
STATUTORY INSTRUMENTS

1991 No. 2144

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

PART II

LISTS OF CREW

Interpretation of Part II

11. In this Part of these Regulations—

“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;

“seaman” includes the master of a ship; and

except where the context otherwise requires, references to the employment of a seaman in a ship include references to engagement; and references to discharge include references to termination of engagement.

Exemptions from the requirements of section 69 of the Act (lists of crew)

12. The duty imposed by section 69 of the Act to make and maintain a list of the crew shall not apply in relation to a pleasure yacht which is—

- (a) engaged on a coastal voyage; or
- (b) engaged on any other voyage, provided that not more than 4 members of the crew receive wages for their employment.

List of crew contained in crew agreement

13. A list of crew may be contained in the same document as a crew agreement relating to one ship only and any particulars entered in the crew agreement shall be treated as forming part of the particulars entered in the list.

Particulars to be specified in list of crew

14.—(1) Subject to paragraphs (2) and (3) of this Regulation, a list of crew shall contain the following particulars—

- (a) (i) the name of the ship, its port of registry and official number;
- (ii) the name of the owner of the ship and his address and of any other person registered as manager or ship’s husband and
- (iii) the number of the certificate evidencing an exemption granted by the Secretary of State from the requirements of section 1 of the Act (which relates to crew agreements) with respect to the ship or any person in it; and

- (b) subject to paragraph (4) of this regulation, with respect to every seaman from time to time on board the ship, whether or not he is employed under a crew agreement—
- (i) his name;
 - (ii) his address;
 - (iii) the number of his current discharge book (if any) or the date and place of his birth;
 - (iv) the name of the ship in which he was last employed, and, if he was discharged from that ship more than 12 months before he became employed in the ship to which the list of crew relates, the year in which he was so discharged;
 - (v) the capacity in which he is employed in the ship;
 - (vi) the grade (including any command, service or other endorsement) and number of any certificate of competency or of service held by him;
 - (vii) the date on which he went on board the ship to commence his employment in it;
 - (viii) the date on and place at which he left the ship and, if he left on discharge, the reason for his discharge;
 - (ix) if he is left behind otherwise than on discharge, the date and place of and the reason (if known to the master) for this being done; and
 - (x) the name and relationship of his next of kin and the address of his next of kin, if different from that of the seaman.

(2) A list of crew which relates to a ship belonging to a general lighthouse authority need contain only the particulars referred to in paragraph (1)(a)(i) and in (i), (ii), (vii) and (viii) of paragraph (1) (b) of this regulation.

(3) A list of crew which relates to seamen employed under a crew agreement need contain only the particulars referred to in paragraph (1)(a)(i) of this regulation and, in respect of each seaman, the particulars referred to in (i), (ii), (iii), (v), (vii) and (viii) of paragraph (1)(b) if the remaining particulars referred to in paragraph (1) are contained in the crew agreement.

(4) With respect to 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, a list of crew need contain only the particulars referred to in (i), (ii), (vii) and (viii) of paragraph (1)(b) of this regulation.

Copies of list of crew

15.—(1) A copy of every list of crew (including all changes in it notified to the owner) shall be maintained by the owner of the ship at an address in the United Kingdom.

(2) The master shall, as soon as practicable and in any event within 3 days of any change being made in the list of crew, notify the change to the owner of the ship.

(3) In this regulation and in regulation 18 “owner of the ship” means—

- (a) the person registered as managing owner, ship’s husband or manager; or
- (b) if there is no such person, the owner of the ship.

16. When any person having in his possession the copy of a list of crew required to be maintained under regulation 15 has reason to believe that the ship to which it relates has been lost or abandoned, he shall immediately deliver the copy of the list to a superintendent.

17. A person having in his possession a copy of a list of crew required to be maintained under regulation 15 shall produce it on demand to a superintendent.

Delivery of list of crew to Registrar-General

18. The owner shall, on demand, deliver to the Registrar-General of Shipping and Seamen within 28 days of such demand being made a list of the crew on board the ship at a date specified by the Registrar-General of Shipping and Seamen.

Duration of list of crew

19. Except in the case where a crew agreement for the ship covers an indefinite period a list of crew shall remain in force—

- (a) if any person is employed in the ship under a crew agreement, until all the persons employed under that agreement in that ship have been discharged; and
- (b) in the case of a ship engaged on coastal voyages for port authorities, whose crew are returned to shore within each period of 24 hours, for 12 months after the first entry relating to a seaman is made on the list.
- (c) in any other case, until the ship first calls at a port more than 6 months after the first entry relating to a seaman is made in the list.

Delivery of list of crew

20.—(1) The master shall, within 3 days after a list of crew (other than one relating to a ship of less than 25 gross tons or to a ship belonging to a general lighthouse authority) has ceased to be in force or, if it is not practicable within that period, as soon as practicable thereafter, deliver the list to a superintendent or proper officer for the place where the ship is when the list of crew ceases to be in force.

(2) Where the crew agreement covers an indefinite period the owner shall deliver a list every six months after the crew agreement is opened, showing all changes that have occurred since the list was last submitted, to

- (i) the superintendent at a port in the United Kingdom where the ship was when the six month period expired, or
- (ii) if the ship was out of the United Kingdom at that time to the Registrar General of Shipping and Seamen,

within seven days of the expiry of each period of six months.

Production of lists of crew

21. A master shall, on demand, produce to the Registrar General of Shipping and Seamen, a superintendent or proper officer, a surveyor of ships in the course of any inspection of the ship in pursuance of his functions under section 728(a) of the Merchant Shipping Act 1894(1) or under section 76 of the Act or an officer of Customs and Excise the list of crew required to be maintained in the ship.

Offences under Part II

22.—(1) A master who fails to comply with an obligation imposed on him by or under regulation 15(2), 20(1) or 21 shall be guilty of an offence.

(2) A person who fails to comply with an obligation imposed on him by regulation 15(1), 16, 17, 18 or 20(2) shall be guilty of an offence.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) Any offence under this regulation shall be punishable on summary conviction with a fine not exceeding level 1 on the standard scale.