemed to be as follows:

$$\begin{aligned} \text{NHP} &= \frac{\text{BHP}}{5.6} \\ \text{BHP} &= 0.9 \times \text{IHP} \end{aligned}$$

11. The brake horsepower of a ship shall be deemed to be the aggregate power developed by the propelling engines as shown on the ship's certificate of registry. If the ship is not a registered ship the brake horsepower of the ship shall be deemed to be the aggregate brake horsepower reported by a Surveyor of Ships.

12. Where an engineer with qualifications proper for the ship and voyage is not available and it is provided that an engineer with lower qualifications may be substituted, the qualifications referred to need not necessarily be evidenced by a certificate of competency.

13. A requirement that an officer should hold a particular certificate of competency shall be deemed to be satisfied where—

- (a) The officer has held such a certificate but has, pursuant to regulations, surrendered it and been issued with a certificate of competency of a higher grade which he still holds; or
 - (b) If the officer had held the requisite certificate, he would have been required by regulations to surrender it on obtaining his existing certificate of competency."
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