STATUTORY INSTRUMENTS

1964 No. 1403

MERCHANT SHIPPING

MASTERS AND SEAMEN

The Merchant Shipping (Foreign Deserters) (Kingdom of Belgium) Order 1964

Made - - - -	*2nd September* 1964
Laid before Parliament	*8th September* 1964
Coming into Operation	*1st October* 1964

At the Court at Buckingham Palace, the 2nd day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas it appears to Her Majesty that due facilities will be given by the Government of the Kingdom of Belgium 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 Her enabling 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) (Kingdom of Belgium) Order 1964 and shall come into operation on the 1st October 1964.

(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);

(*b*) the expression "a national" means:—

(i) a citizen of the United Kingdom and Colonies;

(ii) a citizen of Southern Rhodesia;

(iii) a citizen of the Irish Republic who has made a claim to retain the status of a British subject under section 2 of the British Nationality Act 1948;

(iv) a person who under section 13(1) of the British Nationality Act 1948 is a British subject without citizenship; or

(v) a British protected person;

(*c*) the expression "the Kingdom of Belgium" means the national territory of Belgium.

(a) 57 & 58 Vict. c. 60. (b) 11 & 12 Geo. 6. c. 56.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of this Order as it applies for 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 His late Majesty the King of Belgium, made on the 8th day of February 1855(b) by virtue of the powers vested in Her late Majesty Queen Victoria by the Foreign Deserters Act 1852(c) and published in the London Gazette on the 13th February 1855 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 Kingdom of Belgium are hereby revoked.

3. Section 238 of the Merchant Shipping Act 1894 shall apply in the case of the Kingdom of Belgium subject to the following limitations, conditions and qualifications, namely :—

(*a*) the said section shall apply only as respects seamen and apprentices who desert from ships registered at any port in the Kingdom of Belgium 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 is :—

(i) a national within the meaning of Article 1(2) of this Order ; or

(ii) a person in respect of whom there is reasonable ground for believing that his life or liberty will be endangered, afloat or ashore, 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.)

This Order provides with certain exceptions for the apprehension and return to their ship of deserters from Belgian merchant ships at ports in the United Kingdom, the Channel Islands, the Isle of Man or any Colony, and gives effect to provisions contained in the Consular Convention between the United Kingdom and the Kingdom of Belgium signed at Brussels on the 8th March 1961.

(a) 52 & 53 Vict. c. 63. (b) Rev. XIV, p. 142. (c) 15 & 16 Vict. c. 26.