

# CHAPTER XXX.—THE ANNUAL REGISTER, 1934-36.

## Section 1.—Dominion Legislation, 1934-35.

**NOTE.**—In the review of Dominion legislation of the Fifth Session of the Seventeenth Parliament, pp. 1178 to 1189 of the 1934-35 Year Book, the Canada Shipping Act, c. 44, was not dealt with since, at the time of going to press, it had not been proclaimed. Notice has been given that the Act will come into force on Aug. 1, 1936, and it is, therefore, summarized hereunder.

The reasons for the enactment of the Shipping Act, which is a very comprehensive piece of legislation, are as follows: Until the passage of the Statute of Westminster, in 1931, the Canadian Parliament had not the full responsibility of regulating Canadian shipping. That is, certain phases of our shipping business were regulated by the provisions of the Imperial Merchant Shipping Acts. With the passage of the Statute of Westminster the responsibility to legislate with regard to shipping was entirely passed to the Parliament of Canada. By that statute the Parliament of Canada is enabled, if it so desires, to repeal sections of Imperial statutes applicable to this Dominion and to re-enact their provisions or to substitute other provisions in lieu thereof. The purpose of the Shipping Act of 1934 was to meet this provision of the Statute of Westminster (it repeals certain provisions of the Merchant Shipping Acts of the United Kingdom which have heretofore been applicable to Canadian shipping) and at the same time to remodel the Shipping Act of Canada so as to bring it more into conformity with present developments. There are also included in the new Act provisions of certain international conventions on the subject of shipping which are of importance. The four which are included practically in their entirety in this Act are the Safety of Life at Sea Convention, the Load Line Convention, the International Convention Concerning Seamen's Articles of Agreement, and the International Convention concerning the Repatriation of Seamen. The incorporation of these conventions into the fabric of our shipping law involved a large number of changes.

Certain other Acts of the Parliament of Canada have been incorporated into the present shipping law as the subject matter of this legislation properly comes under this heading of Dominion legislative authority. For example, the Maritime Conventions Act, Chapter 126 of the Revised Statutes of Canada, has been incorporated in the new revision and is now made a part of the Shipping Act of Canada.

The Act has been framed so as to be in conformity with any similar Acts which may be enacted by the other Dominions or by the Imperial Parliament.

### The Canada Shipping Act—Passed at Fifth Session, Seventeenth Parliament, Jan. 25 to July 3, 1934.

**Canada Shipping Act.**—This Act, administered by the Minister of Marine (except as regards Part V, which governs the health and hospitalization of mariners) deals in 16 parts with the regulation of coasting and inland as well as ocean shipping. Part I deals with the conditions governing the recording and the registering of vessels; vessels about to be built *may* be recorded, and vessels being built or equipped *must* be recorded, by a registrar of British ships under the Act. Section 7 states that unregistered ships, even though owned by persons qualified to be owners of British ships, are not recognized as British ships unless of a class exempt from registration. The procedure for the registration in Canada of British ships and the issuance of certificates is laid down in ss. 9-36. Ss. 64-70 govern the registry of alterations (or the registering anew if such be required) and lay down penalties for non-compliance with the requirements. The conditions governing transfer of registry are also laid down.

Part II of the Act deals in detail with the proper certification of masters, mates and engineers of all except certain smaller vessels.

Part III is concerned with the engagement and discharge of seamen and the facilities to be provided by shipping masters for this purpose, as well as for the making of apprenticeships to the sea service. The payment of wages to seamen, and the rights of seamen in respect thereto, are dealt with in ss. 184-214. The remainder of this Part is concerned with various protective measures for the employment and welfare of seamen.

Part IV lays down provisions for the relief and repatriation of distressed seamen.

Part V governs the treatment of sick mariners and the establishment of marine hospitals. This Part of the Act is to be administered by the Minister named by the Governor in Council.