



# Merchant Shipping Act 1894

## 1894 CHAPTER 60

### PART IV

#### FISHING BOATS.

### III

#### PROVISIONS APPLYING TO TRAWLERS.

##### *Engagement of Seamen.*

#### **399 Agreements with crew.**

- (1) The skipper of every fishing boat being a trawler of twenty-five tons tonnage or upwards shall enter into an agreement (in this Part of this Act called a fishing boat's agreement), in accordance with this Part of this Act, with every seaman whom he carries to sea as one of his crew from any port in England or Ireland, and shall not carry to sea any seaman with whom no such agreement has been entered into.
- (2) If a skipper acts in contravention of this section, he shall for each offence be liable to a fine not exceeding five pounds.
- (3) This section shall not apply in the case of a sea-fishing boy.

#### **400 Form, period, and condition of agreement.**

- (1) A fishing boat's agreement shall be in a form approved by the Board of Trade, and be dated at the time of the first signature thereof, and be signed by the skipper before a seaman signs it.
- (2) A fishing boat's agreement shall contain as terms thereof—
  - (a) the nature and, as far as practicable, the duration of the intended voyage or engagement:

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- (b) the number and description of the crew :
  - (c) the time at which each seaman is to be on board or to begin work :
  - (d) the capacity in which each seaman is to serve :
  - (e) the remuneration which each seaman is to receive, whether in wages or by share in the catch, or in both ways, and the time from which each seaman's remuneration is to commence :
  - (f) a scale of the provisions to be furnished to each seaman:
  - (g) any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishment for misconduct, which the Board of Trade have approved as proper and the parties agree to adopt.
- (3) The fishing boat's agreement shall be so framed as to admit of stipulations, to be adopted at the will of the skipper and seaman in each case, as to advance and allotment of wages, and may contain any other stipulations that are not contrary to law.

#### **401 Mode of entering into agreements.**

- (1) A fishing boat's agreement shall be signed by each seaman, and the skipper shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.
- (2) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be sent by the skipper to the superintendent at the port of departure and retained by him, and the other part shall be retained by the skipper, and shall contain a special place for the descriptions and signatures of substitutes, or persons engaged subsequently to the first departure of the fishing boat.
- (3) Where a substitute is engaged in the place of a seaman who has signed the agreement, and whose services are lost by death, desertion, failure to join, or other unforeseen cause, the skipper shall, before the fishing boat puts to sea, if practicable, and if not as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of the skipper who shall attest the signature.

#### **402 Agreements by owner or for service in two or more fishing boats.**

- (1) Fishing boats agreements may be made by the owner (or if there are several owners the registered managing owner) instead of by the skipper; and the provisions of this Part of this Act with respect to fishing boats agreements shall apply as if the owner were skipper.
- (2) Fishing boats agreements may be made for service either in a particular boat or in two or more boats belonging to the same owner, provided that in the latter case the names of the boats and the length and nature of the service, and the rates periods and method of payment are specified in the agreement.

#### **403 Fishing boats running agreements.**

- (1) Fishing boats agreements may, if the voyages of the boat average less than six months in duration, be made to extend over two or more voyages or any number of weeks, and agreements so made are in this Part of this Act referred to as fishing boats running agreements.

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- (2) Fishing boats running agreements shall not extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the boat at her port of destination in the United Kingdom after that date, or the discharge of cargo consequent on that arrival.

#### **404 Endorsement of engagements and discharge on running agreements.**

- (1) Where a fishing boat's running agreement has been made for any boat, the skipper shall on every return to a port in the United Kingdom before the final termination of the agreement make and sign an endorsement on the agreement stating either that no engagements or discharges of seamen have been made or are intended to be made before the boat leaves port, or that all those made have been made as required by law.
- (2) If a skipper knowingly makes in false statement in any such endorsement, he shall for each offence be liable to a fine not exceeding five pounds.

#### **405 Report of crew.**

- (1) The owners of a fishing boat, being a trawler of twenty-five tons tonnage or upwards, shall, within forty-eight hours of her departure from port on any voyage, send or cause to be sent to the superintendent at the port a true report, signed by an owner or the registered managing owner, in a form approved by the Board of Trade, stating the names' of the skipper, seamen, and apprentices who have gone to sea in her, and such other particulars as the Board require.
- (2) Where the sole or the registered managing owner or every owner of such a fishing boat goes to sea in her on the voyage, or the voyage commences at a port where there is no owner or registered managing owner, the report may be made and signed on his behalf by his agent for that purpose.
- (3) If any requirement of this section is not complied with in the case of any boat, each owner of the boat and the registered managing owner (if any) of the boat shall for each offence be liable to a fine not exceeding five pounds.
- (4) The Board of Trade may in any case they think fit, and subject to such conditions and requirements as in their opinion may be necessary, exempt owners of boats from this section.

#### **406 Statement of change of crew in case of running agreements.**

- (1) Where a fishing boat's running agreement has been made, the skipper shall, before finally leaving any port for sea during the continuance of the agreement, sign and send to the nearest superintendent an accurate statement, in a form approved by the Board of Trade, of every change which has taken place in his crew, and that statement shall be admissible in evidence in manner provided by this Act.
- (2) if a skipper fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.
- (3) The Board of Trade may in any case they think fit, and subject to such conditions and requirements as in their opinion may be necessary, exempt skippers of boats from this section.

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**407 Alterations, &c. in agreements to be attested.**

Every erasure interlineation or alteration in a fishing boat's agreement (except additions so made as herein-before directed for shipping substitutes or persons engaged subsequently to the first departure of the fishing boat) shall be wholly inoperative unless proved to have been made with the consent of all the persons interested in that erasure interlineation or alteration.

**408 Offences as to agreements with the crew.**

If a skipper—

- (i) fraudulently alters, or makes any false entry in, a fishing boat's agreement, or is privy to any such fraudulent alteration or false entry ;
  - (ii) delivers, or is privy to the delivery of, a false copy of a fishing boat's agreement ;
- he shall for each offence be liable to a fine not exceeding twenty pounds.