

PART V.—SHIP'S ARTICLES.

Internal Discipline and Engagement and Discharge of Seamen.

Article 13.—The form and contents of ship's articles if first opened in a Part of the Commonwealth shall be those prescribed by the law of that Part, and if first opened elsewhere than within the British Commonwealth shall be those prescribed by the law of the Part in which the ship is registered.

Article 14.—The powers and duties with respect to discipline on board a ship registered within the British Commonwealth shall, in so far as they are not derived from the ship's articles, be those made and provided by the laws and regulations in force in the Part of the Commonwealth in which the ship is registered.

Provided that if and so long as a ship, registered in one Part of the Commonwealth, is engaged wholly or mainly in the coasting trade of another Part, the powers and duties with respect to such discipline may be those made and provided by the laws and regulations in force in that other Part.

Provided also that in the case of a ship which is trading from a Part of the Commonwealth in which the principal place of business of her owners is situated, and not trading to the Part of the Commonwealth in which she is registered, the powers and duties with respect to such discipline may be those made and provided by the laws and regulations in force in the former Part.

Article 15.—Provision shall be made by law in each Part of the Commonwealth that whenever a seaman or apprentice deserts in that Part from a ship registered in another Part any Court exercising summary jurisdiction in the Part in which the seaman or apprentice has deserted, and any Justice or officer of such Court shall, on the application of the master of the ship, aid in apprehending the deserter, and for that purpose may, on information given on oath, issue a warrant for his apprehension, and, on proof of the desertion, order him to be conveyed on board his ship or delivered to the master or mate of his ship, or to the owner of the ship or his agent, to be so conveyed.

PART VI.—CERTIFICATES OF OFFICERS.

Article 16.—The standards of qualification to be required of applicants for certificates of competency and of service shall so far as possible be equal and alike throughout the British Commonwealth, and shall not be lower than those at present established.

Article 17.—Subject to any special provisions that may be made by any Part of the Commonwealth as to the qualifications to be required of officers on ships engaged in its coasting trade, a valid certificate of competency or service granted by one Part of the Commonwealth will be recognized throughout the British Commonwealth as indicating that the holder is duly qualified accordingly when serving on board any ship registered in that Part.

PART VII.—SHIPPING INQUIRIES.

Article 18.—The Government of each Part of the Commonwealth agrees to assist the Governments of the other Parts by providing for officers to hold preliminary inquiries (including the taking of depositions) into casualties to ships registered in such other Parts.

Article 19.—No Government of any Part of the Commonwealth will cause a formal investigation to be held into a casualty occurring to a ship registered in another Part, save at the request or with the consent of the Government of that Part in which the ship is registered.

Provided that this restriction shall not apply when a casualty occurs on or near the coasts of a Part of the Commonwealth or whilst the ship is wholly engaged in the coasting trade of a Part of the Commonwealth.

Article 20.—In all Parts of the Commonwealth the laws and regulations relating to the matters following, namely:—

- Constitution of Courts having jurisdiction to hold formal investigations ;
- Holding of such Courts with the assistance of assessors ;
- Classification of assessors according to their qualifications ;
- Selection of assessors according to the nature of the questions to be raised ;
- Notice of investigation and the service thereof ;
- Opportunity to be given to any person whose conduct may be impugned of making a defence ;
- Procedure on the hearing ;
- Rehearings and appeals—

shall be, as far as possible, alike, and shall be based upon the provisions relating to formal investigations contained in Part VI of the Merchant Shipping Act, 1894, and the Shipping Casualties and Appeals and Rehearings Rules, 1923, made pursuant thereto.

Provided that—

- (1) The Administration of that Part of the Commonwealth in which a formal investigation is held shall alone be competent to order a rehearing thereof ;
- (2) An appeal from a decision of a Court of formal investigation shall lie to a Court in the Part of the Commonwealth in which the formal investigation was held, and that Court shall be similar in its constitution and jurisdiction to a Divisional Court of Admiralty in England ;
- (3) A Court of formal investigation shall be empowered to cancel or suspend a certificate of competency or service granted by the Administration of another Part of the Commonwealth so only as to effect its validity within the jurisdiction of the Part in which the investigation is held, but the Administration by which the certificate was granted may adopt such cancellation or suspension.