

AMENDMENT OF THE COASTAL SHIPPING, PORTS AND HARBOURS REGULATIONS 1938.⁽¹⁾

Statutory Rules.

No. 1 of 1950.

1. Regulation 28 of the *Coastal Shipping, Ports and Harbours Regulations 1938*⁽²⁾ is amended by omitting sub-regulation (4) thereof.

2. Regulation 29 of the *Coastal Shipping, Ports and Harbours Regulations 1938*⁽²⁾ is repealed.

3. Regulation 90 of the *Coastal Shipping, Ports and Harbours Regulations 1938*⁽²⁾ is amended by omitting sub-regulation (1) thereof and inserting in its stead the following sub-regulation:

“(1) The Harbour Master may, after examination, grant to any person a Local Master’s Licence in accordance with Form 4 authorizing the person to command Territory vessels as specified in such Licence up to but not exceeding 150 tons net registered tonnage.”

(1) Particulars of these Regulations are as follows —

Ordinance under which made.	Date on which made by Administrator in Council.	Date on which published in Papua and N.G. Govt. Gaz.	Date on which took effect and came into operation.
<i>Administrator's Powers Ordinance 1923-1938</i>	17.1.1950	6.2.1950	“forthwith” ^(a)

(a) These Regulation stated in their introductory part that they were “to come into operation forthwith”. At the relevant dates in 1950 the *Administrator's Powers Ordinance 1923-1938* (under which these Regulations were made) made no provision as to the date of commencement of Regulations made thereunder but Section 37 (1) of the *Ordinances Interpretation Ordinance 1949* of the Territory of Papua and New Guinea provided that “Regulations . . . made . . . under an Ordinance, unless the contrary intention appears in the Ordinance—

(a) shall be published in the *Gazette*; and

(b) shall . . . take effect from the date of publication, or where another date is specified in the regulations, from the date specified.”

At the relevant dates in 1950, there was no Ordinance or regulation of general application providing for the meaning of “forthwith”.

(2) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. IV., on pp. 4395-4422; as to amendments since 30.10.1945 see the Supplementary Table printed in this Volume on p. 1786.

PART C : SHIPPING—

4. Regulation 91 of the *Coastal Shipping, Ports and Harbours Regulations* 1938⁽²⁾ is amended—

(a) by omitting from sub-paragraph (b) the figures “40” and inserting in their stead the figures “150”.

(b) by omitting sub-paragraph (c).

(c) by omitting sub-paragraph (d) and inserting in its stead the following sub-paragraph:

“(d) has a knowledge of the waters, coastal winds, tides, currents and local conditions of the Territory; and”

5. Regulation 96 of the *Coastal Shipping, Ports and Harbours Regulations* 1938⁽²⁾ is amended by omitting the figures “99” and “102”.

6. Regulation 98 of the *Coastal Shipping, Ports and Harbours Regulations* 1938⁽²⁾ is omitted and the following Regulation is inserted in its stead:

“98.—(1.) A vessel exceeding 40 tons net registered tonnage but not exceeding 150 tons net registered tonnage proceeding to sea may be commanded by a person holding a British or Foreign Master's Certificate, First Mate's Certificate, or by a person licensed under regulation 90 of these Regulations and shall carry in addition to the master a person not necessarily certificated but who is approved by the Chief Collector.

(2.) A vessel exceeding 150 tons net registered tonnage but not exceeding 300 tons net registered tonnage proceeding to sea may be commanded by a person holding a British or Foreign Master's Certificate or First Mate's Certificate and shall carry in addition to the master one person holding a British or Foreign Master's Certificate, First Mate's Certificate or Second Mate's Certificate or a Local Master's Licence granted under Part IX of these Regulations where the person holding such Licence is approved by the Chief Collector.”

7. Regulation 99 of the *Coastal Shipping, Ports and Harbours Regulations* 1938⁽²⁾ is omitted and the following Regulation is inserted in its stead:

“99. A vessel exceeding 300 tons net registered tonnage shall carry in addition to the master one person holding a British or Foreign First Mate's Certificate and an additional person, not necessarily certificated, but whose engagement is approved by the Chief Collector.”

8. Regulation 102 of the *Coastal Shipping, Ports and Harbours Regulations* 1938⁽²⁾ is hereby repealed.

9. The First Schedule to the *Coastal Shipping, Ports and Harbours Regulations* 1938⁽²⁾ is amended by omitting from Form 4 the figure “40”.

(2) See footnote (2) printed on p. 1929.