



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART III

#### MASTERS AND SEAMEN

##### *Wages etc.*

#### **38 Right, or loss of right, to wages in certain circumstances**

- (1) Where a United Kingdom ship is wrecked or lost a seaman whose employment in the ship is thereby terminated before the date contemplated in the agreement under which he is so employed shall, subject to the following provisions of this section, be entitled to wages at the rate payable under the agreement at the date of the wreck or loss for every day on which he is unemployed in the two months following that date.
- (2) Where a United Kingdom ship is sold while outside the United Kingdom or ceases to be a United Kingdom ship and a seaman's employment in the ship is thereby terminated before the date contemplated in the agreement under which he is so employed, then, unless it is otherwise provided in the agreement, he shall, subject to the following provisions of this section, be entitled to wages at the rate payable under the agreement at the date on which his employment is terminated for every day on which he is unemployed in the two months following that date.
- (3) A seaman shall not be entitled to wages by virtue of subsection (1) or (2) above for a day on which he was unemployed, if it is shown—
  - (a) that the unemployment was not due to the wreck or loss of the ship or, as the case may be, the termination of his employment on the sale of the ship or its ceasing to be a United Kingdom ship; or
  - (b) that the seaman was able to obtain suitable employment for that day but unreasonably refused or failed to take it.
- (4) This section shall apply to a master as it does to a seaman.