
STATUTORY INSTRUMENTS

1991 No. 2144

MERCHANT SHIPPING

MASTERS AND SEAMEN

THE MERCHANT SHIPPING (CREW AGREEMENTS, LISTS OF CREW AND DISCHARGE OF SEAMEN) REGULATIONS 1991

(Text of the Regulations as they have effect in the Isle of Man. Amendments are indicated by bold italics)

<i>MANX EXTENDING INSTRUMENT</i>	<i>U.K. S.I.s APPLIED</i>
1. The Merchant Shipping (Masters and Seamen) (Application) Order 1992	1991 No. 2144
2. The Merchant Shipping (Masters and Seamen) (Application and Amendment) Order 1999 (SD 299/99)	

TEXT REVISED – August 2013

Price : £1.50

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1991 No. 2144

MERCHANT SHIPPING

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THE MERCHANT SHIPPING (CREW AGREEMENTS, LISTS OF CREW AND DISCHARGE OF SEAMEN) REGULATIONS 1991

Made.....23rd September 1991

Laid before Parliament...1st October 1991

Coming into force.....22nd October 1991

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 his powers under sections 1(5) and (7), 2, 3, 68(2) and (5) and 69 of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations :-

Citation, commencement and revocation

1.- (1) These Regulations may be cited as the Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) Regulations 1991 [...].

(2) *(Omitted by Application Order).*

2. In these Regulations -

"the Act" means the Merchant Shipping (Masters and Seamen) Act 1979 (An Act of Tynwald);

"coastal voyage" means a voyage between places in the British Islands (including the Republic of Ireland) or from and returning to such a place during which, in either case, no call is made at any place outside those Islands;

(a) 1970 c. 36

"Department" means *the Department of Trade and Industry*;

"ship" means a ship registered in the *Isle of Man* but does not include a fishing vessel; and

references to the gross or to the register tonnage of a ship are, in the case of a ship having alternative gross or alternative register tonnages, references to the larger of its gross tonnages or to larger of its register tonnages, as the case may be.

PART I

ENGAGEMENT OF SEAMEN

Interpretation of Part I

3. *(Omitted by Application Order).*

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 [...];
- (d) a coastal voyage by any ship solely for the purpose of trials of the ship, its machinery or equipment; *and*
- (e) *a ship to which the Merchant Shipping (Maritime Labour Convention) Regulations 2013 apply.*

(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 ^(a) 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. *omitted by SD0234/13*

Delivery of crew agreement

6. *omitted by SD0234/13*

Display of crew agreement

7. *omitted by SD0234/13*

Supply and production of copy documents

8. *omitted by SD0234/13*

Production of documents to officers of Customs and Excise, *the Department*, and Registrar-General of Shipping and Seamen

9. *omitted by SD0234/13*

Offences under Part I

10. *omitted by SD0234/13*

PART II
LISTS OF CREW

Interpretation of Part II

11. *Omitted by SD2015/0387*

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

12. *(Omitted by Application Order).*

List of crew contained in crew agreement

13. *Revoked by SD0234/13*

Particulars to be specified in lists of crew.

14. *Paragraph 1(a)(iii) and (3) omitted by SD0234/13, remainder omitted by SD2015/0387*

Copies of list of crew

15 -17 *Omitted by SD2015/0387*

Delivery of list of crew to *the Department*.

18. *Omitted by SD2015/0387*

Duration of list of crew

19. *Omitted by SD2015/0387*

Delivery of list of crew

20. *Omitted by SD2015/0387*

Production of lists of crew

21. *Omitted by SD2015/0387*

Offences under Part II

22. *Omitted by SD2015/0387*

PART III
DISCHARGE OF SEAMEN

Notice of discharge

23.- *omitted by SD0234/13*

Discharge

24. *omitted by SD0234/13*

Procedure on discharge

25.- *omitted by SD0234/13*

Offences under Part III

26.- *omitted by SD0234/13*

Patrick McLoughlin

Signed by authority of
State,
the Secretary of State for Transport
23rd September 1991

Parliamentary Under Secretary of
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke, and re-enact with amendments, the Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) Regulations 1972 as amended.

The amendments principally end certain requirements under the 1972 Regulations :-

- (a) the requirement to notify superintendents of the intention to open a crew agreement;
- (b) the requirement to deliver a copy of the crew agreement to a superintendent or proper officer;
- (c) the requirement to notify superintendents and proper officers of crew changes;
- (d) the requirement to notify superintendents and consuls of the intention to discharge seafarers unless a wage dispute is pending.

In addition to fixed term crew agreements, Regulations 6 and 20 also now provide for indefinite crew agreements.

A new regulation (regulation 18) will give the Registrar General of Shipping and Seamen the right to demand from the owner the list of crew on board the vessel on a given date.

These Regulations are marked with the amendments made to these Regulations by SD0234/13 Merchant Shipping (Maritime Labour Convention) Regulations 2013.

The MLC amendments:

- (1) remove the requirement to have a crew agreement on ships to which the Merchant Shipping (Maritime Labour Convention) Regulations apply (SD0234/13).
- (2) omit regulations 5-10 which relate to crew agreements
- (3) omit regulation 13
- (4) amend regulations 14 and 19
- (5) omit Part III in its entirety on Discharge of Seamen.

These Regulations are marked with amendments made to these Regulations by SD2015/0387 Merchant Shipping (Official Log Book and List of Crew) Regulations 2015. The amendments omit the remainder of Part II – List of Crew.