
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

SECOND SCHEDULE

Section 2.

AMENDMENTS OF MERCHANT SHIPPING ACT, 1894, RELATING TO ENGAGEMENT AND DISCHARGE OF CREWS

- 1 For paragraph (6) of section one hundred and fifteen (which relates to agreements with the crews of foreign-going ships) there shall be substituted the following paragraph:—

“(6) A running agreement shall not extend beyond the expiration of the period of six months from the date of the agreement, or the first arrival of the ship at her port of destination in the United Kingdom after the expiration of that period, or the discharge of cargo consequent on that arrival:

Provided that this paragraph shall not apply in relation to a running agreement under which the number of the crew is five hundred or more, but the time for which a seaman is engaged under such an agreement shall be limited so as not to extend beyond the expiration of the period of six months from the date of his engagement, or the first arrival of the ship at her port of destination in the United Kingdom after the expiration of that period, or the discharge of cargo consequent on that arrival.”

- 2 After the said section one hundred and fifteen, the following section shall be inserted:—

“115A Special provisions as to agreements with crew of certain home trade ships.

—The following provisions shall have effect with respect to the agreements with the crew made in the United Kingdom in the case of home trade ships having a gross tonnage of two hundred tons or more (not being ships engaged exclusively on the work of any harbour, pilotage or local authority):—

- (1) the agreement shall (subject to the provisions of this Act as to substitutes) be signed by each seaman in the presence of a superintendent:
- (2) the superintendent shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature: .
- (3) when the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the superintendent, and the other shall be delivered to the master, and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship:
- (4) where a substitute is engaged in the place of a seaman who duly signed the agreement, and whose services are within twenty-four hours of the ship's putting to sea lost by death, desertion, or other unforeseen cause,

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

the engagement shall, when practicable, be made before a superintendent, and, when not practicable, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness and the witness shall attest the signature:

- (5) agreements may be made either for service in a particular ship or for service in two or more ships -belonging to the same owner, but in the latter case the names of the ships and the nature of the service shall be specified in the agreement:
- (6) an agreement for service in two or more ships belonging to the same owner may be made by the owner instead of by the master; and the provisions of this Act with respect to the making of the agreement shall apply accordingly:
- (7) an agreement with the crew of the ship shall not extend beyond the expiration of the period of six months from the date of the agreement, or the time at which the ship first arrives at her final port of destination in the United Kingdom after the expiration of that period, or the discharge of cargo consequent on that arrival:

 Provided that, if there is no superintendent at the said final port of destination, the agreement may extend until the first arrival of the ship after that time at a port in the United Kingdom at which there is a superintendent, or the discharge of cargo consequent on that arrival:
- (8) on every return to a port in the United Kingdom before the final termination of an agreement, the master shall, if any engagements or discharges of seamen have been made, make on the agreement an endorsement that they have all been made as required by law, and if a master wilfully makes a false statement in any such endorsement or if he omits to make an endorsement which he is required to make under this paragraph, he shall for each offence be liable to a fine not exceeding twenty pounds:
- (9) the duplicate agreement retained by the superintendent on the first engagement of the crew shall either be transmitted to the Registrar-General of Shipping and Seamen immediately, or kept by the superintendent until the expiration of the agreement, as the Minister of Transport directs.”

3 In section one hundred and sixteen (which relates to agreements with the crews of home trade ships), after the words " home trade ships for which an agreement with the crew is required under this Act" there shall be inserted the words " other than ships to which the last preceding section applies ".

4 In subsection (1) of section one hundred and seventeen (which requires changes in the crews of foreign-going ships to be reported) after the words " foreign-going ship " there shall be inserted the words " and every home trade ship to which section one hundred and fifteen A of this Act applies, being in each case a ship ", for the words " before finally leaving the United Kingdom " where they first occur, there shall be substituted the words " before leaving any port in the ' United Kingdom ", and for the said words, where they secondly occur, there shall be substituted the words " before leaving that port, and, if the ship has previously left any port in the United Kingdom, since leaving the last such port. "

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

5 After section one hundred and eighteen, there shall be inserted the following section:—

“118A Certificate as to agreements with certain home trade ships.

- (1) On the due execution of an agreement with the crew in accordance with this Act, the superintendent shall grant the master of a home trade ship to which section one hundred and fifteen A of this Act applies a certificate to that effect, and the master shall, before proceeding to sea, produce to the office of customs that certificate, and the ship may be detained until the certificate is produced.
- (2) The master or owner of every such home trade ship shall upon the discharge of the crew deliver the agreement with the crew to the superintendent before whom the crew is discharged, and the superintendent shall give the master or owner a certificate of that delivery, and the ship may be detained until the certificate is produced to the proper officer of the customs.
- (3) If the master or owner fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.”

6 In section one hundred and nineteen (which relates to certificates as to agreements with crews of home trade ships) after the words " home trade ship of more than eighty tons burden " there shall be inserted the words " other than a ship to which section one hundred and fifteen A of this Act applies. "

7 (1) In section one hundred and twenty-seven (which requires crews of foreign-going ships to be discharged before a superintendent), after subsection (2) there shall be inserted the following subsection:—

“(2A) Where a seaman serving in a home trade ship to which section one hundred and fifteen A of this Act applies is discharged on the termination of his engagement, he shall be discharged in the manner provided by this Act in the presence of a superintendent:

Provided that this subsection shall not apply where—

- (a) a seaman is discharged from a ship, under an agreement made in accordance with the said section for service in two or more ships, for the purpose of being engaged in another ship to which the agreement relates ; or
- (b) a seaman is proceeding on temporary leave while remaining in the service of the owner of the ship.”

(2) In subsection (3) of the said section one hundred and twenty-seven after the words " home trade ship " there shall be inserted " other than a ship to which the last preceding subsection applies. "

8 In subsection (2) of section one hundred and thirty-one (which requires wages to be paid before a superintendent), after the words " home trade ship " there shall be inserted the words " other than a ship to which section one hundred and fifteen A of this Act applies. "

9 For subsection (1) of section one hundred and thirty-five (which relates to time of payment of wages for home trade ships), there shall be substituted the following subsection :—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- “(1) The master or owner of every home trade ship shall pay every seaman his wages—
- (a) if the seaman is discharged before a superintendent, at the time when he is so discharged;
 - (b) in any other case, within two days after the termination of his engagement.”
- 10 In section one hundred and thirty-seven (which provides for decision of wages questions by superintendents), after the words " foreign-going ship " there shall be inserted the words " or a home trade ship to which section one hundred and fifteen A of this Act applies. "
- 11 (1) In section two hundred and forty-two (which requires logs to be delivered to superintendents), after subsection (1), the following subsection shall be inserted:—
- “(1A) The master or owner of every home trade ship to which section one hundred and fifteen A of this Act applies and for which an official log is required to be kept, shall, upon the discharge of the crew, deliver the official log book to the superintendent before whom the crew is discharged.”
- (2) In subsection (2) of the said section after the word " every " there shall be inserted the word " other ".
- 12 (1) In subsection (2) of section two hundred and fifty-three (which relates to lists of the crew), after paragraph (a) there shall be inserted the following paragraph:—
- “(aa) in the case of a home trade ship to which section one hundred and fifteen A of this Act applies, shall be delivered by the master, upon the discharge of the crew, to the superintendent before whom the crew is discharged ; and”
- and in paragraph (b) of that subsection for the word " a " there shall be substituted the words " any other ".
- (2) In subsection (3) of the said section, after the words " foreign-going ship " there shall be inserted the words " or home trade ship to which section one hundred and fifteen A of this Act applies ", and for the words " a home trade ship " there shall be substituted the words " any other home trade ship ".

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Petty Sessions (Ireland) Act, 1851	14 & 15 Vict. c. 93.
Foreign Jurisdiction Act, 1890	53 & 54 Vict. c. 37.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Merchant Shipping Act, 1906	6 Edw. 7. c. 48.
Pilotage Act, 1913	2 & 3 Geo. 5. c. 31.
Merchant Shipping Act, 1948	11 & 12 Geo. 6. c. 44.
British Nationality Act, 1948	11 & 12 Geo. 6. c. 56.