



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART III

#### MASTERS AND SEAMEN

##### *Relief and repatriation and relief costs*

#### **73 Relief and return of seamen etc. left behind and shipwrecked.**

(1) Where—

- (a) a person employed as a seaman in a United Kingdom ship is left behind in any country outside the United Kingdom or is taken to such a country on being shipwrecked; or
- (b) a person who became so employed under an agreement entered into outside the United Kingdom is left behind in the United Kingdom or is taken to the United Kingdom on being shipwrecked;

the persons who last employed him as a seaman shall make such provision for his return and for his relief and maintenance until his return and such other provisions as may be required by regulations made by the Secretary of State.

- (2) The provisions to be so made may include the repayment of expenses incurred in bringing a shipwrecked seaman ashore and maintaining him until he is brought ashore and the payment of the expenses of the burial or cremation of a seaman who dies before he can be returned.
- (3) The Secretary of State may also make regulations providing for the manner in which any wages due to any person left behind or taken to any country as mentioned in subsection (1) above, and any property of his left on board ship, are to be dealt with.
- (4) The Secretary of State may make regulations requiring a superintendent or proper officer—
  - (a) to make such provision as may be prescribed by the regulations with respect to any matter for which provision may be required to be made by regulations under the preceding provisions of this section; and

*Status: Point in time view as at 01/01/1996.*

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- (b) to make the like provision with respect to persons who are British citizens, British Dependent Territories citizens or British overseas citizens and are found in distress in any country outside the United Kingdom after being employed in ships registered in, or belonging to the government of, such a country.
- (5) Without prejudice to the generality of the preceding provisions, regulations made under this section may make provision—
- (a) for determining the place to which a person is to be returned;
  - (b) for requiring the master of any United Kingdom ship to convey a person to a place determined in accordance with the regulations and for enabling a superintendent or proper officer to give the master directions for that purpose;
  - (c) for the making of payments in respect of the conveyance of a person in accordance with the regulations; and
  - (d) for the keeping of records and the rendering of accounts.
- (6) Regulations under this section may make a contravention of any provision thereof an offence punishable on summary conviction with a fine not exceeding level 3 on the standard scale or such less amount as may be specified in the regulations.
- (7) This section applies to a person left behind on being discharged in pursuance of section 29, whether or not at the time he is left behind the ship is still a United Kingdom ship.
- (8) This section applies to the master of a ship as it applies to a seaman and sections 74 and 75 shall have effect accordingly.

#### **74 Limit of employer's liability under section 73.**

Where a person left behind in or taken to any country as mentioned in section 73(1) remains there after the end of a period of three months the persons who last employed him as a seaman shall not be liable under that section to make provision for his return or for any matter arising after the end of that period, unless they have before the end of that period been under an obligation imposed on them by regulations under that section to make provision with respect to him.

#### **75 Recovery of expenses incurred for relief and return, etc.**

- (1) Where any expenses are incurred in respect of any matter for which the employers of a seaman are required to make provision under section 73, then—
- (a) if the expenses are incurred by the Secretary of State, or are incurred by the government of any country outside the United Kingdom and repaid to them on behalf of the Crown, the Secretary of State may recover them from the employers;
  - (b) if the expenses are incurred by the seaman he may recover them from the employers unless they prove either that under the terms of his employment they were to be borne by him or that he would not have been left behind but for his own wrongful act or neglect.
- (2) Where, in the case of any seaman, expenses are incurred by the Secretary of State or are incurred by the government of any country outside the United Kingdom and repaid to them on behalf of the Crown—

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- (a) in respect of any matter for which, but for section 74, the seaman's last employers would have been required to make provision under section 73; or
- (b) in respect of any matter for which provision is required to be made under section 73(4)(b);

the Secretary of State may recover them from the seaman (or, if he has died, from his personal representatives).

## **76 Financial assistance in respect of crew relief costs.**

- (1) The Secretary of State may, with the consent of the Treasury, give financial assistance to—
  - (a) the owner of a ship registered in the British Islands, or
  - (b) any manager of a ship so registered, being either an individual ordinarily resident in the British Islands or a body corporate which is incorporated in the British Islands and has its principal place of business there,in respect of travel and other costs incurred by the owner or manager in connection with members of the ship's crew joining or leaving the ship outside the limited European trading area.
- (2) If the Secretary of State so determines, eligibility for assistance under this section shall be conditional on the fulfilment of such conditions with respect to all or any of the following matters as are specified in his determination—
  - (a) the nationality of any person in relation to whom any such costs as are mentioned in subsection (1) above are incurred;
  - (b) the ordinary residence of any such person;
  - (c) the place (outside the limited European trading area) where any such person joins or leaves his ship.
- (3) Assistance under this section may be given by way of a grant or loan or otherwise; and in giving any such assistance the Secretary of State may impose such conditions as he thinks fit.
- (4) For the purposes of this section—
  - (a) the crew of a ship shall be taken to include the master and other officers of the ship; and
  - (b) "the limited European trading area" has the same meaning as it has for the purposes of any regulations made under section 47.

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