

1981 No. 1789

MERCHANT SHIPPING

MASTERS AND SEAMEN

The Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) (Amendment) Regulations 1981

Made - - - - - 11th December 1981

Laid before Parliament 22nd December 1981

Coming into Operation 1st February 1982

The Secretary of State, after consultation with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970(a), in exercise of powers conferred by sections 1(5), 68(2) and 69 of that Act and now vested in him (b), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) (Amendment) Regulations 1981 and shall come into operation on 1st February 1982.

2. The Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) Regulations 1972(c) shall be further amended as follows:—

(1) In regulation 3 for sub-paragraph (b)(ii) there shall be substituted:

“(ii) a person solely employed in work directly related to:

(1) the exploration of the seabed or sub-soil or the exploitation of their natural resources;

(2) the storage of gas in or under the seabed or the recovery of gas so stored;

(3) the laying, inspection, testing, repair, alteration, renewal or removal of any submarine telegraph cable; or

(4) pipe-line works as defined in section 26(2) of the Petroleum and Submarine Pipe-Lines Act 1975(d) (including the assembling, inspection, testing, maintaining, adjusting, repairing, altering, renewing, changing the position of, or dismantling a pipe-line or length of pipe-line), or

(5) the provision of goods, personal services or entertainment on board;

(a) 1970 c. 36.

(b) See S.I. 1970/1537.

(c) S.I. 1972/918, to which there are amendments not relevant to these Regulations.

(d) 1975 c. 74.

and who is not employed by the owner or the person employing the master of the ship and is not engaged in the navigation of the ship in the deck, engine room, radio, medical or catering department of that ship and who has been given a written statement by his employer specifying:

(aa) the nature of the employment, the remuneration, the intervals at which the remuneration is to be paid and the length of notice which he is required to give and entitled to receive to determine his employment; and

(bb) any terms or conditions of his employment relating to sick pay, hours of work (including any terms and conditions relating to normal working hours), pensions and entitlement to holidays;";

(2) In regulation 11 before the definition of "seamen" there shall be inserted "“endorsement” in relation to a certificate of competency or of service means an endorsement in respect of a trading area, type of ship or dangerous cargo;";

(3) For regulation 14(1)(b)(vi) there shall be substituted:

“(vi) the grade (including any command, service or other endorsement) and number of any certificate of competency or of service held by him;";

(4) In regulation 27:

(a) in paragraph (1), subparagraphs (d) and (e) and the preceding word “or” shall be deleted;

(b) in paragraph (2), subparagraph (b) and the preceding word “or” shall be deleted;

(c) in paragraph (4), subparagraph (b) shall be deleted.

11th December 1981.

Iain Sproat,
Parliamentary Under Secretary of State,
Department of Trade.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) Regulations 1972:

(1) by providing an additional exemption from the requirements of section 1 of the Merchant Shipping Act 1970 (relating to crew agreements and lists of crew) in respect of seamen not engaged in the navigation of the ship working in the oil and natural gas industries. The exemption is dependent upon the seamen in question being given a statement of their terms of employment, including remuneration and hours of work. This is also made a condition of exemption for seamen employed solely to provide goods, personal services or entertainment on board;

(2) the particulars relating to certificates required to be specified in the list of crew have been expanded to include endorsements (which are defined to include, trading area, type of ship and dangerous cargo endorsements) and the number of any certificate of service held by a seaman. The additional particulars are consequential on the new certificate structure which came into operation on 1st September 1981 and is prescribed in the Merchant Shipping (Certification of Deck Officers) Regulations 1980 (S.I. 1980/2026) and the Merchant Shipping (Certification of Marine Engineer Officers) Regulations 1980 (S.I. 1980/2025);

(3) the provisions setting out the penalty for failing to make the prescribed entries in the official log book have been deleted: they are already prescribed by virtue of paragraphs 14 and 15 of the Schedule to the Merchant Shipping (Official Log Books) Regulations 1981 (S.I. 1981/569).

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