
STATUTORY INSTRUMENTS

1987 No. 408

The Merchant Shipping (Seamen's Documents) Regulations 1987

PART II

DISCHARGE BOOKS

Application for discharge books

15.—(1) Subject to the provisions of these Regulations, a person who satisfies the conditions specified in paragraph (2) of this regulation shall apply for a discharge book within 7 days of satisfying those conditions.

(2) The conditions referred to in paragraph (1) are that the person—

- (a) is not exempted from the requirements of section 1 of the Act (which relates to crew agreements) by regulations made under subsection (5)(b) of that section; and
- (b) either—
 - (i) is employed as a seaman in a ship registered in the United Kingdom otherwise than in an employment specified in regulation 16(3) below; or
 - (ii) being a citizen of the United Kingdom and colonies, has been discharged abroad after being so employed and has arrived in the United Kingdom within 6 months of being discharged, unless, at the time he arrived in the United Kingdom, he did not intend to take such employment; and
- (c) is not the holder of a discharge book issued in accordance with these Regulations; and
- (d) has not been required by the Secretary of State, under regulation 27(1) of these Regulations to surrender a discharge book issued in accordance with these Regulations.

16.—(1) Regulation 15 shall not apply to a person if he holds a document—

- (a) containing substantially the same information as a discharge book; and
- (b) which has been issued to him by or under the authority of the government of a country specified in Schedule 4; and
- (c) of which he has not ceased to be regarded as the holder by that government.

(2) Regulation 15 shall not apply to a person in the employment of the Crown who is not ordinarily employed as a master or seaman.

(3) For the purposes of regulation 15 no regard shall be had to employment in a fishing vessel or in a ship exempted from the requirements of section 1 of the Act (which relates to crew agreements) by regulations made under subsection (5)(a) of that section.

17.—(1) A person applying for a discharge book shall—

- (a) make an application in accordance with regulation 29; and

- (b) unless it has been lost or destroyed, produce to the Registrar General of Shipping and Seamen or a superintendent the latest discharge book or Seaman's Record Book if any, previously held by him.

(2) Any person required under the provisions of regulation 15(1) to apply for a discharge book who fails to make an application for a discharge book in accordance with these Regulations shall be guilty of an offence.

Issue of discharge books

18.—(1) If a person applying for a discharge book—

- (a) is required under the provisions of regulation 15(1) to apply for a discharge book; and
- (b) has paid the fee (if any) prescribed;

the Secretary of State shall issue to him a discharge book containing the particulars specified in Schedule 3.

(2) If a person applying for a discharge book—

- (a) is not required under the provisions of regulation 15(1) to apply for a discharge book;
- (b) is, or has been employed in a ship registered in the United Kingdom; and
- (c) has paid the fee (if any) prescribed;

the Secretary of State may issue to him a discharge book containing the particulars specified in Schedule 3.

Form and content of discharge books

19. A discharge book shall be in book form and shall provide for there to be recorded in it from time to time, in relation to its holder, statements of the following particulars—

- (a) those specified in Schedule 3 to these Regulations (except paragraph 4);
- (b) (i) the name of each ship registered in the United Kingdom in which he is employed, its port of registry, official number and gross or register tonnage, the capacity in which he is employed in the ship, the date on which and the place at which he begins to be so employed, and the description of each voyage and the date and place of his discharge;
- (ii) like details in respect of employment in any other vessel;
- (c) (i) dates of any Merchant Navy Training Board training courses he attends for instruction in survival at sea and the certificates or other qualifications (if any) obtained;
- (ii) dates and nature of any other training courses (including pre-sea training courses) he attends and the certificates or other qualifications (if any) obtained;
- (d) his income tax code, the year to which it applies and the date on which it becomes effective;
- (e) his inoculation and vaccination certificates;
- (f) records of tests of his eyesight except where these formed part of a statutory medical examination; and
- (g) a record of certificates issued under the Merchant Shipping (Medical Examination) Regulations 1983(1).

Entries in discharge books

20.—(1) Entries in discharge books of the particulars—

- (a) referred to in paragraphs (a), (b)(i), (c), (d), (e), (f) and (g) of regulation 19 may be made by a superintendent or the Registrar General of Shipping and Seamen;
- (b) referred to in paragraphs (a), (b)(i) and (e) of regulation 19 may be made by a proper officer;
- (c) referred to in paragraph (b) of regulation 19 may be made by the master of the ship in which the holder is employed or by one of the ship's officers authorised by the master in that behalf;
- (d) referred to in paragraph (d) of regulation 19 may be made by the master of the ship in which the holder is employed;
- (e) referred to in paragraph (d) of regulation 19 and in paragraph 12 of Schedule 3 may be made by the seaman's employer;
- (f) referred to in paragraph (g) of regulation 19 may be made by an official of the Merchant Navy Establishment Administration;
- (g) referred to in paragraph (c)(i) of regulation 19 may be made by an official of the Merchant Navy Establishment Administration, the Principal of the training establishment attended or the Instructor in charge of the holder's training;
- (h) referred to in paragraph (c)(ii) of regulation 19 may be made by the Principal, or his approved deputy, of a training establishment approved by the Department of Transport;
- (i) referred to in paragraphs 2 and 12 of Schedule 3 may be made by the Master of the ship in which the holder is employed, or by the holder;

and by no other person.

(2) Any person authorised by this regulation to make an entry in a discharge book shall, upon the discharge book being produced to him for that purpose, make the entry unless an entry of the same particulars appears to have been duly made in it.

21. A superintendent, a proper officer or the Registrar General of Shipping and Seamen may at any time correct any entry in a discharge book.

Production of discharge books

22.—(1) The holder of a discharge book shall produce it on demand at any time—

- (a) to a superintendent, a proper officer, the Registrar General of Shipping and Seamen or an official of the Merchant Navy Establishment Administration;
- (b) to his employer and to the master of the ship in which the holder is employed; and
- (c) to any other person authorised by regulation 20 to make an entry in it, for the purpose of making that entry.

(2) The holder of a discharge book who fails to produce it when required to do so in accordance with this regulation shall be guilty of an offence.

(3) A person to whom a discharge book is produced shall return it to the holder as soon as practical after the entry has been made or any inspection of it.

Delivery of discharge books

23.—(1) Any person having possession of a discharge book shall, after he becomes aware that the holder has died, has been discharged from any ship, or has been left behind in any country, deliver

it to a superintendent or proper officer or to the Registrar General of Shipping and Seamen as soon as practicable.

(2) A person who fails to comply with requirements of this regulation shall be guilty of an offence.

Effect of loss, destruction, defacement or filling up of discharge books.

24. When—

- (a) his discharge book is lost, destroyed or defaced, or
- (b) the space provided in it for entries of any particulars except those referred to in Schedule 3 is filled up,

a person shall cease to be regarded as the holder of a discharge book and shall, within 7 days of satisfying the conditions specified in regulation 15(2), apply for a new discharge book.