

1972 No. 1295

MERCHANT SHIPPING

MASTERS AND SEAMEN

The Merchant Shipping (Seamen's Documents) Regulations 1972

<i>Made - - - -</i>	<i>17th August 1972</i>
<i>Laid before Parliament</i>	<i>25th August 1972</i>
<i>Coming into Operation</i>	<i>1st January 1973</i>

The Secretary of State, after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970(a), in exercise of powers conferred by sections 70 and 71 of that Act and now vested in him(b), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Seamen's Documents) Regulations 1972 and shall come into operation on 1st January 1973.

(2) In these Regulations—

- (a) the expressions "British protected person", "citizen of the United Kingdom and colonies", "colony", "protected state" and "protectorate" have respectively the same meanings as they have in and for the purposes of the British Nationality Act 1948(c);
- (b) "associated state" has the same meaning as it has in and for the purposes of the West Indies Act 1967(d);
- (c) "the Act" means the Merchant Shipping Act 1970;
- (d) "British Seaman's Identity Card" means a British Seaman's Identity Card issued under the British Seamen's Identity Cards Order 1942(e);
- (e) "the Order of 1960" means the British Seamen's Cards Order 1960(f) as amended(g);
- (f) "British seaman" has the meaning assigned to it in section 70(3) of the Act;
- (g) a person to whom a British Seaman's Card or a discharge book has been issued is referred to as the holder of it; and

(a) 1970 c. 36.

(b) See the Secretary of State for Trade and Industry Order 1970 (S.I. 1970/1537 (1970 III, p. 5293)).

(c) 11 & 12 Geo. 6. c. 56.

(d) 1967 c. 4.

(e) S.R. & O. 1942/2681 (1942 II, p. 2010).

(f) S.I. 1960/967 (1960 II, p. 1987).

(g) S.I. 1967/1610 (1967 III, p. 4431).

(h) "Seaman's Record Book" means a Seaman's Record Book and Certificates of Discharge issued to a seaman by the Secretary of State, the Board of Trade, the Minister of Transport, the Minister of Transport and Civil Aviation, the Minister of War Transport or the Minister of Shipping.

(3) For the purposes of these Regulations, a person shall be treated as having the right of abode if he has the right of abode in the United Kingdom under section 2 of the Immigration Act 1971(a) or would have that right if the whole of that Act were in force.

(4) In computing any of the periods of 7 days referred to in regulations 2(1) and 16(1) any period during which the person concerned is not present in the United Kingdom shall be disregarded.

(5) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

PART I

BRITISH SEAMEN'S CARDS

Application for British Seamen's Cards

2.—(1) Subject to the provisions of regulation 3, a person who satisfies the conditions specified in paragraph (2) of this regulation (whether or not he has previously held a British Seaman's Card or a British Seaman's Identity Card)—

(a) shall, if he has the right of abode, apply for a British Seaman's Card within 7 days of satisfying those conditions; and

(b) may, if he has not that right, apply for a British Seaman's Card.

(2) The conditions referred to in paragraph (1) of this regulation are that the person—

(a) is present in the United Kingdom; and

(b) is a British seaman to whom this regulation applies; and

(c) is not the holder of a British Seaman's Card issued to him under regulation 5 or endorsed under regulation 8 or regulation 15.

3.—(1) Regulation 2 applies to any British seaman—

(a) who is employed or ordinarily employed in a ship otherwise than in an employment specified in paragraph (2) of this regulation; and

(b) who is not exempted by virtue of paragraph (3) of this regulation.

(2) The employments which are to be disregarded for the purposes of paragraph (1) of this regulation are—

(a) employment in a fishing vessel;

(b) employment in a ship belonging to a general lighthouse authority;

(c) except in the case of a person who is a cadet or who is employed in a ship solely to provide goods, personal services or entertainment on board, employment on terms under which he receives no wages or only nominal wages; and

(d) in the case of a person who is not a citizen of the United Kingdom and colonies or a British protected person, employment in a ship registered otherwise than in the United Kingdom, the Channel Islands, the Isle of Man or any colony, protectorate, protected state or associated state.

(3) Regulation 2 does not apply to—

(a) a person who is not—

(i) a citizen of the United Kingdom and colonies;

(ii) a British protected person;

(iii) a British subject without citizenship; or

(iv) a British subject by virtue of section 2(1) of the British Nationality Act 1948;

and who holds a seaman's identity document which has been issued to him by or under the authority of the government of a country specified in section 1(3) of the British Nationality Act 1948 or of any territory or trust territory under the protection of or administered by such government or of the Republic of Ireland, and of which he has not ceased to be regarded as the holder by that government;

(b) a person who holds a seaman's identity document—

(i) which has been issued to him by the government of any colony, protectorate, protected state or associated state, and

(ii) of which he has not ceased to be regarded as the holder by that government;

(c) a person in the employment of the Crown who is employed, but not ordinarily employed, as a master or seaman; and

(d) a member of the naval, military or air forces of the Crown or of any service administered by the Defence Council.

4.—(1) A person applying for a British Seaman's Card shall—

(a) make an application in accordance with regulation 30; and

(b) unless it has been lost or destroyed, surrender to the superintendent any British Seaman's Card or British Seaman's Identity Card previously held by him.

(2) Any person required under regulation 2(1)(a) to apply for a British Seaman's Card who fails to make application for a British Seaman's Card in accordance with these Regulations shall be guilty of an offence.

Issue of British Seamen's Cards

5. If a person applying for a British Seaman's Card—

(i) satisfies the conditions set out in regulation 2(2); and

(ii) has paid the fee (if any) prescribed;

in the case of a person having the right of abode, the Secretary of State shall, and, in any other case, may issue a British Seaman's Card to him.

Form of British Seamen's Cards

6. A British Seaman's Card shall be in the form set out in Schedule 1 to these Regulations and shall contain the particulars therein specified.

Validity of British Seamen's Cards

7. A British Seaman's Card shall be valid—

- (a) until the end of the period of 5 years from the date of its issue; and
- (b) if it has been endorsed in accordance with regulation 8, until the end of a further period of 5 years from the end of the period referred to in (a) above;

provided that, if at the end of either of such periods, the holder is not present in the United Kingdom, his British Seaman's Card shall remain valid until he first returns to the United Kingdom within 12 months thereafter.

8.—(1) The holder of a British Seaman's Card may make an application in writing to a superintendent and in accordance with regulation 30 for the British Seaman's Card to be endorsed under this regulation.

(2) If—

- (a) an application is made under paragraph (1) of this regulation not less than 4 years and 9 months after the date of issue of the British Seaman's Card to which it relates nor more than 7 days after the British Seaman's Card ceases to be valid by virtue of the proviso to regulation 7; and
- (b) the superintendent to whom the application is made is satisfied—
 - (i) that the person making the application is the holder of the British Seaman's Card;
 - (ii) that the British Seaman's Card is valid at the date of the application or ceased to be valid by virtue of the proviso to regulation 7 not more than 7 days before the application was made; and
 - (iii) that the person making the application has paid the fee (if any) prescribed;

in the case of a person having the right of abode, he shall and, in any other case, may endorse the British Seaman's Card with a statement that it shall be valid until the end of the period referred to in regulation 7(b).

(3) If—

- (a) an application is made under paragraph (1) of this regulation within the period of 12 months beginning 5 years after the date of issue of the British Seaman's Card to which it relates; and
- (b) the superintendent to whom the application is made is satisfied—
 - (i) that the person making the application is the holder of the British Seaman's Card;
 - (ii) that the British Seaman's Card was valid at the end of the period of 5 years from the date of its issue; and
 - (iii) that the person making the application has paid the fee (if any) prescribed;

he may endorse the British Seaman's Card with a statement that it shall be valid until the end of the period referred to in regulation 7(b).

9. When his British Seaman's Card is lost, destroyed, defaced or required to be surrendered a person shall cease to be regarded as the holder of a British Seaman's Card.

Production of British Seamen's Cards

10.—(1) The holder of a British Seaman's Card shall produce it to a superintendent, a proper officer, his employer or the master of his ship, on demand or within such period as the person requiring its production may allow.

(2) A person who fails to produce his British Seaman's Card in pursuance of a requirement made under this regulation shall be guilty of an offence.

Surrender of British Seamen's Cards

11.—(1) The holder of a British Seaman's Card shall surrender it to a superintendent—

(a) forthwith, upon his ceasing to be a British seaman or upon the card being defaced; and

(b) on demand, after he has ceased to have the right of abode.

(2) A person who fails to comply with the requirements of this regulation shall be guilty of an offence.

Delivery of British Seamen's Cards

12.—(1) Any person who comes into possession of a British Seaman's Card of which he is not the holder shall forthwith deliver it to the Registrar General of Shipping and Seamen or to a superintendent.

(2) Any person who fails to comply with this regulation shall be guilty of an offence.

British Seamen's Cards issued under the Order of 1960

13.—(1) This regulation applies to a British Seaman's Card issued under the Order of 1960 and which is still valid on the date these Regulations come into operation.

(2) Subject to regulations 14 and 15, a British Seaman's Card to which this regulation applies shall continue in force and shall have effect as if it were a British Seaman's Card issued under regulation 5 until—

(a) 31st December 1973; or

(b) if it is endorsed in accordance with regulation 15, until 31st December 1977;

provided that, if the holder is not present in the United Kingdom on either such date, his British Seaman's Card shall remain valid until he first returns to the United Kingdom after that date; and references in regulations 9, 10, 12, 26, 27, 28 and 29 to British Seamen's Cards or to seamen's documents shall include references to British Seamen's Cards to which this regulation applies.

14. A British Seaman's Card to which regulation 13 applies shall cease to be valid upon—

(a) the holder of it ceasing to be a British seaman; or

(b) its being lost, destroyed, or defaced; or

(c) its being required to be surrendered.

15.—(1) The holder of a British Seaman's Card to which regulation 13 applies shall, before the date specified in paragraph (2)(a) of that regulation, make an application to a superintendent for it to be endorsed under this regulation.

(2) If the superintendent to whom an application is made under this regulation is satisfied—

(a) that the person making the application is the holder of the British Seaman's Card; and

(b) that the British Seaman's Card is valid at the date of the application;

he shall endorse it with a statement that it shall be valid until 31st December 1977.

PART II

DISCHARGE BOOKS

Application for Discharge Books

16.—(1) Subject to the provisions of these Regulations, a person who satisfies the conditions specified in paragraph (2) of this regulation shall apply for a discharge book within 7 days of satisfying those conditions.

(2) The conditions referred to in paragraph (1) are that the person—

(a) is not exempted from the requirements of section 1 of the Act (which relates to crew agreements) by regulations made under subsection (5)(b) of that section; and

(b) either—

(i) is present in the United Kingdom while employed as a seaman in a ship registered in the United Kingdom otherwise than in an employment specified in regulation 17(3); or

(ii) being a citizen of the United Kingdom and colonies, has been discharged abroad after being so employed and has arrived in the United Kingdom within 6 months of being discharged, unless, at the time he arrived in the United Kingdom, he did not intend to take such employment; and

(c) is not the holder of a discharge book issued in accordance with these Regulations.

17.—(1) Regulation 16 shall not apply to a person if he holds a document—

(a) containing substantially the same information as a discharge book; and

(b) which has been issued to him by or under the authority of the government of a country specified in Schedule 3; and

(c) of which he has not ceased to be regarded as the holder by that government.

(2) Regulation 16 shall not apply to a person in the employment of the Crown who is not ordinarily employed as a master or seaman.

(3) For the purposes of regulation 16 no regard shall be had to employment in a fishing vessel or in a ship exempted from the requirements of section 1 of the Act (which relates to crew agreements) by regulations made under subsection (5)(a) of that section.

18—(1) A person applying for a discharge book shall—

- (a) make an application in accordance with regulation 30; and
- (b) unless it has been lost or destroyed, produce to the superintendent the latest discharge book or Seaman's Record Book previously held by him.

(2) Any person required under the provisions of regulation 16(1) to apply for a discharge book who fails to make application for a discharge book in accordance with these Regulations shall be guilty of an offence.

Issue of Discharge Books

19.—(1) If a person applying for a discharge book—

- (a) is required under the provisions of regulation 16(1) to apply for a discharge book; and
- (b) has paid the fee (if any) prescribed;

the Secretary of State shall issue to him a discharge book containing the particulars specified in Schedule 2 (except paragraphs 4 and 15).

(2) If a person applying for a discharge book—

- (a) is not required under the provisions of regulation 16(1) to apply for a discharge book;
- (b) is, or has been employed in a ship registered in the United Kingdom; and
- (c) has paid the fee (if any) prescribed;

the Secretary of State may issue to him a discharge book containing the particulars specified in Schedule 2 (except paragraphs 4 and 15).

Form and content of Discharge Books

20. A discharge book shall be in book form and shall provide for there to be recorded in it from time to time, in relation to its holder, statements of the following particulars—

- (a) those specified in Schedule 2 to these Regulations (except paragraphs 4 and 15);
- (b) the name of each ship registered in the United Kingdom in which he is employed, its port of registry, official number and gross or register tonnage, the capacity in which he is employed in the ship, the date on which and the place at which he begins to be so employed, and the description of each voyage and the date and place of his discharge;
- (c) dates of any period for which he is working or standing by, any period of paid leave, any period of unpaid leave, any period of sickness and any period of study leave, and the certificates for which the study is undertaken;
- (d) dates and nature of training courses (including pre-sea training courses) he attends and the certificates or other qualifications (if any) obtained;
- (e) his income tax code, the year to which it applies and the date on which it becomes effective;
- (f) his inoculation and vaccination certificates; and
- (g) records of tests of his eyesight.

*Entries in Discharge Books***21.—(1)** Entries in discharge books of the particulars—

- (a) referred to in paragraphs (a), (b), (d), (e), (f) and (g) of regulation 20 may be made by a superintendent or the Registrar General of Shipping and Seamen;
- (b) referred to in paragraphs (a), (b) and (f) of regulation 20 may be made by a proper officer;
- (c) referred to in paragraphs (b) and (c) of regulation 20 may be made by the master of the ship in which the holder is employed or by one of the ship's officers authorised by the master in that behalf;
- (d) referred to in regulation 20(e) and in paragraphs 2 and 16 of Schedule 2 may be made by the master of the ship in which the holder is employed;
- (e) referred to in paragraphs (c) and (e) of regulation 20 and in paragraph 16 of Schedule 2 may be made by the seaman's employer;
- (f) referred to in regulation 20(c) and in paragraph 10 of Schedule 2 to these Regulations may be made by an official of the Merchant Navy Establishment Administration;

and by no other person.

(2) Any person authorised by this regulation to make an entry in a discharge book shall, upon the discharge book being produced to him for that purpose, make the entry unless an entry of the same particulars appears to have been duly made in it.

22. A superintendent, a proper officer or the Registrar General of Shipping and Seamen may at any time correct any entry in a discharge book.

Production of Discharge Books

23.—(1) The holder of a discharge book shall produce it on demand at any time—

- (a) to a superintendent, a proper officer, the Registrar General of Shipping and Seamen or an official of the Merchant Navy Establishment Administration;
- (b) to his employer and to the master of the ship in which the holder is employed; and
- (c) to any other person authorised by regulation 21 to make an entry in it, for the purpose of making that entry.

(2) The holder of a discharge book who fails to produce it when required to do so in accordance with this regulation shall be guilty of an offence.

Delivery of Discharge Books

24.—(1) A master having possession of a discharge book issued to a person—

- (a) who has died, shall deliver it to the superintendent or proper officer to whom he makes a return of that person's death (in accordance with section 254 of the Merchant Shipping Act 1894(a) or with regulations made under section 72 of the Act), at the time he makes the return;

- (b) who is not present when he is discharged, shall deliver it to the superintendent or proper officer for the place at which he is discharged, within 48 hours after the discharge or as soon as practicable thereafter;
- (c) who is left behind in any country, shall deliver it to a superintendent or proper officer, within 48 hours after that person is left behind or as soon as practicable thereafter.

(2) Any person other than a master having possession of a discharge book shall, immediately after he becomes aware that the holder has died, has been discharged from any ship, or has been left behind in any country, deliver it to a superintendent or proper officer or to the Registrar General of Shipping and Seamen.

(3) A person who fails to comply with the requirements of this regulation shall be guilty of an offence.

Effect of loss, destruction, defacement or filling up of Discharge Books

25. When—

- (a) his discharge book is lost, destroyed or defaced, or
- (b) the space provided in it for entries of any particulars except those referred to in Schedule 2 is filled up,

a person shall cease to be regarded as the holder of a discharge book and shall, within 7 days of satisfying the conditions specified in regulation 16(2), apply for a new discharge book.

PART III

PROVISIONS RELATING TO BRITISH SEAMEN'S CARDS AND TO DISCHARGE BOOKS

26. In this Part of these Regulations "seaman's document" means a British Seaman's Card or a discharge book; and references in this Part of these Regulations to the holder of a seaman's document shall be construed accordingly.

Notification of errors in Seamen's Documents

27.—(1) If it appears to the holder thereof that any entry in a seaman's document is not correct, he shall forthwith inform a superintendent.

(2) Any person who fails to comply with the requirements of this regulation shall be guilty of an offence.

Surrender of Seamen's Documents

28.—(1) If it appears to a superintendent, a proper officer or the Registrar General of Shipping and Seamen—

- (a) that the holder of a seaman's document was not entitled to apply for it at the time it was issued to him; or
- (b) that the person having possession of a seaman's document is not the holder thereof;

the person (including the holder) having possession of a seaman's document shall, on demand made by a superintendent, a proper officer, or the Registrar General of Shipping and Seamen (as the case may be) surrender it to him.

(2) Any person who fails to comply with the requirements of this regulation shall be guilty of an offence.

Alterations in Seamen's Documents

29.—(1) No person other than a person authorised by regulation 5, 8, 15, 19, 21 or 22 (as the case may be) acting in accordance with the provisions of those regulations, shall make any mark or entry upon, or erase, cancel or alter any mark or entry made upon or otherwise deface or destroy a seaman's document.

(2) Any person who contravenes the provisions of this regulation shall be guilty of an offence.

Applications relating to Seamen's Documents

30. An application for the issue of a seaman's document or for the endorsement of a British Seaman's Card under regulation 8 or 15 shall be made in writing to a superintendent, and

(a) where—

- (i) in the case of an application for a British Seaman's Card, the applicant surrenders to the superintendent a British Seaman's Card held by him; or
- (ii) in the case of an application for a discharge book, the applicant produces to the superintendent a discharge book or a Seaman's Record Book held by him; or
- (iii) in the case of an application for a British Seaman's Card or for a discharge book, it appears to the superintendent that the applicant has lost his latest British Seaman's Card or discharge book (as the case may be) and that the Secretary of State has in his possession particulars of any of the matters set out in Schedule 2;

shall state the applicant's name and particulars of such of the other matters set out in Schedule 2 to these Regulations as are not correctly stated in the document (if any) surrendered or produced in accordance with this paragraph or in the particulars referred to in paragraph (iii) of this paragraph; and

(b) in any other case, shall state particulars of the matters set out in Schedule 2;

and the applicant shall furnish to the superintendent such documents (including 3 copies of a recent head and shoulders black and white photograph of himself measuring 2 inches by 2 inches) and such other evidence as he may require for the proper consideration of the application.

Offences

31. Any offence under these Regulations shall be punishable on summary conviction with a fine not exceeding £10.

17th August 1972.

Michael Heseltine,
Minister for Aerospace,
Department of Trade and Industry.

SCHEDULE 1

FORM OF BRITISH SEAMAN'S CARD

Page 1

MERCHANT SHIPPING ACT 1970

The Merchant Shipping (Seamen's Documents) Regulations 1972.

NOTICE

1. This card is a seafarer's identity document for the purpose of the Seafarer's Identity Documents Convention, 1958, adopted by the General Conference of the International Labour Organisation on 13th May, 1958.
2. This card must be carefully preserved and produced by the Holder on demand to a Superintendent, or proper officer, his employer or the master of his ship.
3. If the card is lost the fact should be reported at once to a Superintendent.
4. The Holder must not make any entry or alteration on this card himself. If any entry requires alteration apply to a Superintendent or to the Registrar General of Shipping and Seamen.
5. If the Holder of this card ceases to be employed or ordinarily employed as a master or seaman he must surrender the card forthwith to a Superintendent.
6. Failure to observe the requirements of the Regulations under which this card is issued may render the offender liable to prosecution.

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B.S.C. 1

DECLARATION

I DECLARE (i) that the person to whom this card relates has satisfied me as to his entitlement to hold this card and (ii) that the photograph within bearing an official stamp is a true likeness of that person and that the signature and physical description of that person are true.

Date.....

Office Stamp

Signature of Issuing Officer

Note: Any person other than the person to whom this card was issued who comes into possession of it should deliver it to a Mercantile Marine Superintendent or send it to the Registrar General of Shipping and Seamen, Llantrisant Road, Cardiff, postage unpaid

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BRITISH PERSONAL

All particulars to be in **BLOCK CAPITALS**

Surname

Other Names.....

.....

Birth (a) Date.....(b) Place.....

Height.....ft.ins.

Colour of Eyes.....

Distinguishing Marks (if any).....

.....

Discharge Book No. (if any)

Nationality

Home Address

.....

.....

National Insurance No.

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SEAMAN'S CARD PARTICULARS

Serial No.....

Photograph of Holder

Embossing Stamp

Signature of Holder
(or, if Holder is unable to sign, his thumb-print stating right or left, and signature of a witness).

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PERIOD OF VALIDITY

Valid until.....19..... or,
if he is not then present in the United King-
dom until the Holder's first return to the
United Kingdom within twelve months
thereafter.

ENDORSEMENT FOR FURTHER PERIOD OF
VALIDITY

Endorsed under the Regulations as valid until
..... 19..... or,
if he is not then present in the United King-
dom until the Holder's first return to the
United Kingdom within twelve months
thereafter.

Signature of Endorsing Officer

Date

Office
stamp

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FOR USE OF H.M. GOVERNMENT

SCHEDULE 2

PARTICULARS TO BE FURNISHED IN APPLICATIONS FOR SEAMEN'S DOCUMENTS

1. the name of the person applying for the document;
2. his home address;
3. the date and place of his birth;
4. if a woman who is or has been married, her maiden surname and the date of her marriage;
5. his nationality;
6. the colour of his eyes;
7. his distinguishing marks (if any);
8. his height;
9. the number of his discharge book (if any);
10. his Merchant Navy Establishment Administration number (if any);
11. the grade, number and date of issue of any certificate of competency held by him;
12. national insurance number;
13. any pension fund of which he may be a member and his registered number therein;
14. any trades union or professional society of which he may be a member and his registered number therein;
15. in the case of a cadet, the name of his employer and whether he is a deck or engineer cadet;
16. the name, relationship and address of his next of kin.

SCHEDULE 3

COUNTRIES REFERRED TO IN REGULATION 17(1) (WHICH RELATES TO PERSONS HOLDING DOCUMENTS, CONTAINING SUBSTANTIALLY THE SAME INFORMATION AS DISCHARGE BOOKS, ISSUED BY OR UNDER THE AUTHORITY OF THE GOVERNMENTS OF CERTAIN COUNTRIES).

Barbados
Canada
Falkland Islands
Guyana
Hong Kong
India
The Republic of Ireland
Jamaica
Kenya
Malaysia
Malta
Mauritius
Nigeria
Pakistan
St Lucia
Sierra Leone
Singapore
Tanzania
Trinidad and Tobago

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, made under the Merchant Shipping Act 1970, make provisions, which supersede existing provisions,

- (a) in Part I, for the issue of identity documents, known as British Seamen's Cards, to the persons described in regulations 2 and 3 who, not being aliens, are employed or ordinarily employed as masters or seamen; and
- (b) in Part II, for the issue of discharge books to contain particulars, including records of their seagoing employment, to seamen described in regulations 16 and 17 who are or have been employed in ships registered in the United Kingdom.