



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART III U.K.

#### MASTERS AND SEAMEN

##### *Documentation*

#### 77 Official log books. U.K.

- (1) Except as provided by regulations under this section an official log book in a form approved by the Secretary of State shall be kept in every United Kingdom ship.
- (2) The Secretary of State may make regulations prescribing the particulars to be entered in official log books, the persons by whom such entries are to be made, signed or witnessed, and the procedure to be followed in the making of such entries and in their amendment or cancellation.
- (3) The regulations may require the production or delivery of official log books to such persons, in such circumstances and within such times as may be specified therein.
- (4) Regulations under this section may exempt ships of any description from any requirements thereof, either generally or in such circumstances as may be specified in the regulations.
- (5) Regulations under this section may make a contravention of any provision thereof an offence punishable on summary conviction with a fine not exceeding level 2 on the standard scale or not exceeding a lesser amount.
- (6) If a person intentionally destroys or mutilates or renders illegible any entry in an official log book he shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

*Status: Point in time view as at 01/07/2009.*

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## 78 Lists of crew. **U.K.**

- (1) Except as provided by regulations made under this section, the master of every United Kingdom ship shall make and maintain a list of the crew containing such particulars as may be required by the regulations.
- (2) The Secretary of State may make regulations—
  - (a) specifying the particulars to be entered in a list of the crew;
  - (b) limiting the time for which a list of the crew may remain in force;
  - (c) providing for the maintenance by such persons and either in such place as may be specified in the regulations or, if it is so specified, in the ship, of a copy or copies of each list of a crew, and for the notification to such persons of any changes therein;
  - (d) for the production of a list of the crew to such persons, in such circumstances and within such time as may be specified in the regulations; and
  - (e) for the delivery to a superintendent or proper officer or the Registrar General of Shipping and Seamen, in such circumstances as may be specified in the regulations, of a list of the crew or a copy thereof maintained under the regulations and for the notification to him of any changes in such a list.
- (3) Regulations under this section may enable a list of the crew to be contained in the same document as a crew agreement and may treat any particulars entered in the crew agreement as forming part of the particulars entered in the list.
- (4) Regulations under this section may exempt from the requirements thereof such descriptions of ship as may be specified in the regulations and may make different provisions for different circumstances.
- (5) Regulations under this section may make a contravention of any provision thereof an offence punishable on summary conviction with a fine not exceeding level 2 on the standard scale or not exceeding a lesser amount.

## 79 British seamen's cards. **U.K.**

- (1) The Secretary of State may make regulations providing—
  - (a) for the issue to British seamen of cards (in this section referred to as “British seamen’s cards”) in such form and containing such particulars with respect to the holders thereof and such other particulars (if any) as may be prescribed by the regulations, and for requiring British seamen to apply for such cards;
  - (b) for requiring the holders of British seamen’s cards to produce them to such persons and in such circumstances as may be prescribed by the regulations;
  - (c) for the surrender of British seamen’s cards in such circumstances as may be prescribed by the regulations;
  - (d) for any incidental or supplementary matters for which the Secretary of State thinks it expedient for the purposes of the regulations to provide;and any provision of the regulations having effect by virtue of paragraph (a) above may be so framed as to apply to all British seamen or any description of them and as to have effect subject to any exemptions for which provision may be made by the regulations.
- (2) Regulations under this section may make a contravention of any provision thereof an offence punishable on summary conviction with a fine not exceeding level 2 on the standard scale or not exceeding a lesser amount.

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- (3) In this section “British seamen” means persons who are not aliens within the meaning of the <sup>M1</sup>British Nationality Act 1981 and are employed, or ordinarily employed, as masters or seamen.
- (4) If a person makes a statement which he knows to be false or recklessly makes a statement which is false in a material particular for the purpose of obtaining for himself or another person a British seaman’s card he shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### Marginal Citations

M1 1981 c. 61.

### 80 Discharge books. **U.K.**

- (1) The Secretary of State may make regulations providing—
- <sup>F1</sup>[<sup>F1</sup>(a) for the issue of discharge books—
- (i) to persons who are or have been employed in United Kingdom ships;  
or
  - (ii) to persons who are or have been employed in other ships but are not aliens within the meaning of the <sup>M2</sup>British Nationality Act 1981;
- <sup>F1</sup>(aa) for requiring the persons mentioned in paragraph (a) above to apply for discharge books;
- <sup>F1</sup>(ab) for the form of discharge books and the particulars (if any) that they are to contain with respect to their holders;]
- (b) for requiring the holders of discharge books to produce them to such persons and in such circumstances as may be prescribed by the regulations;
  - (c) for the surrender of discharge books in such circumstances as may be prescribed by the regulations;
  - (d) for any incidental or supplementary matters for which the Secretary of State thinks it expedient for the purposes of the regulations to provide;
- and any provision of the regulations having effect by virtue of [<sup>F2</sup>paragraph (a), (aa) or (ab)] above may be so framed as to apply to all such persons as are mentioned in that paragraph or any description of such persons and as to have effect subject to any exemptions for which provision may be made by the regulations.
- (2) Regulations under this section may—
- (a) provide for a person to cease to be entitled to a discharge book in consequence of a recommendation made by a disciplinary body by virtue of regulations made under section 60(3) or (4); and
  - (b) provide for the re-issue of discharge books which have been surrendered in consequence of such a recommendation.
- (3) Regulations under this section may make a contravention of any provision thereof an offence punishable on summary conviction with a fine not exceeding level 2 on the standard scale or not exceeding a lesser amount.
- (4) A person who, in the United Kingdom or elsewhere—

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- (a) obtains employment as a seaman on board a United Kingdom ship and does so when he is disentitled to a discharge book by virtue of regulations made under subsection (2)(a) above; or
- (b) employs as such a seaman a person who he knows or has reason to suspect is disentitled as aforesaid,

shall be liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

#### Textual Amendments

- F1** S. 80(1)(a)-(ab) substituted (17.7.1997) for s. 80(1)(a) by 1997 c. 28, s. 18(1); S.I. 1997/1539, art. 2, Sch.
- F2** Words in s. 80(1) substituted (17.7.1997) by 1997 c. 28, s. 18(2); S.I. 1997/1539, art. 2, Sch.

#### Commencement Information

- I1** S. 80 partly in force; s. 80(1)(3) in force at 1.1.1996, see ss. 314, 316(2), Sch. 14 para. 5

#### Marginal Citations

- M2** 1981 c. 61.

## 81 Handing over of documents by master. **U.K.**

- (1) If a person ceases to be the master of a United Kingdom ship during a voyage of the ship he shall deliver to his successor the documents relating to the ship or its crew which are in his custody.
- (2) If, without reasonable excuse, the master of such a ship fails to comply with subsection (1) above, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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