

DESPATCHES FROM THE SECRETARY OF STATE.

No. 210.

CIRCULAR.

DOWNING STREET,
16th June, 1911.

SIR,—I have the honour to transmit for your information a copy of an Order of the King in Council of the 22nd of March, 1911, relating to the registry of Government Ships in the service of the Admiralty under Section 80 of the Merchant Shipping Act, 1906.

I have, etc.,

L. HARCOURT.

The Officer Administering the Government of
HONGKONG.

ORDER IN COUNCIL, 1911.

AT THE COURT AT BUCKINGHAM PALACE,

THE 22ND DAY OF MARCH, 1911.

PRESENT.

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by section 80 of the Merchant Shipping Act, 1906, power is given to His Majesty by Order in Council to make Regulations as to the manner in which Government ships may be registered as British ships under the Merchant Shipping Acts:

And whereas by the said section it is provided that those Acts shall, subject to any exceptions or modifications which may be made by Order in Council, either generally or as respects any special class of such ships, apply to such ships when registered in accordance with such Regulations:

And whereas the Admiralty will, by such Regulations as they shall from time to time deem fit to make, having regard to the interests of seamen in Government ships in the service of the Admiralty, and of the Public Service, provide for the payment of seamen's wages, advance and allotment of wages, and remittance of seamen's wages by money orders:

And whereas the provisions of section 1 of the Rules Publication Act, 1893, have been complied with:

Now, therefore, His Majesty, by virtue of the powers in this behalf by the said Act, or otherwise in Him vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the following Regulations shall have effect as regards any Government ships in the service of the Admiralty:—

1. An application for registry of a Government ship in the service of the Admiralty shall be made in writing under the hand of the Secretary or Assistant Secretary to the Lords Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland (hereinafter called the Admiralty or the Lords Commissioners of the Admiralty). Such application shall contain the following particulars:—

- (i.) A statement of the name and description of the ship:
- (ii.) A statement of the time when and place where the ship was built; or, if the ship was foreign built and the time and place of building are unknown, a statement to that effect and of her foreign name:
- (iii.) A statement of the nature of the title to the said ship, whether by original construction by or for the Admiralty, or by purchase, capture, condemnation, or otherwise, and a list of the documents of title, if any, in case she was not originally constructed by or for the Admiralty.
- (iv.) A statement of the name of the master.

2. The Registrar, on receiving such application in respect of a Government ship in the service of the Admiralty, shall—

- (i.) enter the ship in the Register Book as belonging to “His Majesty, represented by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland,” and shall also enter therein
- (ii.) the name of the port to which she belongs :
- (iii.) the particulars stated in the application for registration :
- (iv.) the details comprised in the Surveyor’s Certificate.

3. On the registry of a Government ship in the service of the Admiralty the Registrar shall retain in his possession the Surveyor’s Certificate and the application for registry and any documents of title mentioned in such application.

4. Upon the transfer of a registered Government ship in the service of the Admiralty by Bill of Sale, any two of the Lords Commissioners of the Admiralty, in pursuance of section 6 of the Admiralty Act, 1832 (2 and 3 Wm. IV c. 40), shall be the transferors, and the Bill of Sale shall be in Form A. in the proper form prescribed under the principal Act, omitting the covenant therein contained.

5. The application for a Certificate of Sale referred to in sections 39 to 42 and sections 44 to 46 of the principal Act, may be made in respect of a Government ship in the service of the Admiralty by the Secretary or Assistant Secretary of the Lords Commissioners of the Admiralty on their behalf.

6. The Secretary of the Admiralty for the time being shall be deemed to be the managing owner of a registered Government ship in the service of the Admiralty within the meaning of section 59 of the principal Act, and shall be so registered at the Custom House of her registered port by his official style and address.

7. The tonnage of Government ships in the service of the Admiralty shall be ascertained in accordance with tonnage regulations to be made by the Board of Trade with the concurrence of the Admiralty ; and wherever reference is made to tonnage regulations or to the ascertainment of tonnage thereby in any sections of the Merchant Shipping Acts which are applicable to Government ships, such sections shall be read with reference to Government ships as if the tonnage regulations made under this Order in Council were mentioned therein in lieu of the tonnage regulations mentioned in that Act and any schedules thereto.

8. The term “seaman” in section 113 of the principal Act shall not be deemed to mean or include any seaman in His Majesty’s Navy.

9. Where a seaman is lost with a Government ship in the service of the Admiralty, the Admiralty may pay the wages due to him to the person entitled to receive the same.

10. Whenever during the absence of any seaman on a voyage his wife or any of his children or step-children become chargeable to any union or parish in the United Kingdom, the Admiralty may in their discretion reimburse such union or parish out of the wages of the seaman earned during the voyage, any sums properly expended during his absence in the maintenance of those members of his family or any of them, provided that the Admiralty shall not, unless in their opinion such a course shall be warranted by exceptional circumstances, pay sums exceeding the following proportions of the seaman’s wages, namely :—

- (i.) If only one of those members be chargeable, one-half of the wages ;
- (ii.) If two or more of those members are chargeable, two-thirds of the wages.

11. In the case of a shipping casualty to or connected with a Government ship in the service of the Admiralty, the preliminary inquiry and the formal investigation mentioned in sections 465 and 466 of the principal Act may be held either by the Board of Trade or the Admiralty as may be arranged between them, and in the event of such inquiry or investigation being held by the Admiralty, they shall have all the jurisdiction conferred by the Act on the Board of Trade with reference to the same.

12. The power to remove or appoint a master conferred by section 483 of the principal Act shall in the case of a Government ship in the service of the Admiralty not be exercised in the United Kingdom without the consent of the Admiralty, nor elsewhere without the consent of the Senior Naval Officer on the station if obtainable with reasonable dispatch.

13. For the purposes of this Order, section 517 (2) of the principal Act shall be read as if the last 17 words thereof were omitted, and the word “Admiralty” were substituted therefor.

14. The powers conferred by sections 530 to 534 of the principal Act shall not be exercised in the case of Government ships in the service of the Admiralty without the consent of the Admiralty except in regard to lights, buoys, and other matters or things necessary for the immediate protection of the traffic.

15. Nothing in this Order in Council shall be construed as excluding Government ships in the service of the Admiralty from the category of ships belonging to His Majesty within the meaning of sections 557 to 564 of the principal Act.

16. Where any section of the Merchant Shipping Acts which by virtue of the Merchant Shipping Act, 1906, and this Order in Council is applicable to Government ships in the service of the Admiralty imposes any duty or liability or confers any right or power upon or contemplates any act being performed by the owner of a ship such duty, liability, right or power shall, subject always to the other provisions of this Order in Council, be carried out, borne or exercised by the Lords Commissioners of the Admiralty on behalf of His Majesty.

17. No provision of the Merchant Shipping Acts imposing on the owners of a ship any liability to any penalty, debt, damages, costs or proceedings shall, in the case of a Government ship in the service of the Admiralty, have any application to His Majesty or to the Lords Commissioners of the Admiralty. Provided always that where expenses are incurred in respect of seamen belonging to a Government ship in the service of the Admiralty under Part IV of the Merchant Shipping Act, 1906, and the Distressed Seamen Regulations, made in pursuance of section 40 of the said Act which would under the said Act or Regulations be payable by the owners of such vessel, any such expenses will be repaid by the Admiralty.

18. No provision in the Merchant Shipping Acts shall render His Majesty or the Lords Commissioners of the Admiralty liable to pay salvage where no such liability at present exists.

19. No provision contained in the Merchant Shipping Acts providing for the forfeiture or detention of a ship by reason of non-compliance with any enactment therein contained shall have any application to a Government ship in the service of the Admiralty.

20. Notwithstanding anything contained in the Merchant Shipping Acts and this Order in Council the master of a Government ship in the service of the Admiralty shall not be liable for any penalty, debt or damages under any provision of any of the Merchant Shipping Acts in respect of anything done or omitted in pursuance of the Order of the Admiralty or of any officer of His Majesty's Navy.

21. Nothing in the Merchant Shipping Acts or this Order in Council shall render the master or any other persons in charge of or on board a Government ship in the service of the Admiralty liable for displaying any signal authorized by any regulations of the Admiralty.

22. In this Order in Council the term Merchant Shipping Acts shall mean and include any of the Merchant Shipping Acts, any provision of which is by virtue of the Merchant Shipping Act, 1906, and this Order applicable to Government ships.

23. The following sections and provisions of the Merchant Shipping Acts shall not apply to Government ships in the service of the Admiralty registered in pursuance of the provisions of this Order in Council, namely :—

(i.) *The Merchant Shipping Act, 1894:*

Sections 1, 2, 3, 7 (3) and (5), 8 to 12, 16, 23, 27 to 38, 39 to 42 so far as they relate to mortgages, 43, 44 to 46 so far as they relate to mortgages, 48, 49, 50, 52, 54 to 58, 59 (2) and (3), 62, 68 to 71, 72, 74, 76, 84, 85, 87, 103 (4), 105 to 109, 131 to 147, 155 to 158, 162 to 168, 171 (2), 174, 182 to 184, 210, 224 (2), 262 to 264, 267 to 431, 435, 439, 441 (2) and (3), 442, 443 (3) and (4), 444 to 459, 452 to 457, 459 to 461, 468, 472, 492 to 509, 520 (b), 567, 568, 572 to 665, 667 to 679, 689 (2), (3) and (4), 692, 693, 729 (1) (d), and (3), so far as they may relate to any papers or documents belonging to or in the possession of the Crown.

(ii.) *Merchant Shipping Act, 1897.* The whole Act.

(iii.) *The Merchant Shipping (Exemption from Pilotage) Act, 1897.* The whole Act.

(iv.) *The Merchant Shipping (Liability of Shipowners) Act, 1898.* The whole Act.

(v.) *The Merchant Shipping (Mercantile Marine Fund) Act, 1898.* The whole Act.

(vi.) *The Merchant Shipping (Liability of Shipowners) Act, 1900.* The whole Act.

(vii.) *The Merchant Shipping Act, 1906 :*

Sections 1 to 4, 6, 9 to 11, 13 to 24, 25 (3), 26, 35, 38 (2), so much thereof as is subsequent to the word "Master" where it first occurs, (3), 48, except sub-sections (2) and (4), 51 to 53, 57, 60 to 64, 65 (1), 69 to 71, 76, 77, 81, 83.

Provided always that no provision of the Merchant Shipping Acts which, according to a reasonable construction, would not apply in the case of Government ships in the service of the Admiralty, shall be deemed to apply to such ships by reason only that its application is not hereby expressly excluded.

ALMERIC FITZROY.

LEGISLATIVE COUNCIL.

No. 211.—His Majesty the King has not been advised to exercise his power of disallowance with respect to the following Ordinance:—

Ordinance No. 12 of 1911, entitled—An Ordinance to amend the Flogging Ordinance, 1903.

C. CLEMENTI,
Clerk of Councils.

COUNCIL CHAMBER,
12th July, 1911.

APPOINTMENTS, &c.

No. 212.—His Excellency the Governor has, with the approval of the Secretary of State for the Colonies, been pleased to appoint ROBERT OLIPHANT HUTCHISON to be Superintendent of Imports and Exports, with effect from this date.

4th July, 1911.

No. 213.—His Excellency the Governor has been pleased to appoint DAVID WILLIAM TRATMAN to act as District Officer for the Northern District of the New Territories, with effect from this date.

4th July, 1911.

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. 214.—Members of the public are requested to note that all correspondence with public offices should be addressed to the Head of the Department by his official title and not by his name.

Neglect of this rule is likely to lead to delay.

WARREN BARNES,
Colonial Secretary.

14th July, 1911.