



FIFTH SUPPLEMENT  
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FRIDAY, 4 JUNE, 1915

At the Court at *Buckingham Palace*, the 2nd day of *June*, 1915.

PRESENT,

The KING's Most Excellent Majesty in Council.

**W**HEREAS by an Order in Council, dated the twenty-eighth day of November, nineteen hundred and fourteen, His Majesty was pleased to make Regulations (called the Defence of the Realm (Consolidation) Regulations, 1914) under the Defence of the Realm Consolidation Act, 1914, for securing the public safety and the defence of the Realm :

And whereas the said Act has been amended by the Defence of the Realm (Amendment) Act, 1915, and the Defence of the Realm (Amendment) No. 2 Act, 1915 :

And whereas the said Regulations have been amended by Orders in Council, dated the twenty-third day of March, the thirteenth day of April, and the twenty-ninth day of April, nineteen hundred and fifteen :

And whereas it is expedient further to amend the said Regulations in manner hereinafter appearing :

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to

order, and it is hereby ordered that the following amendments be made in the said Regulations :—

1. After Regulation 38 the following Regulation shall be inserted :—

“ 38A. If any vessel causes any injury by collision or otherwise to any ship belonging to or engaged in the service of His Majesty or to any person on board such ship, or is so navigated or managed as to cause danger of collision with any ship belonging to or engaged in the service of His Majesty, the master or other person in charge of the vessel shall be guilty of an offence against these regulations, unless it is shown that such injury or danger of collision was not caused or contributed to by any failure on his part to keep or cause to be kept a proper lookout, or to observe or cause to be observed any of the regulations for preventing collisions at sea or any regulations relating to the navigation or mooring of ships in a harbour or the approaches thereto or any of these regulations, or to take or cause to be taken any precaution required by the ordinary practice of seamen or by the special circumstances of the case.

“ This regulation shall not apply to a vessel not being a British vessel where the injury or danger takes place on the high seas outside the

territorial waters adjacent to the United Kingdom."

2. After Regulation 39 the following Regulation shall be inserted:—

"39A. If a seaman lawfully engaged in accordance with the Merchant Shipping Acts, 1894 to 1914, to serve on board any British ship belonging to or chartered or requisitioned by the Admiralty—

(a) neglects or refuses without reasonable cause to join his ship, or to proceed to sea in his ship, or deserts or is absent without leave from his ship or from his duty at any time; or

(b) joins his ship in a state of drunkenness so that the performance of his duties or the navigation of his ship is thereby impeded;

he shall be guilty of an offence against these regulations; and the master, mate, or owner of the ship, or his agent, or any naval or military officer, or any superintendent as defined by the Merchant Shipping Acts, 1894 to 1914, may, with or without the assistance of any police constable, convey on board his ship any seaman whom he has reason to believe to be guilty of an offence under paragraph (a) of this regulation, and police constables are hereby directed to give assistance if required.

"The exercise of the powers conferred by this regulation shall not be subject to the restrictions imposed by the Merchant Shipping Acts, 1894 to 1914, on the exercise of any similar powers conferred by those Acts."

3. At the end of Regulation 56, the following paragraph shall be inserted:—

"(13) Where a person is alleged to be guilty of an offence against these regulations which

appears to the Director of Public Prosecutions in England, the Lord Advocate in Scotland, or the Attorney-General for Ireland in Ireland, to be a press offence as hereinafter defined, the case, instead of being referred to the competent naval or military authority, shall be referred to the Director of Public Prosecutions, the Lord Advocate, or the Attorney-General for Ireland, as the case may be, who shall investigate the case and determine whether or not the case is to be proceeded with, and, if it is to be proceeded with, whether it is to be tried by a court of summary jurisdiction, or by a civil court with a jury, or, subject to the rights of the offender if a British subject under the Defence of the Realm (Amendment) Act, 1915, and to the consent of the Admiralty or Army Council, by court-martial.

"For the purposes of this provision 'press offence' means the publication or attempted publication, or communication or attempted communication for publication, in any newspaper or other periodical, or any reprint of any part thereof, of any information, report, or statement in contravention of the provisions of these regulations, and where the person alleged to be guilty of such an offence is also alleged to be guilty of any other offence against these regulations in relation to the information so published or communicated, or attempted to be so published or communicated, such other offence shall also be treated as a press offence. The decision of the Director of Public Prosecutions, the Lord Advocate, or the Attorney-General for Ireland, as to whether an alleged offence is a press offence or is to be treated as a press offence, shall be conclusive."

*Americ FitzRoy.*