

Merchant Shipping (Repatriation) Regulations

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MERCHANT SHIPPING ACT (CHAPTER 179, SECTIONS 85 AND 216)

MERCHANT SHIPPING (REPATRIATION) REGULATIONS

Rg 25

G.N. No. S 51/1996

REVISED EDITION 1997

(15th June 1997)

[2nd February 1996]

Citation

1. These Regulations may be cited as the Merchant Shipping (Repatriation) Regulations.

Definitions

2.—(1) In these Regulations —

“employer”, in relation to a seaman, means the person who last employed him as a seaman before he was left behind or shipwrecked;

“master” means the master of the ship in which a seaman was last employed immediately before he was left behind or shipwrecked;

“time for payment” means the time at which wages due to a seaman under a crew agreement would have become payable to the seaman in accordance with the provisions of the crew agreement —

- (a) if the seaman had continued to be employed under the agreement and neither the employer nor the seaman had given notice to terminate the seaman’s employment; and
- (b) where the agreement relates to more than one ship, as if it related only to the ship from which the seaman was left behind or shipwrecked.

(2) A reference in these Regulations, except in regulations 14 and 15, to a seaman shall include a reference to the master of a ship.

Application

3. These Regulations shall apply to any seaman employed in a Singapore ship who is left behind in any country or is taken to any country on being shipwrecked.

Return of seamen left behind or ship-wrecked

4.—(1) The employer of a seaman to whom these Regulations apply shall make such provision as is necessary for the return of the seaman in accordance with regulation 8 —

- (a) if the seaman is available for return immediately after he is left behind or brought ashore after shipwreck, as soon as practicable; or
- (b) if for any reason the seaman is not available for return immediately after he is left behind or brought ashore after being shipwrecked, when he presents himself either to his employer or to his employer's agent and asks to be returned.

(2) The employer shall continue to make the provision referred to in paragraph (1) until the seaman is returned unless the seaman —

- (a) being fit and able to undertake employment in a ship, fails to comply with a reasonable request made of him by his employer that he should enter into an agreement for employment in any ship (except any such ship as is mentioned in regulation 9(1)(a)) in which he is, in accordance with the provision made by his employer, to be carried in the course of his return; or
- (b) without reasonable cause, fails to comply with any other reasonable arrangement made for him by his employer in relation to the provision for his return.

(3) In deciding whether the seaman is to be returned by land, sea or air (or by a combination of any of those means), his employer shall have regard to all circumstances including the personal circumstances of the seaman and of any requirement special to him.

(4) Where it appears to the Director that the employer of a seaman is unable to make, has failed to make or fails to continue to make provision necessary for the return of the seaman as referred to in paragraph (1), the Director may, in his discretion, make such provision and recover from the employer any costs and expense incurred by the Director in making such provision.

[S 177/2002 wef 22/04/2002]

Relief of seamen left behind or ship-wrecked

5.—(1) The employer of a seaman to whom these Regulations apply shall —

- (a) from the time when the seaman is left behind or when the seaman is brought ashore; or
- (b) if the employer did not know or could not reasonably have known the whereabouts of the seaman during the first 48 hours from that time, from the time the seaman informs the employer or the employer's agents of his whereabouts and asks to be returned,

make provision for the seaman's food and lodging and such other relief and maintenance as is necessary having regard to the personal circumstances of the seaman and of any requirement special to him.

(2) The employer shall continue the provision referred to in paragraph (1) until the seaman is returned to a place in accordance with regulation 8 or until the employer is no longer required to continue the provision by reason of any arrangement made in accordance with regulation 4.

(3) Without prejudice to the generality of paragraph (1), the provision for relief and maintenance to be made in accordance with that paragraph shall include —

- (a) clothing;
- (b) toilet 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; and
- (d) sufficient money to meet any minor ancillary expenses necessarily incurred or likely to be so incurred by the seaman for his relief and maintenance.

(4) The provisions to be made by an employer in accordance with this regulation shall include —

- (a) the repayment of expenses incurred in bringing a shipwrecked seaman ashore and maintaining him until he is brought ashore; and
- (b) the payment of the expenses of the burial or cremation of a seaman who dies before he can be returned to a place in accordance with regulation 8.

Particulars of seamen left behind and of ship-wrecked seamen

6.—(1) The employer of a seaman to whom these Regulations apply shall, within 48 hours after the seaman is left behind or it has come to his notice that the seaman 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 seaman;
- (b) his home address as stated in the crew agreement;
- (c) the name and address of his next-of-kin as stated in the crew agreement;
- (d) in the case of a seaman 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 employer, the present whereabouts of the seaman;
 - (iv) the reason (if known to the employer) for his being left behind; and
 - (v) the name and address of the employer and the name and address of the employer's agents, if any, at or nearest to the place where the seaman was left behind; and
- (e) in the case of a shipwrecked seaman —
 - (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 employer) the name and address of the person by whom he was brought ashore and the present whereabouts of the seaman; and
 - (iv) the name and address of the employer and the name and address of the employer's agent, if any, at or nearest to the place where the seaman was brought ashore.

Information on arrangements made

7. The employer shall ensure that the Director is kept informed of the arrangements he has made (including any changes in those arrangements) in pursuance of his obligation to make provision for the seaman's return, relief and maintenance specified in regulations 4