



Merchant Shipping Act 1995

1995 CHAPTER 21

PART III

MASTERS AND SEAMEN

Safety, health and welfare

42 Obligation of shipowners as to seaworthiness

- (1) In every contract of employment between the owner of a United Kingdom ship and the master of or any seaman employed in the ship there shall be implied an obligation on the owner of the ship that—
- (a) the owner of the ship,
 - (b) the master of the ship, and
 - (c) every agent charged with—
 - (i) the loading of the ship,
 - (ii) the preparing of the ship for sea, or
 - (iii) the sending of the ship to sea,
- shall use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences and to keep the ship in a seaworthy condition for the voyage during the voyage.
- (2) The obligation imposed by subsection (1) above applies notwithstanding any agreement to the contrary.
- (3) No liability on the owner of a ship arises under subsection (1) above in respect of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable.

43 Crew accommodation

- (1) The Secretary of State may make regulations with respect to the crew accommodation to be provided in United Kingdom ships.

Status: This is the original version (as it was originally enacted).

- (2) Without prejudice to the generality of subsection (1) above, regulations made under this section may, in particular—
- (a) prescribe the minimum space per man which must be provided by way of sleeping accommodation for seamen and the maximum number of persons by whom a specified part of such sleeping accommodation may be used;
 - (b) regulate the position in the ship in which the crew accommodation or any part thereof may be located and the standards to be observed in the construction, equipment and furnishing of any such accommodation;
 - (c) require the submission to a surveyor of ships of plans and specifications of any works proposed to be carried out for the purpose of the provision or alteration of any such accommodation and authorise the surveyor to inspect any such works; and
 - (d) provide for the maintenance and repair of any such accommodation and prohibit or restrict the use of any such accommodation for purposes other than those for which it is designed.
- (3) Regulations under this section may make different provision with respect to different descriptions of ship or with respect to ships which were registered in the United Kingdom at different dates or the construction of which was begun at different dates and with respect to crew accommodation provided for seamen of different descriptions.
- (4) Regulations under this section may exempt ships of any description from any requirements of the regulations and the Secretary of State may grant other exemptions from any such requirement with respect to any ship.
- (5) Regulations under this section may require the master of a ship or any officer authorised by him for the purpose to carry out such inspections of the crew accommodation as may be prescribed by the regulations.
- (6) If the provisions of any regulations under this section are contravened in the case of a ship the owner or master shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale and the ship, if in the United Kingdom, may be detained.
- (7) In this section “crew accommodation” includes sleeping rooms, mess rooms, sanitary accommodation, hospital accommodation, recreation accommodation, store rooms and catering accommodation provided for the use of seamen but does not include any accommodation which is also used by or provided for the use of passengers.

44 Complaints about provisions or water

- (1) If three or more seamen employed in a United Kingdom ship consider that the provisions or water provided for the seamen employed in that ship are not in accordance with safety regulations containing requirements as to the provisions and water to be provided on ships (whether because of bad quality, unfitness for use or deficiency in quantity) they may complain to the master, who shall investigate the complaint.
- (2) If the seamen are dissatisfied with the action taken by the master as a result of his investigation or by his failure to take any action they may state their dissatisfaction to him and may claim to complain to a superintendent or proper officer; and thereupon

the master shall make adequate arrangements to enable the seamen to do so as soon as the service of the ship permits.

- (3) The superintendent or proper officer to whom a complaint has been made under this section shall investigate the complaint and may examine the provisions or water or cause them to be examined.
- (4) If the master fails without reasonable excuse to comply with the provisions of subsection (2) above he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale and if he has been notified in writing by the person making an examination under subsection (3) above that any provisions or water are found to be unfit for use or not of the quality required by the regulations, then—
 - (a) if they are not replaced within a reasonable time the master or owner shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale unless he proves that the failure to replace them was not due to his neglect or default; or
 - (b) if the master, without reasonable excuse, permits them to be used he shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

45 Expenses of medical and other treatment during voyage

- (1) If a person, while employed in a United Kingdom ship, receives outside the United Kingdom any surgical or medical treatment or such dental or optical treatment (including the repair or replacement of any appliance) as cannot be postponed without impairing efficiency, the reasonable expenses thereof shall be borne by the persons employing him.
- (2) If a person dies while employed in a United Kingdom ship and is buried or cremated outside the United Kingdom, the expenses of his burial or cremation shall also be borne by those persons.
- (3) The reference in subsection (2) above to dying in a ship includes a reference to dying in a ship's boat.