

Regulations Are Outlined For Ships Under Neutrality

Following regulations are contained in a pamphlet of the Commerce Department's Bureau of Marine Inspection and Navigation interpreting the shipping provisions of the Neutrality Act and its relationship to shipments of merchandise to combat and neutral areas that was used by local customs officials in prescribing rules for export shipments:

TITLE 46—SHIPPING

CHAPTER I—Bureau of Marine Inspection and Navigation, Subchapter A—Documentation, Entrance and Clearance of Vessels, etc.

Part V. FOREIGN CLEARANCES is amended by the addition of ten new sections numbered 5.80 to 5.89 inclusive, to read as follows:

5.80 VESSEL STATEMENT. No clearance shall be granted to any vessel (watercraft or aircraft) which is required by subsection (1) of section 2 of the Neutrality Act of 1939 to file a sworn statement with a collector of customs, until a Vessel Statement (Commerce Form 1374 A) sworn to by the master of the said vessel has been filed with the collector of customs at or nearest to the port or place of departure of such vessel.

5.81 VESSELS REQUIRED TO FILE VESSEL STATEMENT. The following vessels (watercraft or aircraft) are required by subsection (1) of section 2 of the Neutrality Act of 1939 to file the sworn statement:

(a) Every American vessel (other than aircraft) transporting mail, passengers, or any articles or materials to any port of a belligerent state located in any of the following areas:

(1) In the Western Hemisphere south of thirty-five degrees north latitude.

(2) In the Western Hemisphere north of thirty-five degrees north latitude and west of sixty-six degrees west longitude.

(3) On the Pacific or Indian Oceans, including the China Sea, the Tasman Sea, the Bay of Bengal, and the Arabian Sea and any other dependent waters of either of such oceans, seas, or bays.

(4) On the Atlantic Ocean or its dependent waters south of thirty degrees north latitude.

(b) Every American aircraft transporting mail, passengers, or any articles or materials to any port of a belligerent State located in any of the following areas:

(1) In the Western Hemisphere.
(2) On the Pacific or Indian oceans, including the China Sea, the Tasman Sea, the Bay of Bengal and the Arabian Sea, and any other dependent waters of either of such oceans, seas, or bays.

(c) Every vessel (watercraft or aircraft) of a neutral foreign State transporting any articles or materials other than arms, ammunition, or implements of war to any port of a belligerent State located in any of the areas listed in subsection (a) of this section, so long as such port is not included within a combat area.

5.82 AMERICAN VESSELS DENIED CLEARANCE TO BELLIGERENT STATES. No clearance shall be granted to any American vessel (watercraft or aircraft) carrying passengers or any articles or materials to any belligerent State, with the following exceptions:

(a) Where such American vessel (other than aircraft) proceeds on lakes, rivers and inland waters bordering on the United States.

(c) Where such American vessel (other than aircraft) carrying mail, passengers or any articles or materials (except arms, ammunition, or implements of war, unless such arms, ammunition, or implements of war are to be used exclusively by American vessels (watercraft or aircraft) or other American vehicles in connection with their operation and maintenance) is bound to any port of a belligerent State

which is located within any of the areas mentioned in 46 C. F. R. 5.81 (a), except to such a port which is included within a combat area.

(d) Where such American aircraft carrying mail, passengers, or any articles or materials (except arms, ammunition, or implements of war, unless such arms, ammunition, or implements of war are to be used exclusively by American vessels (watercraft or aircraft) or other American vehicles in connection with their operation and maintenance) is bound to any port of a belligerent State which is located within any of the areas mentioned in 46 C. F. R. 5.81 (b), except to such a port which is included within a combat area.

(e) Where such American vessel (watercraft or aircraft) is under charter or other direction and control of the American Red Cross, and while carrying officers and American Red Cross personnel, medical personnel, and medical supplies, food, and clothing for the relief of human suffering, proceeds under safe conduct granted by belligerent States.

5.85 DECLARATION AS TO RIGHT TITLE AND INTEREST IN ARTICLES OR MATERIALS. No clearance shall be granted to any vessel (watercraft or aircraft) bound for a port in a belligerent State until all of the declarations required by section 2 (c) of the Neutrality Act of 1939 have been filed with the collector, with the following exceptions:

(a) Any American vessel (watercraft or aircraft) referred to in 46 C. F. R. 5.82 (a), (b), (c), or (d), when transporting only articles and materials other than arms, ammunition, or implements of war, (unless such arms, ammunition, or implements of war are to be used exclusively by American vessels (watercraft or aircraft), or other American vehicles in connection with their operation and maintenance).

(b) Any vessel (watercraft or aircraft) of a neutral foreign State, when transporting only articles or materials other than arms, ammunition, or implements of war, when bound to any port referred to in 46 C. F. R. 5.81 (a), so long as such port is not included within a combat area.

5.84 COMBAT AREAS

(a) No clearance shall be granted to any American vessel (watercraft or aircraft) bound to any foreign port, if such vessel, during the course of its voyage, will proceed into or through any combat area, unless such voyage is authorized by rules and regulations prescribed under authority of the Neutrality Act of 1939.

(b) No clearance shall be granted to any foreign vessel (watercraft or aircraft) bound to a foreign port, while having on board any American citizen, whether as a passenger or member of the crew, if such vessel (watercraft or aircraft) during the course of its voyage, will proceed into or through any combat area, unless such voyage is authorized by rules and regulations prescribed under authority of the Neutrality Act of 1939.

(c) Clearances shall not be granted to any foreign vessel (watercraft or aircraft), bound to a foreign port, in a combat area, or proceeding into or through any such area, until the master has filed with the collector a list of all of the members of the crew of the vessel, together with the nationality of each member, which list shall be sworn to by the master.