

*The New Position.*

91. Our general conclusions on the operation of Dominion legislation, including the recommendations regarding extra-territorial effect of Dominion laws, the Colonial Laws Validity Act, 1865, reservation and disallowance, are applicable to the constitutional position of legislation affecting merchant shipping.

92. When these conclusions are given effect to, and the restrictions imposed on Dominion Parliaments by sections 735 and 736 of the Merchant Shipping Act, 1894, are removed by the Parliament of the United Kingdom, which we recommend should be done, there will no longer be any doubt as to the full and complete power of any Dominion Parliament to enact legislation in respect of merchant shipping, nor will Dominion laws be liable to be held inoperative on the ground of repugnancy to laws passed by the Parliament of the United Kingdom.

93. The new position will be that each Dominion will, amongst its other powers, have full and complete legislative authority over all ships while within its territorial waters or engaged in its coasting trade; and also over its own registered ships both intra-territorially and extra-territorially. Such extra-territorial legislation, will, of course, operate subject to local laws while the ship is within another jurisdiction.

94. The ground is thus cleared for co-operation amongst the members of the British Commonwealth of Nations on an equal basis in those matters in which practical considerations call for concerted action. This concerted action may take the form of agreements, for a term of years, as to the uniformity of laws throughout the British Commonwealth of Nations; as to the reciprocal aid in the enforcement of laws in jurisdictions within the British Commonwealth outside the territory of the enacting Parliament; and as to any limitations to be observed in the exercise of legislative powers.

*Recommendations.*

95. As shipping is a world-wide interest, in which uniformity is from the nature of the case desirable, there is a strong presumption in favour of concerted action between the members of the British Commonwealth in shipping matters, but this concerted action must from its nature result from voluntary agreements by the members of the Commonwealth; it should be confined to matters in which concerted action is necessary or desirable in the common interest; it should be sufficiently elastic to permit of alterations being made from time to time as experience is gained; and it must not prevent local matters being dealt with in accordance with local conditions. The kind of agreement which we have in mind in making our recommendations is one, extending over a fixed period of years and providing for revision from time to time.

96. It would be difficult, and is not necessary, at the present stage to frame a complete list of the shipping questions on which uniformity is desirable, but certain matters stand out clearly, and we submit the following recommendations with regard to them:—

97. *Common Status.*—(a) There should be agreed uniform minimum qualifications for ownership to govern the admission of ships to registry in all parts of the British Commonwealth of Nations. The provisions of section 1 of the Merchant Shipping Act, 1894, would appear to form a suitable basis for that purpose.

(b) Ships complying with these agreed qualifications for ownership and registered in any part of the British Commonwealth of Nations will possess a common status for all purposes, and will be entitled to the same recognition as is now accorded to British ships.

98. *Standards of Safety.*—(a) It is desirable in the interests of all parts of the Commonwealth that uniform standards should be observed in all matters relating to the safety of the ship and those on board, so that the substantial uniformity which at present prevails in these matters on all ships of the British Commonwealth of Nations should be maintained and their reputation preserved.

(b) With regard to the means for securing this uniformity it is to be observed that the tendency is for matters relating to the safety of the ship and those on board to be regulated by international agreements such as the International Convention for the Safety of Life at Sea, 1929, which deals with the construction of passenger-ships, life-saving appliances on passenger-ships, radio-telegraphy, and certain matters