

Merchant Shipping (Maritime Labour Convention) (Repatriation) Regulations 2014

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No. S 208

MERCHANT SHIPPING
(MARITIME LABOUR CONVENTION) ACT 2014
(ACT 6 OF 2014)

MERCHANT SHIPPING (MARITIME LABOUR
CONVENTION) (REPATRIATION) REGULATIONS 2014

In exercise of the powers conferred by section 82 of the Merchant Shipping (Maritime Labour Convention) Act 2014, the Maritime and Port Authority of Singapore, with the approval of the Minister for Transport, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Maritime Labour Convention) (Repatriation) Regulations 2014 and shall come into operation on 1st April 2014.

Application

2. These Regulations shall apply to —

- (a) all Singapore ships ordinarily engaged in commercial activities wherever they may be; and
- (b) a seafarer employed on a ship referred to in paragraph (a).

Costs to be borne by shipowners for repatriation of seafarers

3. A shipowner, who is under a duty to repatriate a seafarer under section 23 of the Act, shall bear the costs of repatriation of the seafarer including the costs of the following:

- (a) the passage to the destination selected by the seafarer for repatriation in accordance with section 23(6) and (7) of the Act;
- (b) the accommodation and food from the time the seafarer leaves the ship until he reaches the repatriation destination;
- (c) the pay and allowances from the time the seafarer leaves the ship until he reaches the repatriation destination;
- (d) the transportation of the seafarer's personal luggage not exceeding 30 kg to the repatriation destination; and
- (e) the medical treatment when necessary until the seafarer is medically fit to travel to the repatriation destination.

Costs to be borne by shipowners for relief and maintenance of seafarers

4.—(1) A shipowner who is under a duty to repatriate a seafarer under section 23 of the Act shall make such provision as is necessary for the relief and maintenance of the seafarer pending his repatriation.

(2) In determining what provision is required under paragraph (1), the shipowner shall have regard to the seafarer's personal circumstances and requirements.

(3) Without prejudice to the generality of paragraph (1), the provision for relief and maintenance shall include all of the following:

- (a) clothing;
- (b) toiletries and other personal necessities;
- (c) surgical or medical treatment and such dental or optical treatment (including the repair or replacement of any appliance) as cannot be postponed without impairing efficiency;
- (d) sufficient money to meet any minor ancillary expenses necessarily incurred or likely to be so incurred by the seafarer for his relief and maintenance.

(4) The shipowner's liability under paragraph (1) ends when the shipowner's duty under section 23 of the Act ends.

Period of liability for costs

5. A shipowner, who is under a duty to repatriate a seafarer under section 23 of the Act, shall continue to bear the costs of repatriation specified in regulations 3, 4 and 6 until the earliest of the following dates:

- (a) the date the duty imposed on the shipowner under section 23 of the Act ends;
- (b) the seafarer is landed at a destination referred to in section 23(6) of the Act in accordance with the seafarer's choice, if any, under section 23(7) of the Act;
- (c) the seafarer is provided with suitable employment on board a ship proceeding to a destination referred to in section 23(6) of the Act in accordance with the seafarer's choice, if any, under section 23(7) of the Act.

Shipowner to bear supplementary costs

6. The provisions to be made by a shipowner in accordance with regulations 3 and 4 shall include —

- (a) the payment of expenses incurred in bringing a seafarer ashore and maintaining him until he is brought ashore; and
- (b) the payment of expenses of the burial or cremation of a seafarer who dies before he can be repatriated to a destination referred to in section 23(6) of the Act in accordance with the seafarer's choice, if any, under section 23(7) of the Act or the expenses of returning the seafarer's body to his home.

Seafarers' paid leave

7. The time spent awaiting repatriation by a seafarer to whom these Regulations apply and the repatriation travel time shall not be deducted from paid leave accrued to the seafarer.

Limitations on and exceptions to duty to repatriate

8. The duty of a shipowner to repatriate, as required under section 23(2) of the Act, ends when —

- (a) the seafarer is repatriated to a destination referred to in section 23(6) of the Act in accordance with the seafarer's choice, if any, under section 23(7) of the Act;
- (b) the shipowner has made reasonable arrangements for repatriation which are unsuccessful because of the seafarer's unreasonable conduct;

- (c) notwithstanding the reasonable endeavours of the shipowner to contact the seafarer, the seafarer has without reasonable excuse, failed to respond to such endeavours for a period of 3 months or more; or
- (d) the seafarer confirms in writing to the shipowner that repatriation is not required.

Provision of particulars

9.—(1) The shipowner of a seafarer to whom these Regulations apply shall within 48 hours after the seafarer is left behind or it has come to his notice that the seafarer has been brought ashore after being shipwrecked, as the case may be, or if it is not practicable within that time, as soon as practicable thereafter, make provision to ensure that the Director is informed of the particulars specified in paragraph (2).

(2) The particulars referred to in paragraph (1) are —

- (a) the name of the seafarer;
- (b) his home address;
- (c) the name and address of his next-of-kin; and
- (d) in the case of a seafarer left behind —
 - (i) the name of the ship from which he was left behind;
 - (ii) the date on which he was left behind;
 - (iii) the place where he was left behind and, if known to the shipowner, the present whereabouts of the seafarer;
 - (iv) the reason (if known to the shipowner) for his being left behind; and
 - (v) the name and address of the shipowner and the name and address of the shipowner's agent, if any, at or nearest to the place where the seafarer was left behind; or
- (e) in the case of a shipwrecked seafarer —
 - (i) the name of the ship from which he was shipwrecked;
 - (ii) the dates on which he was shipwrecked and on which he was brought ashore;
 - (iii) the place where he was brought ashore and (if known to the shipowner), the name and address of the person by whom he