



Merchant Shipping Act 1995

1995 CHAPTER 21

PART III

MASTERS AND SEAMEN

Civil liability of seamen for offences

70 Civil liability for absence without leave.

- (1) The following provisions of this section shall apply with respect to the liability of a seaman employed in a United Kingdom ship to damages for being absent from his ship at a time when he is required under his contract of employment to be on board.
- (2) If he proves that his absence was due to an accident or mistake or some other cause beyond his control and that he took all reasonable precautions to avoid being absent his absence shall not be treated as a breach of contract.
- (3) Where subsection (2) above does not apply, then—
 - (a) if no special damages are claimed his liability shall be £10;
 - (b) if special damages are claimed his liability shall not be more than £100.
- (4) In the application of this section to Scotland for the references to special damages there shall be substituted references to damage in respect of specific expense incurred or loss sustained.
- [^{F1}(5) Subsection (3) does not apply in respect of an agreement to reimburse repatriation costs.]

Textual Amendments

- F1** S. 70(5) inserted (7.8.2014) by [The Merchant Shipping \(Maritime Labour Convention\) \(Consequential and Minor Amendments\) Regulations 2014 \(S.I. 2014/1614\)](#), regs. 1, 2(5)

Changes to legislation: Merchant Shipping Act 1995, Cross Heading: Civil liability of seamen for offences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

71 Civil liability for smuggling.

If a seaman employed in a United Kingdom ship is found in civil proceedings before a court in the United Kingdom to have committed an act of smuggling, whether within or outside the United Kingdom, he shall be liable to make good any loss or expense that the act has caused to any other person.

72 Civil liability for fines imposed under immigration laws.

- (1) The following provisions of this section shall apply where, at a time when a United Kingdom ship is in the national or territorial waters of any country outside the United Kingdom, a seaman employed in the ship is absent without leave and present in that country in contravention of that country's laws.
- (2) If, by reason of the contravention, a penalty is incurred under those laws by the persons employing the seaman the penalty shall be treated as being attributable to his absence without leave and may, subject to the provisions of section 70, be recovered from him as special damages for breach of contract (or, in Scotland, as damages in respect of specific expense incurred or loss sustained).
- (3) If, by reason of the contravention, a penalty is incurred under those laws by any other person the amount thereof, or, if that amount exceeds £100, £100, may be recovered by him from the seaman.

Changes to legislation:

Merchant Shipping Act 1995, Cross Heading: Civil liability of seamen for offences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 145(2)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 13\(2\)](#)
- s. 145(2)(a)(ia) words substituted by [2015 c. 2 Sch. 11 para. 16\(2\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2)(a)(ia) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)
- s. 145(2A) inserted by [2003 c. 44 Sch. 36 para. 13\(3\)](#)
- s. 145(2A) words substituted by [2015 c. 2 Sch. 11 para. 16\(3\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2A) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)