STATUTORY INSTRUMENTS

1978 No. 1758

MERCHANT SHIPPING

MASTERS AND SEAMEN

The Merchant Shipping (Seamen's Documents) (Amendment No. 3) Regulations 1978

Made - - - -	*4th December* 1978
Laid before Parliament	*5th December* 1978
Coming into Operation	*1st January* 1979

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

1. These Regulations may be cited as the Merchant Shipping (Seamen's Documents) (Amendment No. 3) Regulations 1978 and shall come into operation on 1st January 1979.

2. The Merchant Shipping (Seamen's Documents) Regulations 1972(c), as amended(d), shall be further amended as follows:—

(1) In Regulation 1(2) after sub-paragraph (*h*) there shall be inserted the following sub-paragraphs:—

"(*i*) "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 them 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;

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

(2) In Regulation 16(2) after sub-paragraph (*c*) there shall be inserted the following sub-paragraph:—

"and

(*d*) has not been required by the Secretary of State, under Regulation 28(1A) of these Regulations to surrender a discharge book issued in accordance with these Regulations."

(a) 1970 c. 36. (b) S.I. 1970/1537. (c) S.I. 1972/1295.
(d) The amendments are not relevant to the subject matter of these Regulations.

(3) After Regulation 28(1) there shall be inserted a new paragraph:

"(1A) 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."

Stanley Clinton Davis,
Parliamentary Under-Secretary of State,
Department of Trade.

4th December 1978.

EXPLANATORY NOTE
(This Note is not part of the Regulations.)

These Regulations further amend the Merchant Shipping (Seamen's Documents) Regulations 1972:

(1) by requiring a seaman (who was employed under a crew agreement, approved by the Secretary of State, to which the National Maritime Board agreement on disciplinary procedures applies, and which required him to comply with the Code of Conduct) to surrender his discharge book either temporarily or permanently to the Secretary of State upon the recommendation of a shore-based disciplinary committee that he is no longer entitled to be the holder of such a book, consequent upon his commission of one of the acts of misconduct specified in paragraph 9 of the National Maritime Board publication entitled "Code of Conduct for the Merchant Navy" published in 1978 by the Board and obtainable from its office at 17/18 Bury Street, London E.C.3.;

(2) by providing that application for another discharge book cannot be made by a person who has been required by the Secretary of State to surrender his existing discharge book.

Consequential amendments are being made by the following Regulations, which will come into operation at the same time as these Regulations: the Merchant Shipping (Seamen's Wages and Accounts) (Amendment) Regulations 1978 (S.I. 1978/1757); the Merchant Shipping (Official Log Books) (Amendment) Regulations 1978 (S.I. 1978/1755); the Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) (Amendment) Regulations 1978 (S.I. 1978/1756); and the Merchant Shipping (Disciplinary Offences) (Amendment) Regulations 1978 (S.I. 1978/1754).

SI 1978/1758
ISBN 0-11-084758-X

