(2) The principal Order and this Order may be cited together as the Kenya Protectorate Maritime Orders in Council, 1926 and 1958.

(3) This Order shall come into operation on the 21st day of March, 1958.

2. Section 3 of the principal Order is hereby revoked and the following Section substituted therefor :—

"3. The Registrar of British ships at the Port of Mombasa shall be such officer in the service of the East Africa High Commission as the Governor of Kenya may from time to time appoint by writing signed by him and in default of such appointment shall be the Senior Harbour Master at the said port."

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 make provisions governing appointment to the Office of Registrar of British Ships at Mombasa.

MASTERS AND SEAMEN

1958 No. 142

The Merchant Shipping (Foreign Deserters) (Federal Republic of Germany) 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 Federal Republic of Germany 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) (Federal Republic of Germany) Order, 1958, and shall come into operation on the fourth day of February, 1958.

(a) 57 & 58 Vict. c. 60.

(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(a); and

(*b*) the expression "Federal Republic of Germany" means the territory of the Federal Republic of Germany and Land Berlin.

(3) The Interpretation Act, 1889(b), 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 Deserters from Foreign Ships Order, 1934(c), to the extent to which those provisions relate to seamen and apprentices who desert from merchant ships belonging to subjects of the Federal Republic of Germany, are hereby revoked.

3. Section 238 of the Merchant Shipping Act, 1894, shall apply in the case of the Federal Republic of Germany 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 Federal Republic of Germany, 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 merchant ships registered in the Federal Republic of Germany 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 the Federal Republic of Germany signed at Bonn on 30th July, 1956.

(a) 11 & 12 Geo. 6. c. 56. (b) 52 & 53 Vict. c. 63.
(c) S.R. & O. 1934/893 (Rev. XIV, p. 146: 1934 I, p. 1212).