
STATUTORY INSTRUMENTS

1972 No. 1701

The Merchant Shipping (Seamen's Wages and Accounts) (Fishing Vessels) Regulations 1972

Deductions from wages due to a seaman under a crew agreement

6.—(1) The deductions specified in regulation 7 are hereby authorised to be made from the wages due to a seaman under a crew agreement.

(2) The deductions authorised by this regulation—

- (a) shall be without prejudice to any dispute relating to the amount payable to a seaman under the crew agreement and, subject to the provisions of the Act, to the rights and obligations, whether of the employer or of the seaman, under the agreement or otherwise; and
- (b) shall be in addition to any deduction authorised by any provision of the Act (except section 9) or of any other enactment.

7. The deductions referred to in regulation 6 are—

- (a) deductions of any amount payable by the seaman to his employer in respect of—
 - (i) canteen bills;
 - (ii) goods supplied;
 - (iii) radio or telephone calls;
 - (iv) postage expenses;
 - (v) cash advances;
 - (vi) allotments;
- (b) contributions by the seaman to a fund or in respect of membership of a body declared by regulation under section 11(3) of the Act to be a fund or body to which section 11 applies⁽¹⁾;
- (c) subject to regulations 8, 9 and 10, a deduction of an amount being the actual expense or pecuniary loss incurred or sustained by the employer in consequence of the seaman's absence or absences without leave, where the employer is satisfied on reasonable grounds that such absence is a breach of the seaman's obligations under the crew agreement;
- (d) subject to regulations 8 and 10 and to any additional limitations imposed by the crew agreement, a deduction of an amount being the actual expense or pecuniary loss incurred or sustained by the employer, where the employer is satisfied on reasonable grounds that the expense or loss was caused by a breach or breaches of the seaman's obligations under the crew agreement not falling within paragraph (c) of this regulation;
- (e) deductions authorised by the provisions of the crew agreement other than deductions authorised by paragraphs (a) to (d) of this regulation;
- (f) any amount specified in the account required by section 8 of the Act to be delivered or made out, as the case may be, being part of the wages due to the seaman under the crew

(1) *see* S.I. 1972/1699 (1972 III, p. 4968).

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agreement which, in accordance with the provisions of the agreement, is to be paid at a time later than that at which the account is required by regulation 3(b) or regulation 4(1)(b) to be delivered or made out.

8. The amount which may be deducted from a seaman's wages in respect of any number of breaches of his obligations under the crew agreement—

- (a) by virtue of regulation 7(c), shall not exceed £50; and
- (b) by virtue of regulation 7(d) shall not exceed £50.

9. No deduction shall be made by virtue of regulation 7(c) if the seaman satisfies the master—

- (a) that his absence was due to an accident or mistake or some other cause beyond his control; and
- (b) that he took all reasonable precautions to avoid being absent.

10.—(1) A deduction shall not be made by virtue of regulation 7(c) or (d) unless the provisions of paragraph (2) or paragraph (3) of this regulation have been complied with.

(2) Where it is possible for him to give a notice of deduction complying with paragraph (4) of this regulation not less than 24 hours before the seaman's wages fall due to be paid, the seaman's employer or the master on his behalf shall give to the seaman—

- (a) a notice of deduction complying with paragraph (4) of this regulation; and
- (b) an opportunity to make representations about the deduction to the employer or to the master.

(3) Where it is not possible for him to give a notice of deduction complying with paragraph (4) of this regulation not less than 24 hours before the seaman's wages fall due to be paid, the seaman's employer or the master on his behalf shall—

- (a) if it is possible to do so before the seaman's wages fall due to be paid, give to the seaman—
 - (i) a notice of deduction complying with paragraph (4) of this regulation; and
 - (ii) an opportunity to make representations about the deduction to the employer or to the master; or
- (b) if the seaman has not been given such notice and opportunity, send to the seaman by registered post at his last known address a notice of deduction complying with paragraph (4) of this regulation.

(4) A notice of deduction shall state that the employer is satisfied on reasonable grounds that there has been a breach or breaches, as the case may be, of the seaman's obligations under the crew agreement and that, subject to the provisions of regulations 6 to 9, the deduction specified in the notice appears to the employer to be authorised to be made from the wages due to the seaman under the crew agreement; and such notice shall also—

- (i) identify each provision of the crew agreement of which the employer is satisfied on reasonable grounds that there has been a breach and in respect of which he intends to make a deduction;
- (ii) state the grounds upon which the employer is satisfied that each such breach has taken place;
- (iii) specify, with sufficient particulars to show how it is calculated, the amount of the actual expense or pecuniary loss incurred or sustained by the employer in respect of each such breach or, if that amount exceeds £50, with sufficient particulars to show that it exceeds £50; and
- (iv) specify the total amount of the deduction proposed to be made.