



RAN 13

DEPARTMENT OF ECONOMIC DEVELOPMENT

APPLICATION OF THE MERCHANT SHIP (REPATRIATION) REGULATIONS 1979 TO THE ISLE OF MAN

Most regulations, notices and advice notes are available on The Isle of Man Government web site: www.iomshipregistry.com or by contacting marine.registry@gov.im

- 1.** These Regulations made under sections 9, 62 and 68 of the Merchant Shipping Act 1970 were applied to the Isle of Man by the Merchant Shipping (Masters and Seamen)(Application) Order 1980 (G.C. 168/80). The Regulations took effect in the Isle of Man on the 1st July 1980.
- 2.** Return of Seamen
Regulation 3

As soon as practicable after a seaman is left behind outside the Isle of Man or shipwrecked the employer shall provide for his return to the place for return ascertained in accordance with regulation 6. If the seaman is not immediately available for return, the obligation on the employer to return the seaman arises:

- (a)** as soon as the seaman is available; or
- (b)** as soon as the seaman informs his employer, his employer's agent, a superintendent or proper office of his whereabouts and asks to be returned by his employer; or
- (c)** if the seaman is unable because of illness, incapacity or some other cause beyond his control to inform any of those mentioned in (b) of his whereabouts, as soon as any one of them obtains confirmation that the seaman wishes to be returned by his employer.

3. Maintenance

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Regulation 3

The employer is under an obligation to maintain a seaman dealt with under paragraph 2 above from the time when he is left behind or shipwrecked and to repay any expenses incurred in bringing a shipwrecked seaman ashore. Besides the provision of the seaman's food and lodging and such other relief as may be necessary having regard to his personal circumstances "relief and maintenance" includes, without prejudice to the generality of the expression, clothing, toilet and other personal necessities, surgical or medical treatment and urgent dental or optical treatment and cash for minor expenses. Also included are reasonable costs for the defence of a seaman in criminal proceedings in respect of acts or omissions within the scope of his employment when the employer or employer's agent is not a party to the prosecution and the seaman is not entitled to legal aid or legal aid is insufficient. In any case where the seaman dies before he can be returned, the expenses of burial or cremation must be met by the employer.

4. Limitation of Employer's Liabilities Regulation 3

There is no obligation upon an employer to return or maintain a seaman in the case of a seaman who is absent for a period of more than 3 months from the date he was left behind provided that during that period the employer did not know or could not reasonably have known of the seaman's whereabouts.

5. Cessation of Liability to Return Regulation 3

The obligation upon an employer to return a seaman under paragraph 2 above ceases if the seaman:

- (a) if fit and able to work fails to comply with a reasonable request to sign on as the member of the crew of any ship which is to be used for his return;
- (b) fails to comply with any other reasonable request by his employer in relation to the provision for his return;
- (c) informs his employer in writing that he does not wish to be returned.

6. Cessation of Liability to Maintain Regulation 3

The obligation on an employer to maintain a seaman ceases when he is

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returned or when the employer's obligation to return him ceases.

7. Payment of Wages

**(a) Merchant Seamen
Regulation 11**

- (i)** The wages due to a seaman under a crew agreement who leaves the ship on being discharged therefrom shall be paid and an account rendered in accordance with sections 4 and 5 of the Merchant Shipping (Masters and Seamen) Act 1979. Where a seaman leaves his ship otherwise than on discharge the Regulations require payment and the provision of an account within 28 days of the seaman's arrival in his place for return. Form RR/4/MAN "Account of Wages and effects of a seaman left behind" may be used in such a case.
- (ii)** Where the employer's obligation to return a seaman ceases in the circumstances described in paragraph 5 above, the wages shall be paid and account delivered within 28 days from the date the obligation ceased.

Regulation 13

- (ii)** Wages due under an agreement other than a crew agreement shall be dealt with in accordance with the agreement.

**(b) Seamen employed in Fishing Vessels
Regulation 12**

- (i)** Wages (other than wages related to the catch or sums due under a partnership agreement) due under a crew agreement shall be paid to a seaman discharged from a fishing vessel in full and an account delivered when he leaves the vessel or, if this is impracticable, within 7 days of his arrival in his place for return. Where a seaman leaves his vessel otherwise than on being discharged his wages shall be paid to him in full and an account delivered within 28 days from the seaman's arrival in his place for return.
- (ii)** Where the employer's obligation to return the seaman ceases in the circumstances described in paragraph 5 above the wages shall be paid and account delivered within 28 days from the date the obligation ceased.

- (iii)** Where wages related to the catch are due under a crew

agreement the wages must be paid and an account delivered at the time when final payment is made under the provisions of the crew agreement or within 28 days of the seaman's arrival at his place for return, whichever is the later.

- (iv) In the case of a partnership the share shall be paid and an account made available at the time of payment is due under the partnership agreement or within 28 days of the seaman's arrival at his place for return, whichever is the later.

Regulation 13

- (v) The wages including wages related to the catch due under an agreement other than a crew agreement should be dealt with in accordance with the agreement.
- (c) Seamen employed in Merchant Ships or Fishing Vessels
Regulations 11 and 12
- (i) Where wages cannot be paid under the preceding arrangements because the seaman's current address is not known, an account and notice that they may be had on application to the employer shall be sent to the seaman's last known address.

Regulation 14

- (ii) Where the wages cannot be paid in accordance with the Regulations and the seaman is not known to be dead, the wages shall be paid and the accounts delivered to the person named in the list of crew as the seaman's next of kin as soon as is practicable after the expiration of 4 months from the time for payment specified in the Regulations.

8. Offences

Failure to comply with obligations imposed by the Regulations is an offence punishable on summary conviction with fines enumerated below:

Regulation 3

obligation to return and maintain - employer - not exceeding
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- £100

Regulation 4

obligation to notify superintendent or proper officer - employer -
not exceeding - £100

failure to make appropriate entry in Official Log Book - master -
not exceeding - £20

Regulation 5

failure to keep superintendent or proper officer informed -
employer - not exceeding - £100

Regulation 8

failure to comply with conveyance order - any person - not
exceeding - £100

Regulation 9

failure to make appropriate entry in Official Log Book - master -
not exceeding - £20

Regulations 11 and 12

failure to pay wages - any person - not exceeding - £20

Regulation 15

failure to keep records or supply account of expenses -
employer - not exceeding - £100

Regulation 16

failure to take charge of and deliver property - master - not
exceeding - £20

failure to make appropriate entries in Official Log Book -
master - not exceeding - £20

failure to deliver property - employer - not exceeding - £100