

Merchant Shipping (Seamen's Wages and Accounts) Regulations

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Legislative History

MERCHANT SHIPPING ACT (CHAPTER 179, SECTION 58)

MERCHANT SHIPPING (SEAMEN'S WAGES AND ACCOUNTS) REGULATIONS

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Citation

1. These Regulations may be cited as the Merchant Shipping (Seamen's Wages and Accounts) Regulations.

Manner in which wages are to be paid

2. The wages due to a seaman under a crew agreement shall be paid as cash, or by means of a cheque or money order, or directly to a bank or giro account, as the seaman so desires.

Account of seamen's wages

3.—(1) The account of wages to be delivered to a seaman under section 57(1) and (4) of the Act shall contain the particulars specified in the Schedule and shall indicate which amounts (if any) stated in the accounts are estimated amounts.

(2) The further account of wages to be delivered to a seaman under section 57(3) and (4) of the Act shall —

- (a) contain the same particulars as are required to be contained in an account of wages to be delivered to a seaman under section 57(1) and (4) of the Act adjusted in such manner as the circumstances may require;
- (b) indicate which amounts stated in the account are adjusted amounts;
- (c) state the amount of wages already paid to the seaman; and
- (d) state the balance of wages remaining to be paid to the seaman.

Deductions from wages

4.—(1) The deductions specified in paragraph (2) are authorised to be made from the wages due to a seaman under a crew agreement.

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

- (a) deductions of any amount payable by the seaman to his employer in respect of —
 - (i) bar bills;
 - (ii) goods supplied;
 - (iii) radio or telephone calls;
 - (iv) postage expenses;
 - (v) cash advances; and
 - (vi) allotments;
- (b) contributions by the seaman to a fund or in respect of membership of a body declared by regulations under section 60(3) of the Act to be a fund or

body to which section 60 applies;

- (c) subject to regulations 5 and 6, a deduction of an amount being the actual expense or pecuniary loss incurred or sustained by the employer in consequence of the seaman's absence or absences without leave, where the employer is satisfied on reasonable grounds that such absence is a breach of the seaman's obligations under the crew agreement;
- (d) subject to regulations 5 and 6(2), (3), (4) and (5) and to any additional limitations imposed by the crew agreement, a deduction of an amount being the actual expense or pecuniary loss incurred or sustained by the employer, where the employer is satisfied on reasonable grounds that the expense or loss was caused by a breach or breaches of the seaman's obligations under the crew agreement not falling within sub-paragraph (c).

(3) Such deductions shall be —

- (a) without prejudice to any dispute relating to the amount payable to a seaman under the crew agreement and, subject to the provisions of the Act, to the rights and obligations, whether of the employer or of the seaman, under the agreement or otherwise; and
- (b) in addition to any deduction authorised by any provisions of the Act (except section 58) or of any other written law.

Amount which may be deducted

5. The amount which may be deducted from a seaman's wages in respect of any number of breaches of his obligations under the crew agreement —

- (a) by virtue of regulation 4(2)(c), shall not exceed \$200; and
- (b) by virtue of regulation 4(2)(d), shall not exceed \$200.

No deduction allowed in certain cases

6.—(1) No deduction shall be made by virtue of regulation 4(2)(c) if the seaman satisfies the master that —

- (a) his absence was due to an accident or mistake or some other cause beyond his control; and
- (b) he took all reasonable precautions to avoid being absent.

(2) A deduction shall not be made by virtue of regulation 4(2)(c) or (d) unless paragraph (3) or (4) has been complied with.