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**Overseas Governments(a)**

*Australia.*

*Falkland Islands, p. 74.*

*Fiji, p. 76.*

*New Zealand, p. 78.*

*South Africa, p. 81.*

*Straits Settlements, p. 83.*

**Australia**

ORDER IN COUNCIL UNDER SECTION 80 OF THE MERCHANT SHIPPING ACT, 1906 (6 EDW. 7. C. 48) MAKING REGULATIONS AS TO REGISTRATION OF VESSELS IN THE SERVICE OF THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA.

**1924 No. 1391**

At the Court at Buckingham Palace, the 8th day of December, 1924.

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 :

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- (a) For the Orders in Council relating to :—  
Burma *see* S.R. & O. 1937 (No. 535) p. 1689.  
India *see* S.R. & O. 1929 (No. 986) p. 895.

## MERCHANT SHIPPING

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 it is desirable that certain of the provisions of the Merchant Shipping Acts and any Act amending those Acts shall apply to ships belonging to the Government of the Commonwealth of Australia (not being ships of war forming part of the Navy of the Commonwealth of Australia) hereinafter referred to as "Government ships" :

56 & 57 Vict.  
c. 66.

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 Merchant Shipping Act, 1906, 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 and apply to Government ships of the Commonwealth :—

1. An application for the registry of a Government ship shall be made in writing under the hand of the Permanent Head of the Department of State of the Commonwealth (hereinafter called the Department) controlling the ship. 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 Commonwealth, 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 Commonwealth ;
- (iv) A statement of the name of the Master ;
- (v) A statement that the ship is controlled by the Department of which the applicant is Permanent Head.

2. The Registrar, on receiving an application under the last preceding regulation, shall :—

- (i) enter the ship in the Register Book as belonging to the Commonwealth of Australia, represented by the Department of (giving the name of the Department), 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, 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.

57 & 58 Vict.  
c. 60.

4. Upon the transfer of a registered Government ship by Bill of Sale, the Permanent Head of the Department for the time being shall be the transferor, and the Bill of Sale shall be in Form A in the proper form prescribed under the Merchant Shipping Act, 1894 (hereinafter referred to as the Principal Act), omitting the covenant contained in that form.

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 by the Permanent Head of the Department.

6. The Permanent Head for the time being of the Department controlling a Government ship shall be deemed to be the managing owner of the ship, and shall be so registered, at the Customs House of her registered port by his official style and address.

7. 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 or the Navy of the Commonwealth.

8. Nothing in this Order in Council shall be construed as excluding Government ships from the category of ships belonging to His Majesty within the meaning of Sections 557 to 564 of the Principal Act.

9. 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 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 Permanent Head of the Department in respect of which the ship is registered.

10. 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.

11. The following sections and provisions of the Merchant Shipping Acts shall not apply to Government ships 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 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, 263, 267 to 431, 435, 439, 441 (2) and (3), 442, 443 (3) and (4), 445 to 450, 452 to 457, 459 to 461, 468, 472, 492 to 501, 520 (b), 567, 568, 634 to 665, 667 to 679, 689 (2), (3) and (4), 692, 693 and 729 (1) (d) and (3) so far as they relate to any papers or documents belonging to or in the possession of the Crown.

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

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

(iv) 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), 51 to 53, 57, 76, 77, 81 and 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 shall be deemed to apply to such ships by reason only that its application is not hereby expressly excluded.

*M. P. A. Hankey.*

60 & 61 Vict.  
c. 59.  
61 & 62 Vict.  
c. 44.