



ST. CHRISTOPHER AND NEVIS

CHAPTER 7.06

MERCHANT SHIPPING (AGREEMENTS) ACT and Subsidiary Legislation

Revised Edition
showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

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CHAPTER 7.06

MERCHANT SHIPPING (AGREEMENTS) ACT

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CHAPTER 7.06

MERCHANT SHIPPING (AGREEMENTS) ACT

AN ACT TO PROVIDE FOR THE MAKING OF SPECIFIC AGREEMENTS BETWEEN MASTERS OF SHIPS AND THEIR CREW; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

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

Agreements to be made with seamen or seawomen , containing certain particulars.

2. (1) The master or mistress of every British ship, (including any ship which belongs to the State and trades to ports outside the State) shall enter into an agreement with every seaman or seawoman whom he or she carries to sea from any port in the State as one of his or her crew, in the manner hereinafter mentioned, and every such agreement shall be in the form sanctioned by the Board of Trade, and shall be dated at the time of the first signature thereof, and shall be signed by the master or mistress before any seaman or seawoman signs the same, and shall contain the following particulars as terms thereof; that is to say—

- (a) the nature and, as far as practicable, the duration of the intended voyage or engagement;
- (b) the number and description of the crew, specifying how many are engaged as sailors;
- (c) the amount of wages which each seaman or seawoman is to receive;
- (d) a scale of the provisions which are to be furnished to each seaman or seawoman in cases where it is agreed that the provisions are to be furnished;
- (e) any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct which have been sanctioned by the Board of Trade as regulations proper to be adopted, and which the parties agree to adopt.

- (2) Every agreement referred to in subsection (1) shall be so framed as to admit of stipulations to be adopted at the will of the master or seawoman and seamen, in each case, as to advance and allotment of wages, and may contain any other stipulations which are not contrary to law.

Agreements to be made before, and attested by, shipping master.

3. The following rules shall be observed with respect to agreements, that is to say—

- (a) every agreement shall be signed by each seaman or seawoman in the presence of the shipping master, or other officer appointed for the purpose;
- (b) such shipping master, or other officer as aforesaid, shall cause the agreement to be read over and explained to each seaman or seawoman, or otherwise ascertain that each seaman or seawoman understands the same before he or she signs it, and shall attest such signature; and in case any such attestation is not made, the burden of proving that the

seaman or seawoman was duly engaged, as hereby required, shall lie upon the master and mistress;

- (c) when the crew is first engaged, the agreement shall be signed in duplicate, and one copy shall be retained by the shipping master, or other officer as aforesaid, and the other copy shall be delivered to the master or mistress.

Running agreements may be made.

4. Agreements with the crew may be made to extend over two or more voyages, so that no such agreement shall extend beyond six months, or the first arrival of the ship at a port in the State after the expiration of six months, or the discharge of cargo consequent upon such arrival.

Penalty for shipping seamen or seawomen without agreement duly executed.

5. If, in any case, a master carries any seaman or seawoman to sea without entering into an agreement with him or her as is by this Act required, he or she shall, for each such offence, incur a penalty not exceeding one hundred and fifty dollars:

Provided, that this shall not apply to any case in which a seaman or seawoman already engaged is not on board at the time appointed for a vessel's departure, and the master engages another seaman or seawoman to supply his or her place after the shipping master's or mistress' office hours, and reports the fact in writing to the shipping master, and, on his or her return to the island, engages the seaman or seawoman with the forms by this Act required.

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

Alteration to be made void unless attested.

6. Every erasure, interlineation, or alteration in any such agreement shall be wholly inoperative, unless proved to have been made with the consent of all the parties interested in such erasure, interlineation, or alteration by the written attestation of a shipping master, or other officer as aforesaid.

Penalty for falsifying agreement.

7. Every person who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes, or assists in making, or procures to be made, any false entry in, or delivers, assists in delivering, or procures to be delivered, a false copy of any agreement, shall for each such offence be deemed to have committed a misdemeanour.

Seamen or seawomen not to be bound to produce agreement.

8. Any seaman or seawoman may bring forward evidence to prove the contents of any agreement, or otherwise to support his or her case, without producing, or giving notice to produce, the agreement or any copy thereof.

Copy of agreement to be made accessible to crew.

9. The master or mistress shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting the signatures, to be placed or posted up in such part of the ship as to be accessible to the crew, and, in default, shall, for each offence, incur a penalty not exceeding one hundred and fifty dollars.

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

Recovery of penalties.

10. All penalties under this Act shall be recoverable on summary conviction.

Fees to be paid upon agreement.

11. The fees payable to the shipping master under the provisions of this Act shall be such as may, from time to time, be fixed by the Minister, save and except that, for the engagement of seamen or seawomen separately, the fee shall be twenty-five dollars for each.

SCHEDULE*(Section 11)***THE SHIPPING MASTERS FEES ORDER****Short title.**

1. This Order may be cited as the Shipping Masters Fees Order.

Fixation of fees.

2. The following fees shall be payable to the Shipping Master in respect of the several matters therein specified—

Engagement or discharge of Crew :

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Ships under 60 tons96
„ from 60 „ to 100 tons.....	1.68
„ „ 100 „ „ 200 „	3.60
„ „ 200 „ „ 300 „	4.80
„ „ 300 „ „ 400 „	6.00
„ „ 400 „ „ 500 „	7.20
„ „ 500 „ „ 600 „	8.40
„ „ 600 „ „ 700 „	9.60
„ „ 700 „ „ 800 „	10.80
„ „ 800 „ „ 900 „	12.00
„ „ 900 „ „ 1000 „	13.20
„ above 1000 „	14.40

Engagement of seamen or seawomen separately see Sec. 11 of Merchant Shipping (Agreements) Act.

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