



Merchant Shipping Act 1894

1894 CHAPTER 60

PART II

MASTERS AND SEAMEN.

Mode of recovering Wages.

164 Summary proceedings for wages.

A seaman or apprentice to the sea service, or a person duly authorised on his behalf, may as soon as any wages due to him, not exceeding fifty pounds, become payable, sue for the same before a court of summary jurisdiction in or near the place at which his service has terminated, or at which he has been discharged, or at which any person on whom the claim is made is or resides, and the order made by the court in the matter shall be final.

165 Restrictions on suits for wages.

A proceeding for the recovery of wages not exceeding fifty pounds shall not be instituted by or on behalf of any seaman or apprentice to the sea service in any superior court of record in Her Majesty's dominions, nor as an Admiralty proceeding in any court having Admiralty jurisdiction in those dominions, except—

- (i) where the owner of the ship is adjudged bankrupt; or
- (ii) where the ship is under arrest or is sold by the authority of any such court as aforesaid; or
- (iii) where a court of summary jurisdiction acting under the authority of this Act, refers the claim to any such court; or
- (iv) where neither the owner nor the master of the ship is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

Status: This is the original version (as it was originally enacted).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

166 Wages not recoverable abroad in certain cases.

- (1) Where a seaman is engaged for a voyage or engagement which is to terminate in the United Kingdom, he shall not, be entitled to sue in any court abroad for wages, unless he is discharged with such sanction as is required by this Act, and with the written consent of the master, or proves such ill-usage on the part or by authority of the master, as to warrant reasonable; apprehension of danger to his life if he were to remain on board.
- (2) If a seaman on his return to the United Kingdom proves, that the master or owner has been guilty of any conduct or default which but for this section would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover in addition to his wages such compensation not exceeding twenty pounds as the court hearing the case-thinks reasonable.

167 Remedies of master for wages, disbursements, &c.

- (1) The master of a ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages as a seaman has under this Act, or by any law or custom.
- (2) The master of a ship, and every person lawfully acting as; master of a ship, by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.
- (3) If in any Admiralty proceeding in any court having Admiralty jurisdiction touching the claim of a master in respect of wages, or of such disbursements, or liabilities as aforesaid, any right of set-off or counter-claim is set up, the court may enter into and adjudicate upon all questions, and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance found to be due.