
STATUTORY INSTRUMENTS

2014 No. 1613

**The Merchant Shipping (Maritime Labour Convention)
(Minimum Requirements for Seafarers etc.) Regulations 2014**

PART 9

Medical care

Shipowner duty to make provision for seafarer medical and other expenses

43.—(1) This regulation applies in relation to a seafarer who suffers sickness or injury falling within paragraph (2).

(2) Sickness or injury falls within this paragraph if it—

(a) first occurs during a period—

(i) which starts on the date on which that seafarer's seafarer employment agreement commences and ends on the next date on which the shipowner's duty to make provision for the repatriation of that seafarer under regulation 19 ends under regulation 21; or

(ii) which starts after a period referred to in sub-paragraph (i) but is caused by circumstances or events arising during that period; and

(b) does not first occur during a period of leave, other than shore leave.

(3) Subject to paragraphs (5) and (6), the shipowner must—

(a) ensure that the seafarer is provided with medical care on board, so far as is practicable; and

(b) meet any expenses falling within paragraph (4) which are reasonably incurred in connection with the seafarer's sickness or injury.

(4) Expenses falling within this paragraph are—

(a) expenses of surgical, medical, dental or optical treatment (including the supply, repair or replacement of any appliance); and

(b) expenses for board and lodging.

(5) The duty to meet expenses referred to in paragraph (3)(b)—

(a) does not apply to expenses which are met by a public authority; and

(b) does not affect any duty on the shipowner under regulation 22 and does not apply in respect of any expenses met by the shipowner in accordance with that duty.

(6) Subject to paragraph (7), the duty to meet expenses referred to in paragraph (3)(b) is limited to expenses incurred during whichever of the following periods is the shorter—

(a) a period of 16 weeks beginning on the day on which the sickness or injury first occurs; or

(b) a period beginning on the day on which the sickness or injury first occurs and ending on the day on which a person authorised to issue seafarer medical certificates notifies the seafarer of a decision that—

- (i) the seafarer is not fit to carry out the duties which that seafarer is required to carry out under the terms of that seafarer's seafarer employment agreement, and
- (ii) the seafarer is unlikely to be fit to carry out duties of that nature in the future.

(7) If a person authorised to issue seafarer medical certificates has notified a seafarer of a decision in the terms described in paragraph (6)(b) and that or another such person subsequently notifies the seafarer that such a decision no longer applies in both or either respects, the duty to meet expenses referred to in paragraph (3)(b) is limited to expenses incurred during the period set out in paragraph (6)(a).

(8) The shipowner may recover from the seafarer as a civil debt any expenses it has met under the duty to meet expenses referred to in paragraph (3)(b) in connection with—

- (a) injury suffered otherwise than in the service of the ship;
- (b) injury or sickness arising from the wilful misconduct of the seafarer who is injured or sick; or
- (c) injury or sickness intentionally concealed by the seafarer prior to entering into the seafarer employment agreement.

(9) If any expenses are incurred by a seafarer to which the duty in paragraph (3) applies, the seafarer may (other than in the circumstances referred to in sub-paragraphs (a) to (c) of paragraph (8)) recover those expenses from the shipowner as a civil debt.

(10) A breach of paragraph (3) is an offence by the shipowner.

Duty to carry a medical practitioner on ship

44.—(1) Subject to paragraph (2), a ship must not be operated unless a medical practitioner is carried on board the ship.

- (2) This regulation does not apply to a ship unless—
 - (a) it has 100 or more persons on board; and
 - (b) it is engaged on an international voyage lasting more than 72 hours.
- (3) A breach of paragraph (1) is an offence by the shipowner.

Right to medical attention

45.—(1) When a ship is in a port of call, the shipowner must permit a seafarer to go ashore for medical attention of a kind which is not available on board the ship, where this is reasonably practicable.

- (2) A breach of paragraph (1) is an offence by the shipowner.

Part 9 requirements for non-United Kingdom ships with MLC documentation

- 46.—(1) A seafarer must—
 - (a) be given access to prompt and adequate medical care whilst working on board the ship at no cost to the seafarer; and
 - (b) be permitted to visit a qualified medical doctor or dentist without delay in ports of call, where practicable.

(2) A breach of paragraph (1) is an offence by the shipowner.

(3) Subject to paragraph (4), a ship must not be operated unless it carries a qualified medical doctor who is responsible for providing medical care.

(4) Paragraph (3) does not apply to a ship unless—

- (a) it has 100 or more persons on board; and
 - (b) it is engaged on an international voyage lasting more than 72 hours.
- (5) A breach of paragraph (3) is an offence by the shipowner.

(6) In paragraph (3), “qualified medical doctor” means a person who is recognised as such by, and who (for the purposes of sub-paragraph 4(b) of Standard A4.1 (medical care on board ship and ashore) of the MLC) has the qualifications required by, the State whose flag the ship is entitled to fly.

Interpretation of Part 9

47. In this Part —

“person authorised to issue seafarer medical certificates” means a person who has been authorised by or on behalf of the Secretary of State or another national maritime administration to issue medical certificates to seafarers for the purposes of Regulation 1.2 of the MLC (medical certificate) or Regulation I/9 of the STCW Convention;

“fully registered person” and “licence to practise” have the meanings given in section 55(1) of the Medical Act 1983⁽¹⁾;

“medical practitioner” means—

- (a) in the case of a practitioner ordinarily resident in the United Kingdom, a fully registered person who—
 - (i) holds a licence to practise; or
 - (ii) meets the criteria specified in Merchant Shipping Notice 1841(M), being criteria which the Secretary of State considers appropriate having regard to the evidence of continuing professional development which such a practitioner must demonstrate in order to obtain a licence to practise; or
- (b) in the case of a practitioner not ordinarily resident in the United Kingdom, a person who meets the criteria specified in Merchant Shipping Notice 1841(M), being criteria which the Secretary of State considers appropriate having regard to the qualifications and other credentials which must be demonstrated by a person falling within paragraph (a); and

“the STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978⁽²⁾, as amended in 1995 by resolution 1 of the STCW Convention⁽³⁾, convened at the International Maritime Organization’s headquarters from 26th June to 7th July 1995.

(1) 1983 c.54. The definition of “fully registered person” was amended by S.I. 2000/3041, S.I. 2006/1914, S.I. 2007/3101 and S.I. 2008/1774. The definition of “licence to practise” was amended by S.I. 2002/3135.

(2) Cmnd 9266.

(3) Cmnd 3772.