



Merchant Shipping Act 1995

1995 CHAPTER 21

PART III

MASTERS AND SEAMEN

Disciplinary offences

PROSPECTIVE

60 Breaches by seamen of codes of conduct.

- (1) The Secretary of State may make regulations under the following provisions of this section for the purpose of maintaining discipline on board United Kingdom ships; and in this section “disciplinary body” means a body established or approved by the Secretary of State under subsection (6) below.
- (2) Regulations may provide for the hearing on shore in the United Kingdom, by a disciplinary body, of a complaint by the master or owner of a United Kingdom ship, other than a fishing vessel, against a seaman alleging that during his employment on board the ship the seaman contravened a provision of a code of conduct approved by the Secretary of State for the purposes of this section.

The alleged contravention may be one on or off the ship and in the United Kingdom or elsewhere.

- (3) Regulations may enable a disciplinary body—
 - (a) to dismiss the complaint if it finds the allegation not proved;
 - (b) if it finds the allegation proved—
 - (i) to warn the seaman;
 - (ii) to reprimand the seaman; or
 - (iii) to recommend to the Secretary of State that the seaman shall, either for a period specified in the recommendation or permanently, cease

Status: Point in time view as at 01/12/2003. This version of this cross heading contains provisions that are prospective.

Changes to legislation: Merchant Shipping Act 1995, Cross Heading: Disciplinary offences is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

to be entitled to a discharge book in pursuance of section 80 and shall be required to surrender any such book which has been issued to him.

- (4) Regulations may—
- (a) enable the seaman to appeal against such a recommendation to another disciplinary body (an “appellate body”);
 - (b) enable an appellate body—
 - (i) to confirm the recommendation;
 - (ii) to cancel the recommendation; or
 - (iii) in the case of a recommendation that the seaman shall cease to be entitled to a discharge book permanently or for a particular period, to substitute for it a recommendation that he shall cease to be so entitled, instead of permanently, for a period specified in the substituted recommendation or, instead of for the particular period, for a shorter period so specified.
- (5) Regulations may make provision for securing that a recommendation that the seaman shall permanently cease to be entitled to a discharge book is not submitted to the Secretary of State unless it has been confirmed, either on appeal or otherwise, by an appellate body.
- (6) Regulations may make provision for the establishment or approval for the purposes of this section of such number of bodies as the Secretary of State thinks fit and with respect to the composition, jurisdiction and procedure of any such body.
- (7) Regulations may make provision for the payment, out of money provided by Parliament, of such remuneration and allowances as the Secretary of State may, with the consent of the Treasury, determine to any member of such a body.
- (8) Regulations may make different provision for different circumstances and may contain such incidental and supplemental provisions as the Secretary of State considers appropriate.
- (9) Without prejudice to the generality of the preceding provisions, regulations may include provision for any proceedings to take place notwithstanding the absence of the seaman to whom they relate.
- (10) Nothing in the regulations or done in pursuance of the regulations shall be construed as affecting any power to institute, prosecute, entertain or determine proceedings (including criminal proceedings) under any other enactment or at common law.

Commencement Information

II S. 60 not in force at Royal Assent see s. 314, Sch. 14 para. 5

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