



# Merchant Shipping Act 1970

## 1970 CHAPTER 36

### *Engagement and discharge of crews*

#### **1 Crew agreements**

- (1) Except as provided under subsection (5) of this section an agreement in writing shall be made between each person employed as a seaman in a ship registered in the United Kingdom and the persons employing him and shall be signed both by him and by or on behalf of them.
- (2) The agreements made under this section with the several persons employed in a ship shall be contained in one document (in this Act referred to as a crew agreement) except that in such cases as the Board of Trade may approve—
  - (a) the agreements to be made under this section with the persons employed in a ship may be contained in more than one crew agreement; and
  - (b) one crew agreement may relate to more than one ship.
- (3) The provisions and form of a crew agreement must be of a kind approved by the Board of Trade; and different provisions and forms may be so approved for different circumstances.
- (4) Subject to the following provisions of this section, a crew agreement shall be carried in the ship to which it relates whenever the ship goes to sea.
- (5) The Board of Trade may make regulations providing for exemptions from the requirements of this section—
  - (a) with respect to such descriptions of ship as may be specified in the regulations or with respect to voyages in such areas or such description of voyages as may be so specified ; or
  - (b) with respect to such descriptions of seamen as may be specified in the regulations ;

and the Board of Trade may grant other exemptions from those requirements (whether with respect to particular seamen or with respect to seamen employed by a specified person or in a specified ship or in the ships of a specified person) in cases where

the Board are satisfied that the seamen to be employed otherwise than under a crew agreement will be adequately protected.

- (6) Where, but for an exemption granted by the Board of Trade, a crew agreement would be required to be carried in a ship or a crew agreement carried in a ship would be required to contain an agreement with a person employed in the ship, the ship shall carry such document evidencing the exemption as the Board of Trade may direct.
- (7) Regulations under this section may enable ships required under this section to carry a crew agreement to comply with the requirement by carrying a copy thereof, certified in such manner as may be provided by the regulations.
- (8) If a ship goes to sea or attempts to go to sea in contravention of the requirements of this section the master or the person employing the crew shall be liable on summary conviction to a fine not exceeding £100 and the ship, if in the United Kingdom, may be detained.

## **2 Regulations relating to crew agreements**

- (1) The Board of Trade may make regulations—
  - (a) requiring such notice as may be specified in the regulations to be given to a superintendent or proper officer, except in such circumstances as may be so specified, before a crew agreement is made or an agreement with any person is added to those contained in a crew agreement;
  - (b) providing for the delivery to a superintendent or proper officer or the Registrar General of Shipping and Seamen of crew agreements and agreements added to those contained in a crew agreement and of copies of crew agreements and of agreements so added ;
  - (c) requiring the posting in ships of copies of or extracts from crew agreements;
  - (d) requiring copies of or extracts from crew agreements to be supplied to members of the crew demanding them and requiring copies of or extracts from documents referred to in crew agreements to be made available, in such circumstances as may be specified in the regulations, for inspection by members of the crew ; and
  - (e) requiring any document carried in a ship in pursuance of section 1 of this Act to be produced on demand to an officer of customs and excise.
- (2) Regulations under this section may make a contravention of any provision thereof an offence punishable on summary conviction with a fine not exceeding £50 or such less amount as may be specified in the regulations.

## **3 Discharge of seamen**

- (1) The Board of Trade may make regulations prescribing the procedure to be followed in connection with the discharge of seamen from ships registered in the United Kingdom.
- (2) Without prejudice to the generality of subsection (1) of this section, regulations under this section may make provision—
  - (a) requiring notice of such a discharge to be given at such time as may be specified in the regulations to the superintendent or proper officer at a place specified in or determined under the regulations ;
  - (b) requiring such a discharge to be recorded, whether by entries in the crew agreement and discharge book or otherwise, and requiring copies of any such

entry to be given to a superintendent or proper officer or the Registrar General of Shipping and Seamen.

- (3) Regulations under this section may provide that in such cases as may be specified in the regulations, or except in such cases as may be specified in or determined under the regulations, a seaman shall not be discharged outside the United Kingdom from a ship registered in the United Kingdom without the consent of the proper officer.
- (4) Regulations under this section may make a contravention of any provision thereof an offence punishable on summary conviction with a fine not exceeding £100 or such less amount as may be specified in the regulations.

#### **4 Seamen left behind abroad otherwise than on discharge**

Regulations made under section 3 of this Act may apply any provision thereof, with such modifications as appear to the Board of Trade to be appropriate, to cases where a seaman employed in a ship registered in the United Kingdom is left behind outside the United Kingdom otherwise than on being discharged from the ship.

#### **5 Discharge of seamen when ship ceases to be registered in U.K**

Where a ship registered in the United Kingdom ceases to be so registered, any seaman employed in the ship shall be discharged from the ship unless he consents in writing to continue his employment in the ship; and sections 7 to 10 of this Act shall apply in relation to his wages as if the ship had remained registered in the United Kingdom.

#### **6 Restrictions on making arrangements for employment of seamen**

- (1) A person shall not for reward make arrangements for finding seamen for persons seeking to employ seamen or for finding employment for seamen, unless—
  - (a) he is the holder of a licence under this section authorising him to do so or is in the regular employment of the holder of such a licence ; or
  - (b) he is in the regular employment of the persons seeking to employ the seamen or makes the arrangements in the course of acting as ship's agent for those persons or is the master of the ship in which the seamen are to serve or an officer acting under his authority; or
  - (c) the employment is such as is exempted from the provisions of this subsection by regulations made by the Board of Trade.
- (2) A person shall not demand or directly or indirectly receive from any person any remuneration for providing him with employment as a seaman.
- (3) The Board of Trade may grant licences for the purposes of this section for such periods, on such terms and subject to such conditions, including conditions providing for revocation, as they think fit.
- (4) If a person acts in contravention of subsection (1) of this section he shall be liable on summary conviction to a fine not exceeding £50 and if a person acts in contravention of subsection (2) of this section he shall be liable on summary conviction to a fine not exceeding £20.