

1914.
NEW ZEALAND.

WIRELESS-TELEGRAPH APPARATUS

(REGULATIONS FOR CONTROL OF SHIPS CARRYING).

*Presented to both Houses of the General Assembly in accordance with the Provisions of
Section 133 of the Post and Telegraph Act, 1908.*

REGULATIONS FOR CONTROL OF SHIPS CARRYING WIRELESS-TELEGRAPH APPARATUS WHILE WITHIN TERRITORIAL WATERS OF NEW ZEALAND.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this thirteenth day of July, 1914.

Present: His Excellency the Governor in Council.

WHEREAS by section nine of the Post and Telegraph Amendment Act, 1913 (hereinafter termed "the said Act"), it is provided that the Governor may from time to time by Order in Council make such regulations as he thinks proper governing the use of wireless-telegraph apparatus on merchant ships, whether foreign ships or British ships not registered in New Zealand, while within the territorial waters of New Zealand, and that such regulations may provide for the detention of any merchant ship on which a breach of the regulations has been made pending the institution and determination of proceedings in respect of such breach and the recovery of any fine imposed in respect thereof:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the power and authority conferred upon him by the said Act, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations; and doth hereby order that such regulations shall have effect on and from the date of publication of this Order in Council in the *New Zealand Gazette*.

REGULATIONS.

1. In these regulations, if not inconsistent with the context,—

- "Territorial waters of New Zealand" means and includes all tidal waters included within the Dominion of New Zealand, and all parts of the open sea within one marine league of the coasts of that Dominion measured from low-water mark:
- "Minister of Telegraphs" means the Minister of Telegraphs for the time being:
- "Wireless telegraphy" has the same meaning as in section 162 of the Post and Telegraph Act, 1908:
- "Telegraph" has the same meaning as in section 119 of the Post and Telegraph Act, 1908:
- "Naval signalling" means signalling by means of any system of wireless telegraphy between two or more ships of His Majesty's Navy, between ships of His Majesty's Navy and naval stations, or between a ship of His Majesty's Navy or a naval station and any other wireless-telegraph station, whether a coast station or a ship station:
- "The Admiralty" means the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland:
- "Coast station" means a wireless-telegraph station which is established on land or on board a ship permanently moored, and which is open for the service of correspondence between the land and ships at sea:
- "Ship station" means a wireless-telegraph station established on board a ship which is not permanently moored.

2. These regulations shall apply only to foreign merchant ships and to British merchant ships not registered in New Zealand, while such British or foreign ships are within the territorial waters of New Zealand.

3. All apparatus for wireless telegraphy on board a merchant ship while in the territorial waters of New Zealand shall be worked in such a way as not to interfere with Naval signalling, or with the working of any wireless-telegraph station lawfully established, installed, or worked in the Dominion of New Zealand or the territorial waters thereof; and, in particular, the said apparatus shall be so worked as not to interrupt or interfere with the transmission of messages between wireless-telegraph stations established on ships at sea and wireless-telegraph coast stations.

4. No apparatus for wireless telegraphy on board a merchant ship shall be worked or used while such ship is in any of the harbours of the Dominion of New Zealand, except with the consent in writing of the Minister of Telegraphs.

5. The foregoing regulations shall not apply to the use of wireless telegraphy for the purpose of making or answering signals of distress.

6. If and whenever an emergency shall have arisen in which it is expedient in the public interest that His Majesty's Government shall have control over the transmission of messages by the said apparatus, it shall be lawful for any officer of His Majesty's Navy or Army, or for any other person authorized in that behalf by the Admiralty, or by the Minister of Telegraphs, to take possession of or to cause the said apparatus or any part thereof to be taken possession of in the name and on behalf of His Majesty, and to be used for His Majesty's service and subject thereto for such ordinary services as to the said officer or person may seem fit; and in that event any person authorized by the said officer or person may enter upon any ship on which such apparatus is installed and take possession of the said apparatus and use the same as aforesaid.

7. Any such officer or person may in such event as aforesaid, instead of taking possession of the said apparatus as aforesaid, direct and authorize such persons as he may think fit to assume the control of the transmission of messages by the said apparatus, either wholly or partly, and in such manner as he may direct, and such persons may enter upon any ship on which the said apparatus is installed accordingly; or the said officer or person may direct the person or persons in charge of the said apparatus to submit to him, or any person authorized by him, all messages tendered for transmission or arriving by the said apparatus, or any class or classes of such messages, to stop or delay the transmission of any messages, or deliver the same to him or his agent, and generally to obey all such directions with reference to the transmission of messages as the said officer or person may prescribe, and the said person or persons in charge of the said apparatus shall obey and conform to all such directions.

8. If any breach of these regulations is committed by any person on board any ship while in the territorial waters of New Zealand, the person so committing the same and the owner and master of the ship shall be severally liable on summary conviction to a fine not exceeding £100.

9. Whenever the Minister of Telegraphs or the Secretary of the Post Office has reasonable cause to believe or suspect that any breach of these regulations has been committed on board any ship while in the territorial waters of New Zealand, he may give notice in writing to the Collector of Customs at any port in New Zealand to detain the ship, under section 9 of the Post and Telegraph Amendment Act, 1913, until the sum of £100, or such smaller sum as may be specified in the notice, has been deposited with the Collector by or on behalf of the owner of the ship.

10. If on the receipt of that notice, or at any time within three months thereafter, the ship is found within such port, the Collector of Customs shall withhold the certificate of clearance of such ship, under section 35 of the Customs Act, 1913, until and unless the aforesaid sum is deposited with him or the aforesaid notice of detention is withdrawn.

11. If within six months after the date of the offence in respect of which the ship has been detained a conviction for that offence is obtained against any person, the sum so deposited shall be available for the satisfaction of any fine and costs imposed or awarded by the conviction, and the residue, if any, shall be returned to the person by whom the deposit was made.

12. If within the period of six months aforesaid no such conviction is obtained, the sum so deposited shall be returned to the person by whom it was deposited.

J. F. ANDREWS,
Clerk of the Executive Council.

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