
STATUTORY INSTRUMENTS

1991 No. 2144

The Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) Regulations 1991

PART I

ENGAGEMENT OF SEAMEN

Interpretation of Part I

3. In this Part of these Regulations “the appropriate superintendent or proper officer” means a superintendent or proper officer for the place at which a crew agreement, or an agreement with any person added to those contained in a crew agreement, is or is to be made.

Exemptions from requirements of section 1 (crew agreements)

4.—(1) The requirements of section 1 of the Act relating to crew agreements shall not apply to the following descriptions of ships and voyages:—

- (a) a ship belonging to a general lighthouse authority;
- (b) a ship of less than 80 register tons engaged solely on coastal voyages;
- (c) a pleasure yacht which is—
 - (i) engaged on a coastal voyage; or
 - (ii) engaged on any other voyage, provided that not more than 4 members of the crew receive wages for their employment;
- (d) a coastal voyage by any ship solely for the purpose of trials of the ship, its machinery or equipment.

(2) The requirements of section 1 of the Act relating to crew agreements shall not apply to the following descriptions of seamen:—

- (a) a person employed in a ship solely in connection with the construction, alteration, repair or testing of the ship, its machinery or equipment, and not engaged in the navigation of the ship;
- (b) a person solely employed in work directly related to;
 - (i) the exploration of the seabed or sub-soil or the exploitation of their natural resources;
 - (ii) the storage of gas in or under the seabed or the recovery of gas so stored;
 - (iii) the laying, inspection, testing, repair, alteration, renewal or removal of any submarine telegraph cable; or
 - (iv) pipeline works as defined in section 26(2) of the Petroleum and Submarine Pipe-Lines Act 1975(1) 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

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

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;

(c) a member of the naval, military or air forces of the Crown or of any service administered by the Defence Council, when acting as such a member.

Carrying of copy of crew agreement in ships

5.—(1) A ship required under section 1 of the Act to carry a crew agreement may, in the case of an agreement which relates to both that and to other ships and which is kept at an address ashore in the United Kingdom, comply with that requirement by carrying a copy of the agreement certified in the manner provided by paragraph (2) of this regulation.

(2) A copy of a crew agreement carried in a ship in accordance with paragraph (1) of this regulation shall bear a certificate signed by the master certifying that it is a true copy of the crew agreement and specifying the address in the United Kingdom at which the crew agreement is kept and the name of the person by whom it is so kept.

Delivery of crew agreement

6. The employer shall, within three days of the date when the last person remaining employed under the crew agreement ceases to be employed under that agreement, or, if it is not practicable within that period, as soon as practicable thereafter, deliver the crew agreement to a superintendent or proper officer for the place where the ship was when that person ceased to be so employed. If the crew agreement covers an indefinite period the employer shall deliver the crew agreement within seven days of it being opened to a Superintendent or proper Officer for the place where the ship was when the agreement opened.

Display of crew agreement

7. The master of a ship shall cause—

- (a) a copy of any crew agreement relating to the ship; or
- (b) an extract containing the terms of that agreement applicable—
 - (i) to all seamen employed under it, and
 - (ii) to each description of seamen so employed

to be posted in some conspicuous place on board the ship where it can be read by the persons employed under the crew agreement and he shall cause it to be kept so posted and legible so long as any seaman is employed in the ship under the crew agreement.

Supply and production of copy documents

8. Upon a seaman making a demand of his employer or of the master, the employer or the master, as the case may be, shall, within a reasonable time—

- (a) cause to be supplied to him a copy of the crew agreement under which he is employed or such extracts therefrom as are necessary to show the terms on which he is employed; and
- (b) cause to be made available to him a copy of any document referred to in the agreement.

Production of documents to officers of Customs and Excise, and a superintendent, and Registrar General of Shipping and Seamen

9. The master shall, on demand by an officer of Customs and Excise, by any Superintendent or by the Registrar General of Shipping and Seamen produce to him—

- (a) any crew agreement, or the copy of any crew agreement carried in the ship in pursuance of regulation 5; and
- (b) any certificate evidencing an exemption granted by the Secretary of State from the requirements of section 1 of the Act with respect to the ship or to any person in it.

Offences under Part I

10.—(1) A person who fails to comply with an obligation imposed on him by or under regulation 6 or 8 shall be guilty of an offence.

(2) A master who fails to comply with an obligation imposed on him by or under regulation 7, 8 or 9 shall be guilty of an offence.

(3) Any offence under this Regulation shall be punishable on summary conviction with a fine not exceeding level 2 on the standard scale.