



ST. CHRISTOPHER AND NEVIS

CHAPTER 7.02

FOREIGN MERCHANT SHIPPING (AGREEMENTS) ACT

Revised Edition

showing the law as at 31 December 2002

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This edition contains a consolidation of the following laws—

FOREIGN MERCHANT SHIPPING (AGREEMENTS) ACT

Act 20 of 1932 ... in force 22nd February 1932

Amended by: Act 7 of 1976

Act 9 of 1986

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CHAPTER 7.02

FOREIGN MERCHANT SHIPPING (AGREEMENTS) ACT

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CHAPTER 7.02**FOREIGN MERCHANT SHIPPING (AGREEMENTS) ACT**

AN ACT TO MAKE PROVISION RELATING TO THE ENGAGEMENT OF SEAMEN BY A MASTER OF A FOREIGN SHIP; AND TO MAKE PROVISION FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Foreign Merchant Shipping (Agreements) Act.

Interpretation.

2. In this Act—

“Commonwealth Caribbean State” includes the present and former colonies of the United Kingdom in the Commonwealth Caribbean;

“foreign port” means any port or place outside the limits of the State;

“foreign ship” means a ship registered in a place not in the Commonwealth;

“Master” includes owner, agent or consignee, except in section 2 in the definition of a “seaman”;

“proper return port” means either the port at which a seaman was shipped or a port in the country to which he or she belongs;

“seaman” includes any citizen of this or any Commonwealth Caribbean State (except the Master) employed or engaged in any capacity on board any ship;

“ship” means every description of vessel used in navigation not propelled by oars, and includes a foreign ship but does not include a ship registered and owned in this State.

Engagement of seamen.

3. (1) It shall not be lawful for the Master of any foreign ship proceeding from any port in this State, to a foreign port, to engage any seaman to serve on board such ship without the sanction of a Harbour Master.

(2) The sanction of the Harbour Master shall not be given to any such engagement on board a foreign ship unless the Master of such ship enters into a bond with good and sufficient sureties, with the Harbour Master at the port where the seaman is to be engaged, in such sum, not exceeding one thousand five hundred dollars in respect of every such seaman, as the circumstances of the case shall require, for the repayment of all expenses incurred for the relief, maintenance, medical attendance and repatriation of any such seaman to a proper return port in the event of such seaman being shipwrecked, discharged or left behind in a foreign port or otherwise becoming distressed within the meaning of section 40 of the Merchant Shipping Act, 1906, (UK) or any Regulations made thereunder:

Provided that no liability shall attach under such bond in respect of any seaman shipwrecked, discharged or left behind in the country to which he or she belongs.

Notice of engagement of seaman to be given to seaman's State.

4. In every case in which a seaman, being a citizen of another Commonwealth Caribbean State, is engaged to serve on board any ship, notice of such engagement and of the bond (if any) entered into under this Act shall be given to the Government of such State.

Expenses of repatriation etc., of seamen recoverable on behalf of the seaman's State.

5. In the event of any seaman referred to in section 4 being repatriated direct to the State to which he or she belongs, all expenses incurred by or on behalf of the Government of such State in relation to such repatriation may be recovered by the Government of this State for and on behalf of the Government of such other State.

Penalty.

6. The Master of any ship shall be liable to a penalty not exceeding two thousand dollars for every seaman engaged in contravention of this Act.

(Amended by Acts 7 of 1976 and 9 of 1986)

Penalties, etc. recoverable summarily.

7. All sums of money payable under this Act and all penalties imposed thereunder may be recovered summarily before any Magistrate exercising jurisdiction in the State.

Saving as to the Imperial Merchant Shipping Acts.

8. Nothing contained in this Act shall be deemed to affect the provisions of the Imperial Merchant Shipping Acts with respect to the repatriation of distressed seamen.

Expenses.

9. All expenses incurred in carrying out the provisions of this Act shall be paid out of funds provided by the State.

Certificate to be *primâ facie* evidence.

10. The signature of the Minister to any document containing a statement of the amount due under the provisions of this Act shall, without proof of his or her signature, or of any other matter or thing, be deemed in all Courts to be *primâ facie* evidence of the amount claimed being in every particular correct.
