L.N. 14 of 2002

MERCHANT SHIPPING ACT
(CAP. 234)

Merchant Shipping (Distressed Seamen) (Amendment) Regulations, 2002

IN exercise of the powers conferred by article 163 of the Merchant Shipping Act, the Minister for Transport and Communications has made the following regulations:-

Citation.

1. The title of these regulations is the Merchant Shipping (Distressed Seamen) (Amendment) Regulations, 2002, and shall be read and construed as one with the Merchant Shipping (Distressed Seamen) Regulations, 1973, hereinafter referred to as "the principal regulations". L.N. 56 of 1973.

Substitutes regulation 5 of the principal regulations.

2. For regulation 5 of the principal regulations there shall be substituted the following:-

"Return of distressed seamen.

5. (1) Distressed seamen are to be sent to a proper return port as soon as practicable.

(2) A seaman may be sent to a proper return port by any reasonable route.

(3) Provision may be made for the return of a seaman, if he is fit to work, by providing him with suitable employment on board a ship, proceeding to a proper return port, which is in want of men to make up its complement, or, if that is not practicable, by providing him with a passage in any ship or aircraft.

(4) Where a seaman is sent to a proper return port as a member of a crew, he shall be entitled to the appropriate remuneration for work done during the voyage.

(5) The question of the return port to which, and the route by which, a seaman is to be sent shall be decided by the proper authority who shall have regard both to the

convenience of the seaman and to the expense involved, and also, where such is the case, to the fact that a ship which is in want of men to make up its complement is about to proceed to a proper return port or to a port in the vicinity thereof.".

Substitutes regulation 7 of the principal regulations.

3. For regulation 7 of the principal regulations there shall be substituted the following:-

"Certificate by proper authority.

7. Where a distressed seaman is, for the purposes of his return to a proper return port, placed on board a Maltese ship, the proper authority shall endorse on the Agreement with the crew of the ship, the name of the seaman so placed on board under the provisions of these regulations, specifying the date in which he embarks, the name and port of registry of the ship on which the seaman was last engaged, if these are known to the proper authority, and the port to which the seaman is entitled to be conveyed.".

Amends regulation 8 of the principal regulations.

4. In regulation 8 of the principal regulations for the words "sleeping place." there shall be substituted the words "sleeping place, effectually protected against sea and weather.".

Substitutes regulation 9 of the principal regulations.

5. For regulation 9 of the principal regulations there shall be substituted the following:-

"Rates of passage.

9. On arrival at the port to which a seaman has been so conveyed, the Master shall produce to the proper authority at that port a certificate, signed by the proper authority originally making arrangements for the distressed seaman's return to a proper return port, specifying the number and names of distressed seamen placed on board and the time when each of them was received on board. On the production by the Master of the said certificate and of the declaration referred to in article 168(3) of the Act and on satisfying himself that the seaman has been conveyed, maintained and provided for by the Master in excess of the number, if any, wanted to make up the complement of his crew, the proper authority shall pay to the Master against a receipt an allowance at the rate of Lm2 per day for every day (including part of a day) on which that seaman is on board the ship.".

Amends regulation 10 of the principal regulations.

6. In regulation 10 of the principal regulations for the words "at the rates set out in regulation 9 hereof." there shall be substituted the words "an allowance at the rate set out in regulation 9 hereof.".

7. Regulation 11 of the principal regulations shall be amended as follows:- Amends regulation 11 of the principal regulations.

(a) in subregulation (1) thereof, for the words "the rates" there shall be substituted the words "the rate"; and

(b) in subregulation (3) thereof, for the words "at the rates set out" there shall be substituted the words "at the rate set out".