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STATUTORY INSTRUMENTS

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**1991 No. 2144**

**The Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) Regulations 1991**

**PART III**

**DISCHARGE OF SEAMEN**

**Notice of discharge**

**23.**—(1) In the event of any dispute about a seaman's wages, and that dispute is at the time of discharge to be submitted to a superintendent or proper officer under section 10 of the Act (which relates to disputes about seamen's wages), then subject to regulation 24 the master of a ship shall, not less than 48 hours before the seaman is discharged from the ship or, if it is not practicable within that period, as soon as practicable thereafter, give a notice of discharge in writing to a superintendent or proper officer for the place where the seaman is to be discharged.

(2) A notice of discharge shall contain the following particulars—

- (a) the name of the ship, its port of registry and official number;
- (b) the place, date and time of the seaman's discharge;
- (c) the capacity in which the seaman is employed in the ship.

(3) If a notice of discharge relates to more than one seaman, it shall state, in addition to the particulars specified in paragraph (2) of this regulation, the number of seamen being discharged.

**Discharge**

**24.** A notice of discharge is not required in respect of a seaman discharged—

- (a) if the seaman is to be discharged from a ship exempted from the requirements of section 1 of the Act by regulation 4(1); or
- (b) if the seaman is exempted from the requirements of section 1 of the Act by regulation 4(2).

**Procedure on discharge**

**25.**—(1) Where a seaman is present when he is discharged:

- (a) the master, or one of the ship's officers authorised by him in that behalf, shall, before the seaman is discharged—
  - (i) if the seaman produces his discharge book to him, record in it the name of the ship, its port of registry, gross or register tonnage and official number, the description of the voyage, the capacity in which the seaman has been employed in the ship, the date on which he began to be so employed and the date and place of his discharge; or
  - (ii) if the seaman does not produce his discharge book to him, give to the seaman a certificate of discharge containing the like particulars;
- (b) the master shall ensure that the seaman is discharged in the presence of—

- (i) the master himself, or
  - (ii) the seaman's employer, or
  - (iii) a person authorised in that behalf by the master or employer;
- (c) the person mentioned in paragraph (1)(b) of this Regulation in whose presence the seaman is being discharged shall—
- (i) make and sign an entry in the official log book recording the place, date and time of the seaman's discharge; and
  - (ii) make and sign an entry in the crew agreement or, if there is a list of crew separate from a crew agreement, in the list of crew, recording the place and date of, and the reason for, the seaman's discharge, and
- (d) the seaman shall sign the entry in the crew agreement and list of crew referred to in paragraph (1)(c)(ii) of this regulation.
- (2) Where a seaman is not present when he is discharged, the master, or a person authorised in that behalf by the master, shall make the entries referred to in paragraph (1)(c) of this regulation.
- (3) All entries in the official log book required under the preceding paragraphs of this regulation shall, in addition to being signed by the person making the entry, be signed also by a member of the crew.
- (4) If a seaman so requests, within a period of 6 months from the date of his discharge from or his leaving the ship, the master, or one of the ship's officers authorised by him in that behalf, shall give to the seaman a certificate (which shall be separate from any other document) either as to the quality of his work or indicating whether he has fully discharged his obligations under his contract of employment.

### **Offences under Part III**

- 26.**—(1) Any person (including a master)—
- (a) who fails to comply with an obligation imposed on him by or under paragraph (1)(a), (1)(c) or (4) of regulation 24, or
  - (b) who fails to comply with an obligation imposed on him by regulation 25(c)(ii) in relation to an entry in a crew agreement or in a list of crew; shall be guilty of an offence.
- (2) a master—
- who fails to comply with an obligation imposed on him under regulation 23(1), 25(1)(b), 25(2) or 25(4).
- shall be guilty of an offence.
- (3) A seaman who fails to comply with an obligation imposed on him by regulation 25(1)(d) shall be guilty of an offence.
- (4) Any offence under this regulation shall be punishable on summary conviction—
- (a) in the case of an offence referred to in paragraph (1)(a) or (1)(b) or (2) of this regulation, with a fine not exceeding level 3 on the standard scale and;
  - (b) in the case of an offence referred to in paragraph (3) of this regulation, with a fine not exceeding level 1 on the standard scale.