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STATUTORY INSTRUMENTS

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**1979 No. 97**

**The Merchant Shipping (Repatriation) Regulations 1979**

*Property of seamen left behind and of shipwrecked seamen*

**16.**—(1) Subject to paragraph (2) of this regulation, this regulation applies to any property (including money) left on board a ship by a seaman to whom these Regulations apply.

(2) In the case of any such property left on board a ship by a seaman who has been shipwrecked—

- (a) if the ship is lost, this regulation shall have no effect; and
- (b) if the ship is not lost, but, as a result of the shipwreck, no person is master of the ship, this regulation shall have effect as if the duties and powers thereby imposed on the master were instead imposed on the employer and paragraph (3)(b) and paragraph (5)(a) were omitted.

(3) The master shall—

- (a) take charge of that property; and
- (b) enter in the official log book—
  - (i) a list of all the property so taken into his charge;
  - (ii) in the case of the sale under paragraph (4)(a) of this regulation of any part of the property, a description of each article sold and the sum received for it;
  - (iii) in the case of the destruction or disposal of any part of the property under paragraph (4)(b) of this regulation, a description of each article destroyed or disposed of and the name of any person to whom disposal was made.

(4) The master may at any time—

- (a) sell, by public auction or otherwise, any part of the property which is of a perishable or deteriorating nature; and the proceeds of sale shall form part of the property; and
- (b) destroy or otherwise dispose of any part of the property which, in his opinion, endangers or is likely to endanger the health or safety of any person on board the ship.

(5) Subject to paragraph (6) of this regulation—

- (a) the master shall, when directed by the employer, cause the property to be delivered to the employer at an address in the country to which the seaman is to be returned in accordance with regulation 6; and
- (b) the employer shall deliver the property—
  - (i) to the seaman at his last known address; or
  - (ii) if the seaman's wages are payable by virtue of regulation 14 to his next of kin as named in the list of crew, to that next of kin at the address stated in the list of crew; and the expense of such delivery by the employer shall be borne by the person to whom the property is delivered.

(6) If the seaman so requests, the master shall cause the seaman's property to be delivered to him at an address stated by the seaman; and any expense incurred in so delivering the property shall be borne by the seaman.

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(7) The employer, when delivering the property to the seaman or his next of kin in accordance with paragraph (5)(b) of this regulation, or the master when causing the seaman's property to be delivered to the seaman in accordance with paragraph (6) of this regulation, shall deliver to the seaman or his next of kin, as the case may be, a record of all the property delivered and—

- (a) where any property has been sold under paragraph (4)(a) of this regulation, a description of each article sold and the sum received for it; and
- (b) where any property has been destroyed or disposed of under paragraph (4)(b) of this regulation, a description of each such article.

(8) A master who fails to comply with an obligation imposed on him by or under:

- (a) paragraph (3)(a), (5)(a), (6) or (7) of this regulation shall be guilty of an offence and shall be punishable on summary conviction with a fine not exceeding £100;
- (b) paragraph (3)(b) of this regulation shall be guilty of an offence and shall be punishable on summary conviction with a fine not exceeding £20.

(9) An employer who fails to comply with an obligation imposed on him by or under paragraph (5) (b) or (7) of this regulation shall be guilty of an offence and shall be punishable on summary conviction with a fine not exceeding £100.