

Merchant Shipping (Disciplinary Offences) Regulations 1996

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No. S 47

**MERCHANT SHIPPING ACT 1995
(ACT 19 OF 1995)**

MERCHANT SHIPPING (DISCIPLINARY OFFENCES) REGULATIONS 1996

In exercise of the powers conferred by section 80 of the Merchant Shipping Act 1995, the Minister for Communications hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Disciplinary Offences) Regulations 1996 and shall come into operation on 2nd February 1996.

Application

2. These Regulations shall apply to any seaman employed in a Singapore ship other than in a ship —

- (a) whose ordinary course of navigation does not extend beyond the limits of any port in Singapore, if and so long as such ship is engaged in the service for which it is intended; or
- (b) solely in connection with the construction, alteration, repair or testing of the ship, its machinery or equipment, and not engaged in the navigation of the ship.

General disciplinary offences

3. It is a disciplinary offence on board a Singapore ship for a seaman to whom these

Regulations apply —

- (a) to wilfully strike any person on board the ship;
- (b) to wilfully disobey a lawful command;
- (c) to use insolent or contemptuous language to the master or any seaman;
- (d) without reasonable cause —
 - (i) to fail to be available for duty at a time when he is required by the master, or by a person authorised by the master, to be so available;
 - (ii) to fail to report or to remain at his place of duty at a time when he is so required to be at that place; or
 - (iii) while on duty, to be asleep at his place of duty;
- (e) to be under the influence of alcohol or a drug (whether alone or in combination) to such an extent that he behaves in a disorderly manner or is unfit to be entrusted with his duty or with any duty which he might be called upon to perform, unless the drug was taken by him for medical purposes and either —
 - (i) he took it on medical advice and complied with any directions given as part of that advice; or
 - (ii) he had no reason to believe that the drug might have the influence it had;
- (f) without the consent of the master or of any other person authorised to give it, to bring on board the ship or to have in his possession on board any offensive weapon or offensive instrument; or
- (g) wilfully and without reasonable cause —
 - (i) to damage the ship or any property on board the ship; or
 - (ii) to throw any such property overboard.

Disciplinary offences on board certain ships

4.—(1) It is a disciplinary offence on board a Singapore ship described in paragraph (3) for a seaman to whom these Regulations apply —

- (a) to smoke;

(b) to use a naked light or mechanical lighter; or

(c) to use an electric torch which is not of a type approved by the master,

in any part of the ship in which smoking or the use of such a light, mechanical lighter or torch is prohibited by the master or the employer.

(2) It is a disciplinary offence on board a Singapore ship described in paragraph (3) for a seaman to whom these Regulations apply, without the consent of the master or of any other person authorised to give it, to bring on board the ship or to have in his possession on board any matches or a mechanical lighter.

(3) The description of a Singapore ship referred to in paragraphs (1) and (2) is any Singapore ship in which —

(a) by reason of the cargo or stores which are or have been carried in the ship, there is a special risk of fire or explosion; and

(b) the master or the employer has given notice to seaman in the ship (whether by means of notices displayed in the ship or otherwise) that the act mentioned in paragraph (1)(a), (b) or (c) or (2), as the case may be, is prohibited, either in all or specified parts of the ship.

(4) In this regulation, “mechanical lighter” includes any mechanical, chemical or electrical contrivance designed or adapted for or capable of causing fire or explosion.

Disciplinary offences dealt with by master or authorised officer

5.—(1) A disciplinary offence may be dealt with by the master of the Singapore ship on board where the offence is alleged to have occurred and the master may impose a fine (not exceeding such amount as is specified in regulation 8) on the seaman whom he finds has committed the offence.

(2) The powers and the duties of the master in relation to a disciplinary offence under these Regulations may be exercised or performed by any officer authorised for the purpose by the master, and the name of the officer so authorised shall be entered by the master in the official log book.

Disciplinary offences to be dealt with speedily

6.—(1) A disciplinary offence shall be dealt with within 24 hours of the time it comes to the notice of the master, unless it is not practicable to deal with it within that time, in which case, it shall be dealt with as soon as practicable thereafter.

(2) If a disciplinary offence is not dealt with within 24 hours of the time it comes to the notice of the master, the reason for the delay shall be recorded in the official log

book.

Procedure for disciplinary offences

7. In dealing with a disciplinary offence, the following procedure shall be followed:

- (a) a seaman charged with a disciplinary offence shall, if he so requests, be permitted at the hearing before the master to be accompanied by any person for the purpose of advising him and that person may speak on behalf of the seaman;
- (b) the charge shall be entered by the master in the official log book and shall be read and explained to the seaman by the master, who shall record therein that it has been so read and explained and a copy of the charge shall be given to the seaman;
- (c) the seaman shall then be asked whether or not he admits the charge and —
 - (i) if he admits it, the admission shall be recorded by the master in the official log book; or
 - (ii) in all other cases, an entry to the effect that the seaman does not admit the charge shall be recorded therein;
- (d) the evidence of any witness called by the master shall be heard in the presence of the seaman, who shall be afforded reasonable opportunity to question the witness on his evidence;
- (e) the seaman shall be given an opportunity to make a statement in answer to the charge, including any comments on the evidence produced against him and particulars of the statement (or a record that the seaman declined to make one, if such should be the case) shall be entered by the master in the official log book or contained in a separate document annexed to, and referred to in an entry made by the master in, the official log book;
- (f) the seaman shall be permitted to call witnesses to give evidence on his behalf, and any such witness may be questioned by the master on his evidence;
- (g) the master shall, after consideration of all the evidence given before him, give his decision in the presence of the seaman as to whether he finds the seaman has committed the offence charged and —
 - (i) if he finds that the seaman has not committed the offence, he shall dismiss the charge; or