

1987 No. 408

MERCHANT SHIPPING

MASTERS AND SEAMEN

**The Merchant Shipping (Seamen's Documents)
Regulations 1987**

Made - - - - - *12th March 1987*

Laid before Parliament *18th March 1987*

Coming into force *8th April 1987*

The Secretary of State for Transport, after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970(a) (hereinafter called "the Act"), in exercise of powers conferred by sections 70 and 71 of the Act and now vested in him(b), and of all other powers enabling him in that behalf, hereby makes the following Regulations:-

Citation, commencement, interpretation and revocation

1.—(1) These Regulations may be cited as the Merchant Shipping (Seamen's Documents) Regulations 1987 and shall come into force on 8th April 1987.

(2) In these Regulations—

- (a) the expressions "British Citizen", "British Dependent Territories citizen", "British Overseas Citizen", "British protected person", "colony", "protected state" and "protectorate" have respectively the same meanings as they have in and for the purposes of the British Nationality Act 1981(c);
- (b) "British Seaman's Identity Card" means a British Seaman's Identity Card issued under the British Seamen's Identity Cards Order 1942(d);
- (c) "the Order of 1960" means the British Seamen's Cards Order 1960(e);
- (d) a person to whom a British Seaman's Card or a discharge book has been issued is referred to as the holder of it; and
- (e) "Seaman's Record Book" means a Seaman's Record Book and Certificates of Discharge issued to a seaman by the Secretary of State, the Board of Trade, the Minister of Transport, the Minister of Transport and Civil Aviation, the Minister of War Transport or the Minister of Shipping;
- (f) "a shore-based disciplinary committee" means a committee established on shore by the National Maritime Board to review the future sea-going employment of seamen employed under a crew agreement, approved by the Secretary of State, to which the National Maritime Board agreement on disciplinary procedures applies and which requires seamen to comply with the Code of Conduct, in respect of whom the master is satisfied that they have committed any of the breaches of the Code specified in paragraph 9 thereof;

(a) 1970 c. 36.

(b) S.I. 1970/1537.

(c) 1981 c. 61.

(d) S.R. & O. 1942/2681.

(e) S.I. 1960/967 as amended by S.I. 1967/1610.

(g) "the Code of Conduct" means the publication entitled "Code of Conduct for the Merchant Navy" published in 1978 by the National Maritime Board.

(3) For the purposes of these Regulations, a person shall be treated as having the right of abode if he has the right of abode in the United Kingdom under section 2 of the Immigration Act 1971(a).

(4) In computing any of the periods of 7 days referred to in regulation 15(1) any period during which the person concerned is not present in the United Kingdom shall be disregarded.

(5) The Regulations set out in Schedule 1 to these Regulations are hereby revoked.

(6) Any reference in these Regulations to a numbered regulation is a reference to the regulation of that number in these Regulations.

PART I

BRITISH SEAMEN'S CARDS

Application for British Seamen's Cards

2.—(1) Subject to the provisions of regulation 3, a person who satisfies the conditions specified in paragraph (2) of this regulation (whether or not he has previously held a British Seaman's Card or a British Seaman's Identity Card) may apply for a British Seaman's Card.

- (2) The conditions referred to in paragraph (1) of this regulation are that the person—
- (a) is a British seaman to whom this regulation applies; and
 - (b) is not the holder of a British Seaman's Card issued to him under regulation 5 or endorsed under regulation 8.

3.—(1) Regulation 2 applies to any British seaman—

- (a) who is employed or ordinarily employed in a ship otherwise than in an employment specified in paragraph (2) of this regulation; and
- (b) who is not excluded by virtue of paragraph (3) of this regulation.

(2) The employments which are to be disregarded for the purposes of paragraph (1) of this regulation are—

- (a) employment in a fishing vessel;
- (b) employment in a ship belonging to a general lighthouse authority;
- (c) except in the case of a person who is a cadet, employment on terms under which he receives no wages or only nominal wages; and
- (d) in the case of a person who is not a citizen of the United Kingdom and colonies or a British protected person, employment in a ship registered otherwise than in the United Kingdom, the Channel Islands, the Isle of Man or any colony, protectorate or protected state.

(3) Regulation 2 does not apply to—

- (a) a person who is not—
 - (i) a British citizen, a British Dependent Territories citizen or a British Overseas citizen;
 - (ii) a British protected person; or
 - (iii) a British subject without citizenship;

and who holds a seaman's identity document which has been issued to him by or under the authority of the Government of a country specified in schedule 3 to the British Nationality Act 1981 or of any territory or trust territory under the protection of or administered by such government or of the Republic of Ireland, and of which he has not ceased to be regarded as the holder by that government;

- (b) a person who holds a seaman's identity document—

(a) 1971 c. 77; section 2 was substituted by section 39 of the British Nationality Act 1981.

- (i) which has been issued to him by the government of any colony, protectorate, or protected state and
- (ii) of which he has not ceased to be regarded as the holder by that government;
- (c) a person in the employment of the Crown who is employed, but not ordinarily employed, as a master or seaman; and
- (d) a member of the naval, military or air forces of the Crown or of any service administered by the Defence Council.

4. A person applying for a British Seaman's Card shall—

- (a) make an application in accordance with regulation 29; and
- (b) unless it has been lost or destroyed, surrender to the Registrar General of Shipping and Seamen or a superintendent any British Seaman's Card or British Seaman's Identity Card previously held by him.

Issue of British Seamen's Cards

5. If a person applying for a British Seaman's Card—

- (i) satisfies the conditions set out in regulation 2(2); and
- (ii) has paid the fee (if any) prescribed;

in the case of a person having the right of abode, the Secretary of State shall, and, in any other case, may issue a British Seaman's Card to him.

Form and contents of British Seamen's Cards

6. A British Seaman's Card 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 those particulars specified in Schedule 2 to these Regulations.

Validity of British Seamen's Cards

7. A British Seaman's Card issued after the coming into operation of these Regulations shall be valid until the end of the period of ten years from the date of issue: provided that, if at the end of such period, the holder is not present in the United Kingdom, his British Seaman's Card shall remain valid until he first returns to the United Kingdom or the expiry of a further 12 months from the date of expiry, whichever is the sooner.

8.—(1) A British Seaman's Card issued pursuant to the Merchant Shipping (Seamen's Documents) Regulations 1972(a) shall be valid—

- (a) until the end of the period of 5 years from the date of issue; and
- (b) if it has been endorsed in accordance with paragraph (2) below, until the end of a further period of 5 years from the end of the period referred to in (a) above;

provided that, if at the end of either of such periods, the holder is not present in the United Kingdom, his British Seaman's Card shall remain valid until he first returns to the United Kingdom or the expiry of a further 12 months from the date of expiry, whichever is the sooner.

(2) If an application is made for endorsement under paragraph (1)(b) above not less than 4 years and 9 months and not more than 6 years after the date of issue of the British Seaman's Card to which it relates, and the Registrar General of Shipping and Seamen or the superintendent to whom the application is made is satisfied—

- (i) that the person making the application is the holder of the British Seaman's Card; and
- (ii) that the British Seaman's Card was (or would be) valid at the end of the period of 5 years from the date of its issue;

he shall endorse the British Seaman's Card with a statement that it shall be valid until the end of the period referred to in paragraph (1)(b) above.

9. When his British Seaman's Card is lost, destroyed, defaced or required to be surrendered a person shall cease to be regarded as the holder of a British Seaman's Card.

(a) 1972/1295; to which there were amendments not relevant to these Regulations.

Production of British Seamen's Cards

10.—(1) The holder of a British Seaman's Card shall produce it to the Registrar General of Shipping and Seamen or a superintendent, a proper officer, his employer or the master of his ship, on demand or within such period as the person requiring its production may allow.

(2) A person who fails to produce his British Seaman's Card in pursuance of a requirement made under this regulation shall be guilty of an offence.

Surrender of British Seamen's Cards

11.—(1) The holder of a British Seaman's Card shall surrender it to the Registrar General of Shipping and Seamen or a superintendent—

- (a) forthwith, upon his ceasing to be a British seaman or upon the card being defaced; and
- (b) on demand, after he has ceased to have the right of abode.

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

Delivery of British Seamen's Cards

12.—(1) Any person who comes into possession of a British Seaman's Card of which he is not the holder shall forthwith deliver it to the Registrar General of Shipping and Seamen or to a superintendent.

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

British Seamen's Cards issued under the Order of 1960.

13.—(1) This regulation applies to a British Seaman's Card issued under the Order of 1960 and which is still valid on the date these Regulations come into operation.

(2) Subject to regulation 14, a British Seaman's Card to which this regulation applies shall continue in force and shall have effect as if it were a British Seaman's Card issued under regulation 5 provided that, if the holder is not present in the United Kingdom on the date these Regulations come into effect, his British Seaman's Card shall remain valid only until he first returns to the United Kingdom after that date; and references in regulations 9, 10, 12, 25, 26, 27, 28 and 29 to British Seamen's Cards or to seamen's documents shall include references to British Seamen's Cards to which this regulation applies.

14. A British Seaman's Card to which regulation 13 applies shall also cease to be valid upon—

- (a) the holder of it ceasing to be a British seaman; or
- (b) its being lost, destroyed, or defaced; or
- (c) its being required to be surrendered.

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(a).

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.

(a) S.I. 1983/808.

(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.

PART III

PROVISIONS RELATING TO BRITISH SEAMEN'S CARDS AND TO DISCHARGE BOOKS

25. In this Part of these Regulations "seaman's document" means a British Seaman's Card or a discharge book; and references in this Part of these Regulations to the holder of a seaman's document shall be construed accordingly.

Notification of errors in seamen's documents

26.—(1) If it appears to the holder thereof that any entry in a seaman's document is not correct, he shall forthwith inform the Registrar General of Shipping and Seamen or a superintendent.

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

Surrender of seamen's documents

27.—(1) If it appears to a superintendent, a proper officer, a police officer or the Registrar General of Shipping and Seamen—

- (a) that the holder of a seaman's document was not entitled to apply for it at the time it was issued to him; or
- (b) that the person having possession of a seaman's document is not the holder thereof; the person (including the holder) having possession of that document shall, on demand made by a superintendent, a proper officer, a police officer, or the Registrar General of Shipping and Seamen (as the case may be) surrender it to him.

(2) Upon the recommendation of a shore-based disciplinary committee that the holder of a discharge book who was employed under a crew agreement, approved by the Secretary of State, to which the National Maritime Board agreement on disciplinary procedures applied and which required him to comply with the Code of Conduct, is no longer entitled to be the holder (consequent upon the commission by him of one of the breaches of the Code specified in paragraph 9 thereof) the holder shall, on demand made by the Secretary of State, surrender the discharge book to him for a temporary period or permanently according to his demand.

(3) Any person who fails to comply with the requirements of this regulation shall be guilty of an offence.

Alterations in seamen's documents

28.—(1) No person other than a person authorised by regulation 5, 8, 18, 20 or 21 (as the case may be) acting in accordance with the provisions of those regulations, shall make any mark or entry upon, or erase, cancel or alter any mark or entry made upon or otherwise deface or destroy a seaman's document.

(2) Any person who contravenes the provisions of this regulation shall be guilty of an offence.

Applications relating to seamen's documents

29. An application for the issue of a seaman's document or for the endorsement of a British Seaman's Card under regulation 8 shall be made in writing to the Registrar General of Shipping and Seamen or a superintendent, and

(a) where—

- (i) in the case of an application for a British Seaman's Card, the applicant surrenders to the Registrar General of Shipping and Seamen or a superintendent a British Seaman's Card held by him; or
- (ii) in the case of an application for a discharge book, the applicant produces to the Registrar General of Shipping and Seamen or a superintendent a discharge book or a Seaman's Record Book held by him; or
- (iii) in the case of an application for a British Seaman's Card or for a discharge book, it appears to the Registrar General of Shipping and Seamen or a superintendent that the applicant has lost his latest British Seaman's Card or discharge book (as the case may be) and that the Secretary of State has in his possession particulars of any of the matters set out in Schedule 3;

shall state the applicant's name and particulars of such of the other matters set out in Schedule 3 to these Regulations as are not correctly stated in the document (if any) surrendered or produced in accordance with this paragraph, or in the particulars referred to in sub-paragraph (iii) above; and

(b) in any other case, shall state particulars of the matters required for the application set out in Schedule 3;

and the applicant shall furnish to the Registrar General of Shipping and Seamen or a superintendent such documents (including in the case of an application for both a British Seaman's Card and a discharge book, 4 copies, and in any other case 2 copies, of a recent head and shoulders photograph of himself measuring 50 mm by 50 mm (2 inches by 2 inches)) and such other evidence as he may require for the proper consideration of the application.

Offences

30.—(1) Any offence under these Regulations shall be punishable on summary conviction with a fine not exceeding level 1 on the standard scale.

(2) It shall be a defence for a person charged under these Regulations to show he took all reasonable precautions to avoid the commission of the offence.

Signed by authority of the Secretary of State
12th March 1987

Michael Spicer
Parliamentary Under Secretary of State,
Department of Transport

SCHEDULE 1

Regulation 1(5)

REGULATIONS REVOKED BY THESE REGULATIONS

- Merchant Shipping (Seamen's Documents) Regulations 1972 (S.I. 1972 No. 1295)
- Merchant Shipping (Seamen's Documents) (Amendment) Regulations 1974 (S.I. 1974 No. 1734)
- Merchant Shipping (Seamen's Documents) (Amendment) Regulations 1977 (S.I. 1977 No. 1181)
- Merchant Shipping (Seamen's Documents) (Amendment) Regulations 1978 (S.I. 1978 No. 107)
- Merchant Shipping (Seamen's Documents) (Amendment No. 2) Regulations 1978 (S.I. 1978 No. 979)
- Merchant Shipping (Seamen's Documents) (Amendment No. 3) Regulations 1978 (S.I. 1978 No. 1758)
- Merchant Shipping (Seamen's Documents) (Amendment) Regulations 1981 (S.I. 1981 No. 313)

SCHEDULE 2

Regulation 6

PARTICULARS TO BE RECORDED IN A BRITISH SEAMAN'S CARD

1. A statement that the document is a seafarer's identity document for the purpose of International Labour Organisation Convention Number 108.
2. Full name of the holder.
3. Height.
4. Colour of eyes.
5. Date and place of birth.
6. Distinguishing marks (if any).
7. Discharge Book number (if any).
8. Nationality.
9. Home address.
10. National insurance number.
11. Photograph of holder.
12. Signature of holder.
13. A statement of the period of validity.

SCHEDULE 3

Regulations 18, 19 and 29

PARTICULARS TO BE FURNISHED IN APPLICATIONS FOR SEAMEN'S DOCUMENTS

1. The name of the person applying for the document;
2. His home address;
3. The date and place of his birth;
4. Any previous names, including in the case of a woman who is or has been married, her maiden surname;
5. His nationality;
6. The colour of his eyes;
7. His distinguishing marks (if any);
8. His height;
9. The number of his discharge book (if any);
- *10. The grade, number and date of issue of any certificate of competency held by him;
11. National insurance number;
- *12. The name, relationship and address of his next of kin;

*13. Merchant Navy Officer's Pension Fund (MNOFF)/Merchant Navy Ratings Pension Fund (MNRPF) number;

*14. Union membership number (if any).

Note: Items marked with an asterisk are not required for application for a British Seaman's Card.

SCHEDULE 4

Regulation 16(1)(a)

COUNTRIES REFERRED TO IN REGULATION 16(1) (WHICH RELATES TO PERSONS HOLDING DOCUMENTS, CONTAINING SUBSTANTIALLY THE SAME INFORMATION AS DISCHARGE BOOKS, ISSUED BY OR UNDER THE AUTHORITY OF THE GOVERNMENTS OF CERTAIN COUNTRIES).

Bangladesh
Barbados
Canada
Falkland Islands
Guyana
Hong Kong
India
Republic of Ireland
Jamaica
Kenya
Malaysia
Malta
Isle of Man
Mauritius
Nigeria
Pakistan
St Lucia
Sierra Leone
Singapore
Tanzania
Trinidad and Tobago

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Merchant Shipping (Seamen's Documents) Regulations 1972, as amended, and re-enact them with further amendments.

The major changes are:—

- (a) British Seamen's Cards no longer require endorsement after 5 years; they are issued valid for ten years;
- (b) British Seamen's Cards are no longer obligatory for British seafarers;
- (c) the precise form of such a Card is not included in the Regulations; instead the Regulations specify the particulars to be included in a Card;
- (d) application for seamen's documents can now be made not only to a superintendent but also to the Registrar General of Shipping and Seamen;
- (e) the removal of the requirement to list periods of work or standing by, of paid and unpaid leave and of sickness and study leave in discharge books;
- (f) the addition of a requirement to include a record of certificates issued under the Merchant Shipping (Medical Examination) Regulations 1983 in discharge books;
- (g) the extension of powers to make certain entries in discharge books to include Principals, or approved deputies, of training establishments approved by the Department of Transport, and the holders themselves;
- (h) the inclusion of a requirement to make persons to whom a discharge book is produced return it to the holder as soon as practical;
- (i) increase of one in the number of photographs to be submitted if application is made for both a British Seaman's Card and a discharge book;
- (j) masters of non-UK registered vessels may make voyage entries relating to service in those vessels.