L.N. 255 of 2002

MERCHANT SHIPPING ACT
(CAP. 234)

Merchant Shipping (Protection of Seamen) Regulations, 2002.

IN exercise of the powers conferred by articles 168 A and 374 of the Merchant Shipping Act, the Minister for Transport and Communications has made the following regulations:-

Citation and commencement.

1. (1) The title of these regulations is the Merchant Shipping (Protection of Seamen) Regulations, 2002.

(2) These regulations shall come into force on the 1st January, 2003.

Interpretation.

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

"the Act" means the Merchant Shipping Act; Cap. 234.

"fishing vessel" shall have the same meaning as the term "fishing boat" under sub-article 206(6) of the Act, and the term "fishing" shall be construed accordingly;

"seaman" shall include every person employed or engaged in any capacity on board a ship as part of the ship's crew, including the master of the vessel and any apprentice:

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 ship owner;

(d) members of the ship-owner's family.

Applicability of regulations.

3. Without prejudice to the provisions of article 168A of the Act, these regulations shall apply to any seaman engaged to work on board any sea-going ship registered under the Act, which is engaged in the transport of cargo or passengers for the purpose of trade, or any other commercial purpose, in so far as the Social Security Act does not apply to him:

Cap. 318.

Provided that these regulations shall not apply to seamen engaged to work on board:

(i) ships under 24 metres in length;

(ii) fishing vessels;

(iii) pleasure yachts;

(iv) oil rigs and drilling platforms when these are not engaged in navigation;

(v) warships;

(vi) vessels engaged in the services of the Government of Malta, or any of its departments or authorities, where the said vessels are not engaged in trade or employed for any other commercial purpose.

Board and Lodging and Wages.

4. Without prejudice to article 158 of the Act, in the event of any sickness, disease or injury suffered by any seaman, the ship owner shall, on the same basis as provided in the said article of the Act:

(a) provide, at his own expense, for adequate board and lodging for such seaman;

(b) pay such seaman who is, by reason of such sickness, disease or injury rendered incapable for work:

(i) wages for such time as the seaman remains on board; and

(ii) without prejudice to article 142 of the Act, where the said seaman is no longer on board, a sum of money equivalent to the wages (exclusive of bonuses) that, but for his sickness, disease or injury, would have accrued in his favour during the continuance of his sickness, disease or injury, or during a period of 12 weeks whichever period is the shorter:

Provided that where the seaman entitled to receive such payment mentioned in paragraph (ii) hereof has remained on board for any period of time following the onset of his sickness, disease or injury, any wages received during such period shall be deducted from any payment to which he would be entitled in accordance with paragraph (ii) hereof.

Insurance.

5. For the purposes of article 168 A of the Act, the Registrar may at any time, and in particular, whenever he is requested to issue or renew any certificate of registry issued to a ship under the Act, demand evidence that adequate insurance cover has been duly obtained and is in effect covering the liability risks which are contemplated in article 168 A of the Act.

Penalty.

6. In the event of any contravention of the provisions of these regulations, the ship-owner shall be liable to the payment of a fine (*multa*) of one thousand liri.

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