STATUTORY INSTRUMENTS

1972 No. 1697

MERCHANT SHIPPING

MASTERS AND SEAMEN

The Merchant Shipping (Property of Deceased Seamen) Regulations 1972

Made - - -	*9th November* 1972
Laid before Parliament	*17th November* 1972
Coming into Operation	*1st January* 1973

The Secretary of State, after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970(a), in exercise of powers conferred by sections 65 and 68(2) and (5) of that Act and now vested in him (b), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Property of Deceased Seamen) Regulations 1972 and shall come into operation on 1st January 1973.

(2) In these Regulations—

"the Act" means the Merchant Shipping Act 1970;

"employer", in relation to a seaman, means the person who last employed him as a seaman before his death;

"seaman" includes the master of a ship; and

"ship" (except in regulation 3(*b*)) means a ship (including a fishing vessel) registered in the United Kingdom.

(3) The Interpretation Act 1889(c) applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Property of deceased seaman left on board a ship

2.—(1) This regulation applies to any property (including money) left on board a ship by a seaman dying while or after being employed in the ship.

(2) The master shall—

(*a*) take charge of that property;

(*b*) make an entry in the official log book comprising—

(i) a list of all the property so taken into his charge;

(a) 1970 c. 36.
(b) *See* the Secretary of State for Trade and Industry Order 1970 (S.I. 1970/1537 (1970 III, p. 5293)).
(c) 52 & 53 Vict. c. 63.

(ii) in the case of a sale under paragraph (3)(*a*) of this regulation of any part of the property, a description of each article sold and the sum received;

(iii) in the case of the destruction or disposal of any part of the property under paragraph (3)(*b*) of this regulation, a description of each article destroyed or disposed of and the name of any person to whom disposal was made;

and any such entry shall be signed by the master and by a member of the crew.

(3) The master may at any time—

(*a*) sell, by public auction or otherwise, any part of the property which in his opinion is likely, before it can be delivered to a superintendent or proper officer in accordance with paragraph (4) of this regulation, to have perished or deteriorated to such a degree as to be unusable for the purpose for which it is intended or to be of no value; and the proceeds of sale shall form part of the property; and

(*b*) destroy or otherwise dispose of any part of the property which, in his opinion, endangers or is likely to endanger the health or safety of any person on board the ship or the safety or efficiency of the ship or of any equipment in the ship.

(4) The master shall deliver the property or such part of it as shall not have been disposed of under paragraph (3) of this regulation—

(*a*) if the superintendent or proper officer so requests, to the superintendent or proper officer for—

(i) the port at which the ship is at the time of a seaman's death; or

(ii) any port at which the ship calls and remains more than 48 hours; or

(*b*) if no such request has been made—

(i) in the case of a seaman who was resident in the United Kingdom, to a superintendent at a port in the United Kingdom or, if the ship does not call at a port in the United Kingdom in the course of the voyage during which the seaman dies, to the proper officer for the place where the voyage ends; or

(ii) in the case of a seaman who was not so resident, to the superintendent or proper officer for the place where the seaman would have been discharged, hed he survived, or for the place where the voyage ends;

within 48 hours after the ship first arrives at such a port or place.

(5) The master, when delivering the seaman's property to a superintendent or proper officer in accordance with paragraph (4) of this regulation, shall deliver to him a record of all the property delivered and—

(*a*) where any property has been sold under paragraph (3)(*a*) of this regulation, a description of each article sold and the sum received for it; and

(*b*) where any property has been destroyed or disposed of under paragraph (3)(*b*) of this regulation, a description of each such article.

Property of deceased seaman left abroad

3. When—

(*a*) any property is left in a country outside the United Kingdom by a

seaman who dies while or within 6 months after being employed in a ship registered in the United Kingdom; or

(*b*) any property is left in a country outside the United Kingdom by a citizen of the United Kingdom and colonies who dies while or within 6 months after being employed as a seaman in a ship registered outside the United Kingdom;

the proper officer for the place in which the property is left shall, if possible, take charge of it and any person having custody or charge of it shall, if the proper officer so requests, forthwith deliver it to him.

Property in charge of superintendent or proper officer

4. A superintendent or proper officer to whom a deceased seaman's property has been delivered or who has taken charge of any such property in accordance with these Regulations shall, if so directed by the Secretary of State, deliver the property to him or to such person as the Secretary of State may direct.

5. A superintendent or proper officer or any other person having charge of a deceased seaman's property may, on the directions of the Secretary of State, sell it by public auction or otherwise and the proceeds of sale shall thereupon form part of that property.

Wages of deceased seaman

6.—(1) In the case of a seaman who dies outside the United Kingdom while or after being employed in a ship, the employer shall pay any wages due to the seaman at the date of his death,—

(*a*) to the superintendent or proper officer to whom the seaman's property left on board the ship is required to be delivered in accordance with regulation 2(4); or

(*b*) if there is no such property, to the superintendent or proper officer referred to in regulation 2(4)(*b*);

as if it were property referred to in that paragraph.

(2) Wages paid to a superintendent or proper officer in accordance with paragraph (1) of this regulation shall be dealt with in accordance with these Regulations as part of the deceased seaman's property which has been delivered to him.

(3) In the case of a seaman who dies in the United Kingdom while or after being employed in a ship, the employer shall pay any wages due to the seaman at the date of his death to the Secretary of State within 7 days after the seaman's death.

(4) The Secretary of State may recover from the employer any wages due to a seaman at the time of his death in respect of his employment in a ship which are not paid to a superintendent or proper officer or to himself (as the case may require) in pursuance of paragraph (1) or paragraph (3) of this regulation.

Accounts

7. In any case to which regulation 6(1) or (3) applies, the employer shall deliver to the person to whom the deceased seaman's wages are payable under that regulation such an account of those wages as he would have been required to deliver to the seaman had the seaman left the ship on being discharged therefrom at the time of his death.

Records

8. A superintendent, proper officer, or any other person (other than a master), to whom any property of a deceased seaman is delivered or who takes any such property into his charge in accordance with these Regulations, shall keep a record showing in respect of each article—

(*a*) the date on which and person by whom it was delivered to him;

(*b*) in respect of an article which has been sold, the date of sale and the sum received for it;

(*c*) in respect of an article disposed of, the date of disposal, the manner of disposal or the name of the person (if any) to whom it was disposed.

Offences

9.—(1) A master who fails to comply with an obligation imposed on him by paragraph (2)(*a*), (4) or (5) of regulation 2 shall be guilty of an offence and shall be punishable on summary conviction with a fine not exceeding £100.

(2) A master who fails to make an entry in an official log book required by regulation 2(2)(*b*) shall be guilty of an offence and shall be punishable on summary conviction with a fine not exceeding £20.

(3) An employer who fails to comply with an obligation imposed on him by paragraph (1) or (3) of regulation 6 or by regulation 7 shall be guilty of an offence and shall be punishable on summary conviction with a fine not exceeding £100.

(4) Any person (other than a superintendent, a proper officer or a master) referred to in regulation 8 who fails to keep a record required by that regulation shall be guilty of an offence and shall be punishable on summary conviction with a fine not exceeding £100.

Michael Heseltine,
Minister for Aerospace and Shipping,
Department of Trade and Industry.

9th November 1972.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations, which supersede existing provisions, make provision for the custody of and dealing with property, including wages, which is left on board a ship registered in the United Kingdom by a seaman who dies while or after being employed in the ship, and with property left in a country outside the United Kingdom by a seaman who dies while or within 6 months after being employed in such a ship. They also make similar provision in respect of property left in a country outside the United Kingdom by a citizen of the United Kingdom and colonies who dies while or within 6 months after being employed as a seaman in a ship registered outside the United Kingdom.

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