



Merchant Shipping Act 1894

1894 CHAPTER 60

PART II

MASTERS AND SEAMEN.

Payment of Wages.

131 Payment of wages before superintendent.

- (1) Where a seaman is discharged before a superintendent in the United Kingdom, he shall receive his wages through or in the presence of the superintendent, unless a competent court otherwise direct, and if in such a case the master or owner of a ship pays his wages within the United Kingdom in any other manner, he shall for each offence be liable to a fine not exceeding ten pounds.
- (2) If the master or owner of a home trade ship so desires, the seamen of that ship may receive their wages in the same manner as seamen discharged from a foreign-going ship.

132 Master to deliver account of wages.

- (1) The master of every ship shall before paying off or discharging a seaman deliver at the time and in the manner provided by this Act a full and true account, in a form approved by the Board of Trade, of the seaman's wages, and of all deductions to be made therefrom on any account whatever.
- (2) The said account shall be delivered—
 - (a) where the seaman is not to be discharged before a superintendent, to the seaman himself not less than twenty-four hours before his discharge or payment off; and
 - (b) where the seaman is to be discharged before a superintendent, either to the seaman himself at or before the time of his leaving the ship, or to the superintendent not less than twenty-four hours before the discharge or payment off.

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- (3) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

133 Deductions from wages of seamen.

- (1) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of the last preceding section, except in respect of a matter happening after the delivery.
- (2) The master shall during the voyage enter the various matters in respect of which the deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce the book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to that payment.

134 Time of payment of wages for foreign-going ships.

In the case of foreign-going ships (other than ships employed on voyages for which seamen by the terms of their agreement are wholly compensated by a share in the profits of the adventure)—

- (a) The owner or master of the ship shall pay to each seaman on account, at the time when he lawfully leaves the ship at the end of his engagement, two pounds, or one fourth of the balance of wages due to him, whichever is least; and shall pay him the remainder of his wages within two clear days (exclusive of any Sunday, fast day in Scotland, or Bank holiday) after he so leaves the ship:
- (b) If the seaman consents, the final settlement of his wages may be left to a superintendent under regulations of the Board of Trade, and the receipt of the superintendent shall in that case operate as if it were a release given by the seaman in accordance with this Part of this Act:
- (c) In the event of the seaman's wages or any part thereof not being paid or settled as in this section mentioned, then, unless the delay is due to the act or default of the seaman, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the owner or master, the seaman's wages shall continue to run and be payable until the time of the final settlement thereof.

135 Time of payment of wages for home trade ships.

- (1) The master or owner of every home trade ship shall pay to every seaman his wages within two days after the termination of the agreement with the crew, or at the time when the seaman is discharged, whichever first happens.
- (2) If a master or owner fails without reasonable cause to make payment at that time, he shall pay to the seaman a sum not exceeding the amount of two days pay for each of the days during which payment is delayed beyond that time, but the sum payable shall not exceed ten days double pay.
- (3) Any sum payable under this section may be recovered as wages.

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136 Settlement of wages.

- (1) Where a seaman is discharged, and the settlement of his wages completed, before a superintendent, he shall sign in the presence of the superintendent a release, in a form approved by the Board of Trade, of all claims in respect of the past voyage or engagement; and the release shall also be signed by the master or owner of the ship, and attested by the superintendent.
- (2) The release, so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.
- (3) The release shall be retained by the superintendent, and on production from his custody shall be admissible in evidence in manner provided by this Act.
- (4) Where the settlement of a seaman's wages is by this Act required to be completed through or in the presence of a superintendent, no payment, receipt, or settlement, made otherwise than in accordance with this Act shall operate as or be admitted as evidence of the release or satisfaction of any claim.
- (5) Upon any payment being made by a master before a superintendent, the superintendent shall, if required, sign and give to the master a statement of the whole amount so paid; and the statement shall as between the master and his employer be admissible as evidence that the master has made the payments therein mentioned.

137 Decision of questions by superintendents.

- (1) Where in the case of a foreign-going ship a question as to wages is raised before a superintendent between the master or owner of the ship and a seaman or apprentice, and the amount in question does not exceed five pounds, the superintendent may, on the application of either party, adjudicate, and the decision of the superintendent in the matter shall be final; but if the superintendent is of opinion that the question is one which ought to be decided by a court of law, he may refuse to decide it.
- (2) Where any question, of whatever nature and whatever the amount in dispute, between a master or owner and any of his crew is raised before a superintendent, and both parties agree in writing to submit the same to him, the superintendent shall hear and decide the question so submitted; and an award made by him upon the submission shall be conclusive as to the rights of the parties, and the submission or award shall not require a stamp; and a document purporting to be the submission or award shall be admissible as evidence thereof.

138 Power of superintendent to require production of ship's papers.

- (1) In any proceeding under this Act before a superintendent relating to the wages, claims, or discharge of a seaman, the superintendent may require the owner, or his agent, or the master, or any mate or other member of the crew, to produce any log-books, papers, or other documents in his possession or power relating to a matter in question in the proceeding, and may require the attendance of and examine any of those persons, being then at or near the place, on the matter.
- (2) If any person so required fails, without reasonable cause, to comply with the requisition, he shall for each offence be liable to a fine not exceeding five pounds.

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139 Rule as to payment of British seamen in foreign money.

Where a seaman has agreed with the master of a British ship for payment of his wages in British sterling or any other money, any payment of, or on account of, his wages if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement, for the time being current at the place where the payment is made.