

# SHIPPING AND SEAMEN AMENDMENT BILL

## EXPLANATORY NOTE

This Bill makes miscellaneous amendments to the Shipping and Seamen Act 1952.

*Clause 2:* Section 44 of the principal Act authorizes the Superintendent of Mercantile Marine at Auckland, Wellington, Lyttelton, or Dunedin to engage seamen for Commonwealth ships or home trade ships lying at any port other than the ports named. This clause amends this provision and enables the Superintendent at any of those ports to engage seamen for ships at any port, including those mentioned in section 44.

*Clause 3:* Section 55 (1) of the principal Act prescribes a manning scale for seamen and engine room attendants to be carried on New Zealand ships and home trade ships. This clause provides that the scale is not to apply to ships that do not proceed beyond extended river limits, and restores the position as it existed before the commencement of the principal Act.

*Clause 4:* The purpose of this clause is to bring the law into line with United Kingdom legislation which has recently been enacted to give effect to an agreement made by the United Kingdom with twenty-four other nations, including New Zealand, as to the allowance to be made for engine room space in certain ships.

Section 446 of the principal Act prescribes the allowance to be made for engine room space in measuring the tonnage of ships. The section prescribes a scale to be adopted in the case of ships where the engine room space exceeds 20 per cent of the gross tonnage of the ship, in the case of ships propelled by paddle wheels, or 13 per cent of the gross tonnage in the case of ships propelled by screws. In the case of other ships the engine room space may be measured in the same way if the Minister of Marine and the owner both agree, otherwise the space actually measured in each case is allowed as a deduction from the gross tonnage.

This clause prescribes the allowance to be made for engine room space in the case of certain ships propelled by paddle wheels where that space does not exceed 20 per cent of the gross tonnage and in the case of ships propelled by screws where the space does not exceed 13 per cent of that tonnage.

*Clause 5:* The First Schedule to the principal Act includes provisions that a home trade cargo ship of less than 60 but not less than 25 register tons, must carry a master whose certificate is not lower than that of master of home trade ship, but, where the ship carries cargo only and engages solely in carrying sand, shingle, firewood, or the produce or other goods of the owner to or from any port not served by a regular shipping service, she may carry a master whose certificate is not lower than that of master of ship under 25 register tons carrying cargo only. This clause removes this restriction that the ship must carry only sand, shingle, or firewood or the owner's produce or other goods, and allows the ship to carry a master of that grade irrespective of the type of cargo carried, provided the ship does not carry passengers and is engaged solely in carrying cargo to and from such a port.

*Hon. Mr Goosman*

## SHIPPING AND SEAMEN AMENDMENT

### ANALYSIS

Title.		4. Allowance for engine room space in certain cases.
1. Short Title.		5. Scale of officers for ships plying to ports not served by a regular shipping service.
2. Engagement of seamen for other ports.		
3. Complement of crew.		

### A BILL INTITULED

AN ACT to amend the Shipping and Seamen Act 1952. Title.

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

1. This Act may be cited as the Shipping and Seamen Amendment Act 1954, and shall be read together with and deemed part of the Shipping and Seamen Act 1952 (hereinafter referred to as the principal Act). Short Title. 1952, No. 49
2. Section forty-four of the principal Act is hereby amended by omitting from subsection one the words "other than the ports named in this subsection", and substituting the words "other than the port at which the seamen are engaged". Engagement of seamen for other ports.
3. Section fifty-five of the principal Act is hereby amended by adding the following subsection: Complement of crew.
- "(10) Nothing in this section or in any regulations under this section shall apply with respect to any ship that does not ply or proceed beyond extended river limits."

Allowance for engine room space in certain cases.

Cf. Merchant Shipping Act 1954, s. 1 (U.K.)

4. (1) The principal Act is hereby amended by inserting, after section four hundred and forty-six, the following section:

“446A. (1) Where in the case of a ship to which this section applies the space solely occupied by and necessary for the proper working of the boilers and machinery is thirteen per cent or less of the gross tonnage of the ship, then, in ascertaining the register tonnage of the ship, the deduction allowable for that space under section four hundred and forty-six of this Act— 5

“(a) Shall be computed in accordance with subsection *two* of this section; but 10

“(b) Shall not be made unless the Surveyor of Ships is satisfied that the space provided for the working of the boilers and machinery and the ventilation and lighting of that space are adequate. 15

“(2) Subject to the limit imposed by subsection two of section four hundred and forty-six of this Act, the amount of the said deduction shall be as follows: 20

“(a) If the tonnage of the first-mentioned space is thirteen per cent of the gross tonnage of the ship, the said amount shall be thirty-two per cent of that gross tonnage:

“(b) If the tonnage of that space is less than thirteen per cent of the gross tonnage of the ship, the said amount shall be thirty-two per cent of that gross tonnage proportionately reduced. 25

“(3) In relation to ships propelled by paddle wheels the foregoing provisions of this section shall have effect as if for the references to thirteen per cent and thirty-two per cent there were substituted respectively references to twenty per cent and thirty-seven per cent. 30

“(4) This section applies— 35

“(a) To any ship the keel of which is laid after the commencement of this section; and

“(b) If the owner has made a request in writing to that effect to the Minister, to any ship in respect of which the Surveyor of Ships is for the time being satisfied as mentioned in paragraph (b) of subsection *one* of this section. 40

“(5) Where under the foregoing provisions of this section the making of the deduction mentioned in subsection *one* of this section, or its computation in accordance with subsection *two* of this section, depends on the

5 Surveyor of Ships being satisfied as mentioned in paragraph (*b*) of the said subsection *one*, and the deduction—

“(a) Has been made and so computed but a Surveyor of Ships, on inspecting the ship, fails to be satisfied as aforesaid; or

10 “(b) Has not been made or, as the case may be, has not been so computed, but a Surveyor of Ships on inspecting the ship, is satisfied as aforesaid,—

the Surveyor shall inform the Registrar of Ships, and the

15 register tonnage of the ship shall be altered accordingly.”

(2) Section four hundred and forty-six of the principal Act is hereby amended as follows:

(a) By omitting from paragraph (*b*) of subsection one the words “other ships”, and substituting the words “ships (other than ships to which paragraph (*a*) of this subsection or section

20 four hundred and forty-six<sup>A</sup> of this Act applies),”:

(b) By omitting from subsection two the words “the next succeeding section”, and substituting the words “section four hundred and forty-seven of this Act”.

5. The First Schedule to the principal Act is hereby amended by omitting from the second column of paragraph (*b*) of clause 2 of Part I of that Schedule the words “sand, shingle, firewood, or the produce or other goods of the owner”, and substituting the word “cargo”.

Scale of officers for ships plying to ports not served by a regular shipping service.