

New Zealand.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Provisions for payment of wages in cases of illness in case of Home-trade ships.</p> <p>3. Nature of illness.</p> | <p>4. Seaman entitled to discharge.</p> <p>5. Wages, &c., to be left with Collector.</p> <p>6. Payments, how applied.</p> <p>7. Discharge of seamen.</p> <p>8. Penalty.</p> <p>9. Repeal.</p> |
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1890, No. 15.

AN ACT to amend "The Shipping and Seamen's Act, 1877," and the Acts amending the same. Title.
[3rd September, 1890.]

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

1. The Short Title of this Act is "The Shipping and Seamen's Acts Amendment Act, 1890." Short Title.

2. Notwithstanding anything contained in "The Shipping and Seamen's Act, 1877," whenever a seaman employed on a Home-trade ship is left on shore at any port or place in New Zealand, in any manner authorised by law, by reason of his inability to proceed on the voyage from illness, he shall be deemed to be discharged from his ship, but shall nevertheless be entitled to receive and be paid his wages according to the terms of any agreement made by him with the owner, master, or agent of such ship, and then in force, subject to the following conditions:—

- (1.) If such agreement covers a longer period of service than three months from the date of such seaman being so left on shore, then such wages shall only be paid for such period of three months and no longer:
- (2.) If the period of service would, according to the agreement, terminate at a shorter interval than three months from the date aforesaid, then such wages shall be paid only up to the date when such period of service would expire and no longer:

But if any such seaman shall in either of such cases recover from his illness within the period for which wages are hereby declared payable, then such wages shall cease to be paid from the expiration of one week after the date of recovery.

3. The "illness" which shall entitle a seaman to the benefits of this Act shall be such as wholly to incapacitate him from the per- Nature of illness.

formance of his duty, and shall be, or appear to be, of such a nature as to require, or be likely to require, medical treatment for a period of not less than one month, and shall, so far as can be ascertained, have been contracted on board or in the service of the ship from which such seaman is so left on shore, or of its owners: Provided always that this and the preceding section shall be read subject to the provisions of section one hundred and five of "The Shipping and Seamen's Act, 1877."

Seaman entitled to discharge.

4. Every such seaman shall, on being so left on shore, be entitled to any certificate or other evidence of his discharge which is required by law to be given to a seaman on his discharge.

Wages, &c., to be left with Collector.

5. Every seaman so left on shore shall be left at a port or place at which there is a Collector or other officer of Customs; and the master of the ship shall forthwith, on the seaman being left ashore, furnish to the Collector or other officer as aforesaid a true account of the wages due to such seaman, and shall then pay to and deposit with such Collector or other officer, in money, the amount of the wages then due, if any, and also a sum equal to the wages computed to the end of the engagement of such seaman, or for three months, as the case may require, and also a reasonable sum, to be determined by such Collector or other officer as aforesaid, estimated to cover the expenses of the maintenance and medical and other attendance of such seaman in a public hospital until his recovery or the end of his engagement, and shall also leave with such Collector or officer the certificate mentioned in section four.

Payments, how applied.

6. Payment of wages to a Collector or other officer of Customs shall be deemed a payment to the seaman, and the Collector or other officer as aforesaid shall pay or apply the money deposited as provided by section five in and towards the maintenance of and attendance upon such seaman either in a hospital or elsewhere, and otherwise in paying for the medical attendance and comfort of such seaman until he shall recover or the money shall be duly expended.

If the Collector or other officer shall, upon the recovery of the seaman and after payment of the charges aforesaid, still have a balance of the moneys aforesaid in his possession, then such Collector or officer shall apply the same as follows:—

(1.) If the seaman shall recover before the end of his engagement or the three months, whichever shall soonest expire, the wages for the balance of the time, less one week, shall, together with any unexpended amount left for hospital expenses, be returned to the master or his representatives; and

(2.) The wages declared by section two to be payable shall be paid to the seaman or his representative less any sum which may necessarily have been expended for the use or benefit of such seaman under this Act.

Discharge of seamen.

7. Any seaman who would be entitled to be dealt with under section two of this Act may require the owner or master of the ship in which he is employed, instead of complying with the said section two and the sections depending thereon, to provide such seaman with a free passage to the port in New Zealand where, in accordance with his agreement, he would be entitled to be discharged; and if such passage is so provided the seaman shall, on arrival at such port, be

deemed to be discharged from his ship, and the liability of such owner or master in respect of such seaman shall be deemed to have determined; subject, however, to the payment by such owner or master of all wages due or payable up to the period when such discharge becomes effectual.

8. If the master of any ship leave any seaman on shore at any place in New Zealand without complying with the provisions of this Act or of any law incorporated therewith, or fails or neglects to deposit such wages in the manner and at the time hereinbefore required, he shall be liable to a penalty not exceeding one hundred pounds. Penalty.

For the purposes of this Act "seaman" includes an apprentice to the sea-service.

9. Subsection four of section one hundred and three of "The Shipping and Seamen's Act, 1877," is hereby repealed. Repeal.