

Merchant Shipping (Maritime Labour Convention) (Repatriation) Regulations 2014

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No. S 208

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

MERCHANT SHIPPING (MARITIME LABOUR
CONVENTION) (REPATRIATION) REGULATIONS 2014

In exercise of the powers conferred by section 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) (Repatriation) Regulations 2014 and shall come into operation on 1st April 2014.

Application

2. These Regulations shall apply to —

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

Costs to be borne by shipowners for repatriation of seafarers

3. A shipowner, who is under a duty to repatriate a seafarer under section 23 of the Act, shall bear the costs of repatriation of the seafarer including the costs of the following:

- (a) the passage to the destination selected by the seafarer for repatriation in accordance with section 23(6) and (7) of the Act;
- (b) the accommodation and food from the time the seafarer leaves the ship until he reaches the repatriation destination;
- (c) the pay and allowances from the time the seafarer leaves the ship until he reaches the repatriation destination;
- (d) the transportation of the seafarer's personal luggage not exceeding 30 kg to the repatriation destination; and
- (e) the medical treatment when necessary until the seafarer is medically fit to travel to the repatriation destination.

Costs to be borne by shipowners for relief and maintenance of seafarers

4.—(1) A shipowner who is under a duty to repatriate a seafarer under section 23 of the Act shall make such provision as is necessary for the relief and maintenance of the seafarer pending his repatriation.

(2) In determining what provision is required under paragraph (1), the shipowner shall have regard to the seafarer's personal circumstances and requirements.

(3) Without prejudice to the generality of paragraph (1), the provision for relief and maintenance shall include all of the following:

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

(4) The shipowner's liability under paragraph (1) ends when the shipowner's duty under section 23 of the Act ends.

Period of liability for costs

5. A shipowner, who is under a duty to repatriate a seafarer under section 23 of the Act, shall continue to bear the costs of repatriation specified in regulations 3, 4 and 6

until the earliest of the following dates:

- (a) the date the duty imposed on the shipowner under section 23 of the Act ends;
- (b) the seafarer is landed at a destination referred to in section 23(6) of the Act in accordance with the seafarer's choice, if any, under section 23(7) of the Act;
- (c) the seafarer is provided with suitable employment on board a ship proceeding to a destination referred to in section 23(6) of the Act in accordance with the seafarer's choice, if any, under section 23(7) of the Act.

Shipowner to bear supplementary costs

6. The provisions to be made by a shipowner in accordance with regulations 3 and 4 shall include —

- (a) the payment of expenses incurred in bringing a seafarer ashore and maintaining him until he is brought ashore; and
- (b) the payment of expenses of the burial or cremation of a seafarer who dies before he can be repatriated to a destination referred to in section 23(6) of the Act in accordance with the seafarer's choice, if any, under section 23(7) of the Act or the expenses of returning the seafarer's body to his home.

Seafarers' paid leave

7. The time spent awaiting repatriation by a seafarer to whom these Regulations apply and the repatriation travel time shall not be deducted from paid leave accrued to the seafarer.

Limitations on and exceptions to duty to repatriate

8. The duty of a shipowner to repatriate, as required under section 23(2) of the Act, ends when —

- (a) the seafarer is repatriated to a destination referred to in section 23(6) of the Act in accordance with the seafarer's choice, if any, under section 23(7) of the Act;
- (b) the shipowner has made reasonable arrangements for repatriation which are unsuccessful because of the seafarer's unreasonable conduct;
- (c) notwithstanding the reasonable endeavours of the shipowner to contact the seafarer, the seafarer has without reasonable excuse, failed to respond to

such endeavours for a period of 3 months or more; or

- (d) the seafarer confirms in writing to the shipowner that repatriation is not required.

Provision of particulars

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

- (iv) the name and address of the shipowner and the name and address of the shipowner's agent, if any, at or nearest to the place where the seafarer was brought ashore.

Information on arrangements made for seafarers

10. A shipowner shall ensure that the Director is kept informed of the arrangements he has made (including any changes in those arrangements) pursuant to his obligations under regulations 3, 4 and 6 to make provision for the return, relief and maintenance of seafarers to whom these Regulations apply.

Conveyance orders and directions

11.—(1) Where a seafarer to whom these Regulations apply is in distress and is willing to enter into an undertaking to work on board any ship for his conveyance in lieu of pay, the Director may —

- (a) by means of a conveyance order in writing require the master or shipowner of a ship to convey the seafarer from any place specified in the order to such other place so specified as lies on a reasonable route between the place specified in the order and the destination referred to in section 23(6) of the Act in accordance with the seafarer's choice, if any, under section 23(7) of the Act; and
- (b) give to the master or shipowner of that ship such directions as may be necessary for the purpose of that requirement,

and more than one such order may be made in the course of the seafarer's return.

(2) A master or shipowner shall not be required under paragraph (1) to convey a seafarer in his ship or obey any direction given for the purpose of the requirement —

- (a) if any provision of a written law or an instrument would be infringed by reason of that seafarer being conveyed in his ship in addition to the other persons carried in his ship;
- (b) if his ship would be required to go to any place to which it would not otherwise go in the course of the voyage then being undertaken or about to be undertaken;
- (c) if, by reason of compliance with such requirement or direction, his ship would be unreasonably delayed; or
- (d) if the master has other reasonable cause for objecting to the requirement or direction, as the case may be.

Recording of conveyance orders and directions

12. A master shall make entries in the official log book recording the particulars of any requirements made of him under regulation 11 and of any direction given to him by the Director for the purpose of that requirement.

Work by seafarer being conveyed

13. The duties to be given by the master of the ship to a seafarer being conveyed in accordance with regulation 11 shall be appropriate to his qualifications or vocation and the hours of work to be performed shall not exceed the quantity —

- (a) ordinarily performed by a seafarer in that capacity; and
- (b) which is sufficient as payment for the seafarer's conveyance.

Delivery of wages

14. The wages due under a seafarer's employment agreement to a seafarer to whom these Regulations apply shall be paid to him in full and accounts of such wages shall be delivered in accordance with section 20 of the Act.

Applicable agreement

15. The wages due under an agreement, other than a seafarer's employment agreement, to a seafarer to whom these Regulations apply shall be dealt with under the provisions of the agreement under which he is employed.

Delivery of wages in other instances

16. Where the wages cannot be paid to the seafarer in accordance with regulations 14 and 15 and the seafarer is not known to be dead, then, notwithstanding anything contained in these Regulations, the wages shall be paid and an account thereof delivered to the person named as the seafarer's next-of-kin, as soon as is practicable after the expiration of 4 months from the time of payment.

Other records and accounts

17. A shipowner shall keep records of all expenses incurred and the sums paid by him in the discharge of his obligations under these Regulations.

Property of seafarers

18.—(1) Subject to paragraph (2), this regulation applies to any property (including money) left on board a ship by a seafarer to whom these Regulations apply.

(2) In the case of any such property left on board a ship by a seafarer who has been

shipwrecked —

- (a) if the ship is lost, this regulation shall have no effect; and
- (b) if the ship is not lost, but, as a result of the shipwreck, no person is master of this ship, the duties and powers imposed on the master under this regulation (except for paragraphs (3)(b) and (5)) shall instead be imposed on the shipowner.

(3) The master shall —

- (a) take charge of that property; and
- (b) enter in the official log book —
 - (i) a list of property so taken into his charge;
 - (ii) in the case of a sale under paragraph (4)(a) of any part of the property, a description of each article sold and the sum received for it; and
 - (iii) in the case of the destruction or disposal of each article destroyed or disposed of and the name of any person to whom disposal was made.

(4) The master may at any time —

- (a) sell, by auction or otherwise, any part of the property which is of a perishable or deteriorating nature 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.

(5) The master shall, when directed by the shipowner, cause the property to be delivered —

- (a) to the seafarer at his last known address;
- (b) if the seafarer's wages are payable by virtue of regulation 16, to his next-of-kin; or
- (c) to any other place which may be agreed between the seafarer and the shipowner,

and the cost of such delivery shall be borne by the shipowner.

(6) The shipowner, when delivering the property to the seafarer or his next-of-kin in

accordance with paragraph (5), shall deliver to the seafarer or his next-of-kin, as the case may be, a record of all property delivered and —

- (a) where any property has been sold under paragraph (4)(a), 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 (4)(b), a description of each such article.

Official log book entries

19. All entries in the official log book required to be made by the master under regulations 12 and 18(3)(b) shall be signed by the master and by a seafarer.

Offences and penalties

20.—(1) A shipowner who contravenes regulation 3, 4, 9, 10 or 18 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(2) A master or shipowner who fails to comply with a requirement made of him by a conveyance order made under regulation 11(1)(a) or with a direction given to him under regulation 11(1)(b) for the purpose of that requirement, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(3) A master who contravenes regulation 12 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

(4) A master who contravenes —

- (a) regulation 18(3)(a) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500; or
- (b) regulation 18(3)(b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

Made this 20th day of March 2014.

LUCIEN WONG
*Chairman,
Maritime and Port Authority of Singapore.*

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