

Merchant Shipping (Maritime Labour Convention) (Seafarer's Employment Agreement, Crew List and Discharge of Seafarers) Regulations 2014

Table of Contents

Enacting Formula

- 1 Citation and commencement
- 2 Definitions
- 3 Application
- 4 Information on conditions of employment
- 5 Particulars in seafarer's employment agreement
- 6 Notification of crew list
- 7 Notice period
- 8 Procedure on discharge

No. S 175

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

MERCHANT SHIPPING (MARITIME LABOUR
CONVENTION) (SEAFARER'S EMPLOYMENT AGREEMENT,
CREW LIST AND DISCHARGE OF SEAFARERS)
REGULATIONS 2014

In exercise of the powers conferred by sections 14(13) and 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) (Seafarer's Employment Agreement, Crew List and Discharge of Seafarers) Regulations 2014 and shall come into operation on 1st April 2014.

Definitions

2. In these Regulations, unless the context otherwise requires —

“foreign-going ship” includes every ship employed in trading or going between some place or places in Singapore and some place or places situated beyond the limits prescribed for home-trade ships;

“home-trade ship” means a ship plying solely upon a home-trade voyage;

“home-trade voyage” means a voyage within the following limits: an imaginary line drawn from a position in the Gulf of Martaban in latitude 16° 15' north, longitude 96° east in a south-easterly direction to a position in latitude 15° north, longitude 97° east, thence due south to a position in latitude 9° north, longitude 97° east, thence in a south-westerly direction to a position in latitude 6° north, longitude 94° east, thence due south to a position latitude 4° north, longitude 94° east, thence in a south-easterly direction to a position in latitude 8° south, longitude 104° east, thence in an easterly direction to a position in latitude 10° south, longitude 120° east, thence due east to a position in latitude 10° south, longitude 125° east, thence due north to a position in latitude 8° north, longitude 125° east, thence due west to a position in latitude 8° north, longitude 110° east, thence in a 315° direction (N.W. true) to the coast of Vietnam, thence initially westward following the coasts of Vietnam, Cambodia, Thailand, the West Malaysia and Myanmar to the starting point;

“special limit voyage” means a voyage within the following limits: from a point where the longitude 103° 00' east cuts the west coast of Johor, thence due south to latitude 00° 30' north, thence due east to longitude 105° 00' east, thence due north to latitude 01° 00' north, thence to the point 02° 00' north, 104° 15' east, thence due west to the coast of Johor; and thence following the coast of Johor westwards to the starting point.

Application

3. These Regulations shall apply to —

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

Information on conditions of employment

4.—(1) A shipowner shall ensure that the information on the conditions of employment including a clear legible copy of each seafarer's employment agreement relating to the ship can be easily obtained on board the ship by each seafarer employed on the ship and is accessible for review by the Director and authorised officers in port States.

(2) The requirements referred to in paragraph (1) may be satisfied by a shipowner who provides an electronic record of the required information, but such electronic records must be readily available for inspection and capable of being printed if required by the Director or authorised officers in port States.

(3) Notwithstanding paragraph (2), a shipowner shall —

- (a) provide each seafarer with a signed original (in paper form) of the seafarer's employment agreement; and
- (b) retain a signed original (in paper form) of the seafarer's employment agreement.

Particulars in seafarer's employment agreement

5.—(1) A seafarer's employment agreement shall at a minimum contain the following particulars:

- (a) the seafarer's full name, date of birth or age, and birthplace;
- (b) the shipowner's name and address;
- (c) the place where and date when the seafarer's employment agreement is entered into;
- (d) the capacity in which the seafarer is to be employed;
- (e) the amount of the seafarer's wages or, where applicable, the formula used for calculating them as set out in the Merchant Shipping (Maritime Labour Convention) (Wages) Regulations 2014 (G.N. No. S 174/2014);
- (f) the amount of paid annual leave or, where applicable, the formula used for calculating it;
- (g) the termination of the agreement and the conditions relating to termination,

including —

- (i) if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period, which shall not be less for the shipowner than for the seafarer;
 - (ii) if the agreement has been made for a definite period, the date fixed for its expiry; and
 - (iii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seafarer may be discharged;
- (h) the health and social security protection benefits to be provided to the seafarer by the shipowner;
 - (i) the seafarer's entitlement to repatriation; and
 - (j) the reference to the collective agreement, if applicable.

(2) A seafarer's employment agreement shall, in addition to the particulars referred to in paragraph (1), contain a term that the shipowner shall provide compensation to the seafarer for any loss of his personal effects on board due to the loss of the ship or fire on board the ship, subject to a maximum of \$2,000 or subject to a maximum of \$1,000 in the case of a home-trade ship and a ship plying solely on a special limit voyage.

(3) The seafarer's employment agreement shall be so framed as to allow such stipulations to be adopted at the will of the parties to the agreement, as are not contrary to law.

Notification of crew list

6.—(1) The shipowner and master shall, in accordance with section 15 of the Act, submit a notification (referred to in this regulation as the crew list) to the Authority of the details, specified in paragraphs (2) and (3), of seafarers who are employed on a ship.

(2) The details in the crew list in respect of the ship on which the seafarer is employed shall be as follows:

- (a) name of ship and official number;
- (b) gross tonnage/engine power (*kw*);
- (c) name and address of shipowner;
- (d) description of ship type (e.g. general cargo, bulk carrier, tanker, etc.);

- (e) description of ship's trading area (whether it is the trading area of a foreign-going ship, a home-trade ship, or a ship on a special limit voyage); and
- (f) date and place of submission of the crew list.

(3) The details in the crew list in respect of a seafarer who is employed on the ship shall be as follows:

- (a) name of seafarer;
- (b) date of birth;
- (c) nationality;
- (d) name and relationship of next-of-kin;
- (e) date and place of engagement;
- (f) capacity; and
- (g) date and place of discharge.

(4) The shipowner or master shall, upon the request of the Director, provide a copy of the seafarer's employment agreement to the Director.

(5) The shipowner and master shall, within 7 days after the date when the seafarer, including the master himself, is engaged or discharged, notify the Director of the engagement or discharge on board a ship.

Notice period

7. The Director may permit the length of notice set out in section 14(10) of the Act to be less than 7 days where such shorter notice is necessary for compassionate or other urgent reasons and agreed to by both the seafarer and shipowner.

Procedure on discharge

8.—(1) Paragraphs (2), (3) and (4) shall apply where a seafarer is present when he is discharged.

(2) The master, or one of the ship's officers authorised by the master in that behalf, shall, before the seafarer is discharged —

- (a) where the seafarer produces the seafarer's discharge book to him, record in it —
 - (i) the name of the ship, its port of registry, gross or registered tonnage and official number;

- (ii) the description of the voyage;
 - (iii) the capacity in which the seafarer has been employed in the ship and the date and place at which the seafarer began to be so employed; and
 - (iv) the date and place of the seafarer's discharge; or
- (b) where the seafarer does not produce the seafarer's discharge book to him, give to the seafarer a certificate of discharge or other record of employment, containing the particulars referred to in sub-paragraph (a).
- (3) The master shall ensure that the seafarer is discharged in the presence of —
- (a) the master himself;
 - (b) the shipowner; or
 - (c) a person authorised in that behalf by the master or shipowner.
- (4) The person referred to in paragraph (3) in whose presence the seafarer is discharged, shall make and sign an entry in the official log book recording the place, date and time of the seafarer's discharge.
- (5) Where a seafarer is not present when he is discharged, the master, or a person authorised in that behalf by the master, shall make the entries referred to in paragraph (4).
- (6) No person shall make an entry in a discharge book or a certificate of discharge any statement as to the quality of the seafarer's work or indicating whether the seafarer has fully discharged his obligations under his contract of employment.

Made this 12th day of March 2014.

LUCIEN WONG
Chairman,
Maritime and Port Authority of Singapore.

[MPA 46/11.C03.V03/LSK; AG/LLRD/SL/180A/2013/3 Vol. 1]

