



THE
NEW ZEALAND GAZETTE
EXTRAORDINARY.

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WELLINGTON, SATURDAY, SEPTEMBER 2, 1939.

The Shipping Requisitioning Emergency Regulations 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 2nd day of
September, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Public Safety Conservation Act, 1932, and to a Proclamation of Emergency now in force under that Act, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Shipping Requisitioning Emergency Regulations 1939.
2. The Minister of Marine shall have power to requisition and take up for the service of the Navy, Army, or Air Force or for any other service of State any British ship or British vessel registered in New Zealand.
3. The Minister of Marine may delegate the above powers to an officer of the Marine Department, to be designated the Director of Sea Transport.
4. Any act of requisitioning shall be effected by notice in writing signed by the Minister or Director of Sea Transport, as the case may be, and stating that it is given under the authority of these regulations, and shall be sufficient if served upon the owner, agent, or master of the vessel.
5. Any such notice may from time to time be withdrawn, modified, or superseded, wholly or in part, by any subsequent notice.
6. Every notice under these regulations shall take effect according to the tenor thereof but subject to any arrangement that may at any time be made between the Minister or the Director of Sea Transport of the one part and the owner of the other part, and, except in so far as express provision to the contrary is made therein, such notice shall have the effect set out in the succeeding clauses of these regulations.

7. Unless otherwise provided, upon service of a notice that purports to requisition any vessel, the vessel shall forthwith be deemed to be the subject of a charter-party from the owner to His Majesty the King for the hire of the vessel, together with the services of the master and crew thereof, the master and crew remaining the servants of the owner, the vessel to be available for carriage of goods and passengers or goods only or passengers only, and the period of hire to be during the pleasure of His Majesty the King.

8. When any notice takes effect as a charter-party for the hire of a vessel for the carriage of goods with or without passengers, or takes effect as a requisition of cargo-space in any vessel, such goods or cargo may be goods or cargo of His Majesty the King or of any other person, and the master may be required to give bills of lading to His Majesty the King or any shipper of freight for goods or cargo shipped.

9. Unless otherwise provided by a requisitioning notice or agreed with the owner, agent, or master, all express or implied charter-parties, bills of lading, and contracts for the carriage of passengers shall be or be deemed to be in the same terms as these usual in the trade in which the ship is for the time being engaged or was last engaged at the time when the notice was served.

10. The owner of every vessel in respect of which a requisitioning notice has been served under these regulations shall, subject to appropriation by the Legislature of moneys for that purpose, receive payment for the use of the vessel and his services rendered during its employment in the Government service and compensation for loss or damage thereby occasioned.

11. Unless a complete agreement as to use of any vessel has been arrived at between the Crown and the owner covering all matters which are usually included in a charter-party, bill of lading, contract for carriage of passengers, or other like document, or which the Minister or Director of Sea Transport thinks should be so included, the Minister or the Director of Sea Transport at any time may, and as soon as reasonably possible shall, by notice in writing served on the owner, agent, or master of the vessel, require a complete agreement to be framed touching the matters aforesaid by the award of two arbitrators, one to be appointed by the Minister and the other by the owner or his agent in New Zealand, or if there be no such owner or agent, then by the master of the vessel, and of an umpire to be appointed by the said arbitrators according to the provisions of the Arbitration Act, 1908; and any such notice given as provided in this clause shall be deemed to be a submission for the purposes of that Act, and the award shall make such provision, whether retrospective or prospective, as the persons or person making the award shall in their or his discretion deem to be just and reasonable in the circumstances.

12. Any claim for payment or compensation under clause 10 hereof arising prior to the making of a complete agreement as mentioned in clause 11 hereof, or, as the case may be, prior to the issue of an award framed as provided in clause 11 hereof shall, if the parties are unable to agree on the amount of the claim, be settled by a reference to arbitration in the manner provided by clause 11 hereof.

13. All rights of property or contractual or other rights accruing to or vested in His Majesty the King by the operation of any notice under these regulations, and any power, authority, or discretion so accruing or vested, including the institution of arbitral and legal proceedings, may be enforced or exercised by the Minister or the Director of Sea Transport either in his own respective name or in the name of His Majesty the King.

C. A. JEFFERY,
Clerk of the Executive Council.