1958 No. 143

The Merchant Shipping (Foreign Deserters) (Italian Republic) Order, 1958

Made - - - -	28*th January*, 1958
Laid before Parliament	3*rd February*, 1958
Coming into Operation	4*th February*, 1958

At the Court at Buckingham Palace, the 28th day of January, 1958

Present,

The Queen's Most Excellent Majesty in Council

Whereas it appears to Her Majesty that due facilities are given by the Government of the Italian Republic for recovering and apprehending seamen who desert from British merchant ships in that country :

Now, therefore, Her Majesty, in pursuance of the powers vested in Her by sections 238 and 738 of the Merchant Shipping Act, 1894(**a**), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order and declare, and it is hereby ordered and declared, as follows :—

1.—(1) This Order may be cited as the Merchant Shipping (Foreign Deserters) (Italian Republic) Order, 1958, and shall come into operation on the fourth day of February, 1958.

(2) In this Order—

(*a*) the expressions "Colony" and "British protected person" have respectively the same meanings as they have in or for the purposes of the British Nationality Act, 1948(**b**) ; and

(*b*) the expression "the Italian Republic" means the territory of the Republic and all territories for whose international relations Italy is responsible.

(3) The Interpretation Act, 1889(**c**), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(4) Any reference in this Order to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended by or under any subsequent enactment.

2. The provisions of the Order in Council relating to seamen who desert from merchant ships belonging to subjects of the King of Italy made on the 11th day of June, 1863(**d**), by virtue of the powers vested in Her late Majesty Queen Victoria by the Foreign Deserters Act, 1852(**e**), and published in the London Gazette on the 12th day of June, 1863, to the extent to which those provisions relate to seamen who when within the United Kingdom, any of the Channel Islands, the Isle of Man or any Colony desert from merchant ships belonging to subjects of the Italian Republic, are hereby revoked

(**a**) 57 & 58 Vict. c. 60. (**b**) 11 & 12 Geo. 6. c. 56. (**c**) 52 & 53 Vict. c. 63.
(**d**) Rev. XIV, p. 150. (**e**) 15 & 16 Vict. c. 26.

3. Section 238 of the Merchant Shipping Act, 1894, shall apply in the case of the Italian Republic subject to the following limitations, conditions and qualifications, namely,

(*a*) the said section shall only apply as respects seamen and apprentices who desert from ships registered at any port in the Italian Republic, and when those ships are within the United Kingdom, any of the Channel Islands, the Isle of Man or any Colony ; and

(*b*) nothing in the said section shall be taken to confer any power or impose any duty or obligation on any court, justice or officer in relation to the apprehension, or conveyance on board his ship, of any deserter who satisfies that court, justice or officer that he is :—

(i) a citizen of the United Kingdom and Colonies or a Southern Rhodesian citizen or a British protected person ; or

(ii) a person in respect of whom there is reasonable ground for believing that his life or liberty will be endangered for reasons of race, nationality, political opinion or religion, in any country to which his ship is likely to go.

W. G. Agnew.

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

The purpose of this Order is to provide for the apprehension of deserters from Italian merchant ships at ports in the United Kingdom, the Channel Islands, the Isle of Man or any Colony, and with certain exceptions for their return to their ships, so as to give effect to provisions contained in the Consular Convention between the United Kingdom and Italy signed at Rome on 1st June, 1954.

1958 No. 1048

The Merchant Shipping (Certificates of Competency as A.B.) (Republic of Ireland) Order, 1958

Made - - - -	*25th June*, 1958
Laid before Parliament	*1st July*, 1958
Coming into Operation	*11th July*, 1958

At the Court at Buckingham Palace, the 25th day of June, 1958

Present,

The Queen's Most Excellent Majesty in Council.

Whereas provision is made by the law of the Republic of Ireland for the grant of certificates of competency as A.B.:

And Whereas the Minister of Transport and Civil Aviation has reported to Her Majesty that he is satisfied that the conditions under which such certificates are granted require standards of competency not lower than those required for the grant of a certificate in pursuance of regulations made under section 5 of the Merchant Shipping Act, 1948(a) :

(a) 11 & 12 Geo. 6. c. 44.