

L.N. 154 of 2002

MERCHANT SHIPPING ACT

(CAP. 234)

Merchant Shipping (Minimum Wage) Regulations, 2002

IN exercise of the powers conferred by articles 122C and 374 of the Merchant Shipping Act, the Minister for Transport and Communications has made the following regulations:-

1. (1) The title of these regulations is the Merchant Shipping (Minimum Wage) Regulations, 2002. Citation and commencement.

(2) These regulations shall come into force on the 1st July, 2002.

2. (1) In these regulations, unless the context otherwise requires - Interpretation.

“able seaman” means a person in possession of a certificate as A.B. issued or recognised under the Merchant Shipping (A.B. and E.D.H. Certificates) Regulations, 2001; L.N. 196 of 2001.

“basic wage” means the wage, however, composed, for normal hours of work;

“employer”, in relation to a seafarer, means the person by whom the worker is (or, where the employment has ceased, was) employed;

“operator”, in relation to a ship, includes the owner, and any demise charterer or manager; and

“seafarer” means every person employed or engaged in any capacity on board a sea-going ship as part of the ships crew, including the master of the vessel:

Provided that the term shall not be deemed to refer to:

(a) pilots;

(b) persons engaged to work in ports in repairing, cleaning, loading or unloading vessels;

(c) persons employed on board by an employer other than the operator;

(d) members of the shipowner's family.

Application.

3. (1) These regulations shall not apply to –

(a) fishing vessels;

(b) pleasure yachts;

(c) oil rigs and drilling platforms when engaged in navigation; and

L.N. 100 of 1977.

(d) any seafarer who is subject to the provisions of the Seamen Wages Council Wage Regulation Order, 1977.

(2) Subject to subregulation (1) hereof these regulations apply to sea-going Maltese ships.

Provision for Minimum Wage.

4. Without prejudice to the principle of free collective bargaining, it shall be the duty of an employer of a seafarer and an operator of a ship to ensure that a seafarer is paid at least a minimum basic wage.

Minimum Wage.

5. The minimum basic wage for a calendar month of service for an able seaman shall be not less than 450 US Dollars, or the equivalent thereof in the specific currency stated in the agreement with the crew:

Provided that the Registrar-General may authorise collective agreements permitting exceptions to the minimum basic wage provided for in this regulation.

Penalty.

6. Where an employer or an operator fails to comply with regulations 4 and 5 hereof, the employer or operator shall be subject to a fine (multa) of Lm 500.