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Merchant Shipping Act 1995

1995 CHAPTER 21

PART III

MASTERS AND SEAMEN

Manning, qualifications, training and uniform

46 Application of sections 47 to 51.

Sections 47 to 51 apply to every United Kingdom ship and also to any ship registered under the law of a country outside the United Kingdom which carries passengers—

- (a) between places in the United Kingdom or between the United Kingdom and the Isle of Man or any of the Channel Islands; or
- (b) on a voyage which begins and ends at the same place in the United Kingdom and on which the ship calls at no place outside the United Kingdom.

47 Manning.

- (1) Subject to subsection (2) below, the Secretary of State may make regulations—
 - (a) requiring ships to which this section applies to carry such number of qualified officers of any description, qualified doctors and qualified cooks and such number of other seamen or qualified seamen of any description as may be specified in the regulations; and
 - (b) prescribing or enabling the Secretary of State to specify standards of competence to be attained and other conditions to be satisfied (subject to any exceptions allowed by or under the regulations) by officers and other seamen of any description in order to be qualified for the purposes of this section.
- (2) The Secretary of State shall not exercise his power to make regulations requiring ships to carry seamen other than doctors and cooks except to the extent that it appears to him necessary or expedient in the interests of safety.

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- (3) Regulations under this section may make different provision for different descriptions of ship or for ships of the same description in different circumstances.
- (4) Without prejudice to the generality of subsection (1)(b) above, the conditions prescribed or specified under that paragraph may include conditions as to nationality, and regulations made for the purposes of that paragraph may make provision, or enable the Secretary of State to make provision, for—
- (a) the manner in which the attainment of any standard or the satisfaction of any other condition is to be evidenced;
 - (b) the conduct of any examinations, the conditions for admission to them and the appointment and remuneration of examiners; and
 - (c) the issue, form and recording of certificates and other documents;
- and different provisions may be so made or enabled to be made for different circumstances.
- (5) If a person makes a statement which he knows to be false or recklessly makes a statement which is false in a material particular for the purpose of obtaining for himself or another person a certificate or other document which may be issued under this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

48 Power to exempt from manning requirements.

- (1) The Secretary of State may exempt any ship or description of ship from any requirements of regulations made under section 47.
- (2) An exemption given under this section may be confined to a particular period or to one or more particular voyages.

49 Prohibition of going to sea undermanned.

- (1) Subject to section 48, if a ship to which this section applies goes to sea or attempts to go to sea without carrying such officers and other seamen as it is required to carry under section 47, the owner or master shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine;
 and the ship, if in the United Kingdom, may be detained.
- (2) This section shall, in its application to ships which are not sea-going ships, have effect as if for the words “goes to sea or attempts to go to sea” there were substituted the words “goes on a voyage or excursion or attempts to do so” and the words “if in the United Kingdom” were omitted.

50 Production of certificates and other documents of qualification.

- (1) Any person serving or engaged to serve in any ship to which this section applies and holding any certificate or other document which is evidence that he is qualified for the purposes of section 47 shall on demand produce it to any superintendent, surveyor of ships or proper officer and (if he is not himself the master) to the master of the ship.

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- (2) If, without reasonable excuse, a person fails to comply with subsection (1) above he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

51 Crew's knowledge of English.

- (1) Where in the opinion of a superintendent or proper officer the crew of a ship to which this section applies consists of or includes persons who may not understand orders given to them in the course of their duty because of their insufficient knowledge of English and the absence of adequate arrangements for transmitting the orders in a language of which they have sufficient knowledge, then—
- (a) if the superintendent or proper officer has informed the master of that opinion, the ship shall not go to sea; and
 - (b) if the ship is in the United Kingdom, it may be detained.
- (2) If a ship goes to sea or attempts to go to sea in contravention of this section the owner or master shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

52 Unqualified persons going to sea as qualified officers or seamen.

- (1) If a person goes to sea as a qualified officer or seaman of any description without being such a qualified officer or seaman he shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum,
 - (b) on conviction on indictment, to a fine.
- (2) In this section “qualified” means qualified for the purposes of section 47.

53 Medical treatment on board ship.

Where a United Kingdom ship does not carry a doctor among the seamen employed in it the master shall make arrangements for securing that any medical attention on board the ship is given either by him or under his supervision by a person appointed by him for the purpose.

54 Special certificates of competence.

- (1) The Secretary of State may issue and record documents certifying the attainment of any standard of competence relating to ships or their operation, notwithstanding that the standard is not among those prescribed or specified under section 47(1)(b); and may, in relation thereto, make regulations for purposes corresponding to those mentioned in section 47(4).
- (2) If a person makes a statement which he knows to be false or recklessly makes a statement which is false in a material particular for the purpose of obtaining for himself or another person a document which may be issued under this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

55 Young persons.

- (1) A person under school-leaving age shall not be employed in any United Kingdom ship except as permitted by regulations under this section.

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- (2) The Secretary of State may make regulations—
- (a) prescribing circumstances in which and conditions subject to which persons under school-leaving age who have attained such age as may be specified in the regulations may be employed in a ship in such capacities as may be so specified;
 - (b) prescribing circumstances and capacities in which persons over school leaving-age but under the age of 18 or under such lower age as may be specified in the regulations must not be employed in a United Kingdom ship or may be so employed only subject to such conditions as may be specified in the regulations.
- (3) Regulations made for the purposes of this section may make different provision for different employments and different descriptions of ship and any other different circumstances.
- (4) If any person is employed in a ship in contravention of this section or if any condition subject to which a person may be employed under regulations made for the purposes of this section is not complied with, the owner or master shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) For the purposes of this section a person employed in a ship shall be deemed to be over school-leaving age if he has, and under school-leaving age if he has not, attained the age which is the upper limit of compulsory school age (in Scotland school age) under the enactments relating to education in the part of the United Kingdom in which he entered into the agreement under which he is so employed or, if he entered into that agreement outside the United Kingdom or is employed otherwise than under an agreement, under the enactments relating to education in England and Wales; and if he is treated for the purposes of those enactments as not having attained that age he shall be so treated also for the purposes of this section.

Modifications etc. (not altering text)

C1 S. 55(1) excluded (1.10.1998) by 1998 c. 31, s. 112(2) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1 Pt. I

56 Financial assistance for training.

- (1) The Secretary of State may, with the consent of the Treasury, give any person or body of persons of any description determined by him for the purposes of this section financial assistance in respect of expenses incurred or to be incurred by any such person or body in connection with the training (whether in the United Kingdom or elsewhere) of officers and ratings for service in merchant ships, including expenses incurred or to be incurred by any such person in connection with his undergoing any such training.
- (2) Assistance under this section may be given by way of a grant or a loan or otherwise; and in giving any such assistance the Secretary of State may impose such conditions as he thinks fit, including conditions requiring a grant to be repaid in specified circumstances.

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- (3) This section is without prejudice to any other power of the Secretary of State to give financial assistance in connection with any such training as is mentioned in subsection (1) above.

57 Uniform.

- (1) Subject to subsection (3) below, if any person, not being entitled to wear the merchant navy uniform, wears that uniform or any part thereof, or any dress having the appearance or bearing any of the distinctive marks of that uniform, he shall be guilty of an offence.
- (2) A person guilty of an offence under subsection (1) above shall be liable, on summary conviction,—
- (a) except in a case falling within paragraph (b) below, to a fine not exceeding level 1 on the standard scale;
 - (b) if he wears it in such a manner or under such circumstances as to be likely to bring contempt on the uniform, to a fine not exceeding level 1 on the standard scale or to imprisonment for a term not exceeding one month.
- (3) Subsection (1) above shall not prevent any person from wearing any uniform or dress in the course or for the purposes of a stage play or representation, or a music-hall or circus performance if the uniform is not worn in such a manner or under such circumstances as to bring it into contempt.
- (4) If any person entitled to wear the merchant navy uniform when aboard a ship in port or on shore appears dressed partly in uniform and partly not in uniform under such circumstances as to be likely to bring contempt on the uniform, or, being entitled to wear the uniform appropriate to a particular rank or position, wears the uniform appropriate to some higher rank or position, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

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