



Merchant Shipping Act 1906

1906 CHAPTER 48

PART IV

PROVISIONS AS TO RELIEF AND REPATRIATION OF DISTRESSED SEAMEN, AND SEAMEN LEFT BEHIND ABROAD

36 Certificate of proper authority required where a seaman is left behind abroad

- (1) The master of a British ship shall not leave a seaman behind at any place out of the United Kingdom, ashore or at sea (except where the seaman is discharged in accordance with the Merchant Shipping Acts), unless he previously obtains, endorsed on the agreement with the crew, the certificate of the proper authority as defined for the purpose in this-Part of this Act, stating the cause of the seaman being left behind, whether the cause be unfitness or inability to proceed to sea, desertion, or disappearance or otherwise.
- (2) The authority to whom an application is made for a certificate under this section may, and, if not a merchant, shall, examine into the grounds on which a seaman is to be left behind, and for that purpose may, if he thinks fit, administer oaths, and may grant or refuse the certificate as he thinks just, but the certificate shall not be unreasonably withheld.
- (3) If the master of a ship fails to comply with this section, he shall (without prejudice to his liability under any other provision of the Merchant Shipping Acts) be guilty in respect of each offence of a misdemeanor, and in any legal proceeding for the offence it shall lie on the master to prove that, the certificate was obtained or could not be obtained without unreasonable delay to the ship or was unreasonably withheld.