

GUILDERLAND MERCHANT SHIPPING ACT

A MARITIME LEGISLATION DRAFTING PROJECT SUBMITTED
IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE
AWARD OF THE DEGREE OF MASTER OF LAWS (LL.M.)
AT THE
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DRAFTING INSTRUCTIONS

BACKGROUND

The House of Representatives and Senate of Guilderland have, in light of concentrated lobbying from the maritime community and persistently expressed dissatisfaction of seafarers decided to pass legislation respecting the engagement and welfare of seafarers serving on Guilderland ships. Despite several fatal collisions in a brief period, Guilderland's merchant shipping industry remains successful. It is crucial in order to maintain success that maritime incidents of this nature are prevented to the best of the nation's ability. Investigation has demonstrated that the primary cause of the recent collisions is human error. In an attempt to limit human fallibility the Government recognizes that psychological and physical well being must be in harmony, creating a positive environment, reducing stress and thereby reducing incidence of human error and maritime incidents.

It is also necessary for continued development of Guilderland's shipping industry that the nation have an efficient, well trained and reliable body of seafarers. To foster the development and encourage

the maintenance of such, it is acknowledged that secure employment agreements, sound health, proper living and working conditions and discipline greatly contribute to this goal. In turn this will achieve Guilderland's aim of "safer ships and cleaner seas" as a member of the International Maritime Organization (IMO). Guilderland's current Merchant Shipping Act of 1936 fails to adequately provide for the regulation of seamen's accommodations, discipline and standards of health. Therefore new, appropriate legislation must be provided. Guilderland has, since the 1936 Merchant Shipping Act, become a party to two relevant International Conventions, namely, the Convention on Standards of Training, Certification and Watchkeeping, 1978 and the Merchant Shipping Convention, 1976 (NO. 147) of the International Labour Organization (ILO).

Guilderland has also undertaken to be bound by the IMO Conventions regarding Safety of Life at Sea, Loadlines and the Collision Regulations. As per Article 2 of Convention 147, States must undertake to have legislation laying down inter alia those aforementioned.

Therefore Guilderland is prepared to enact such legislation as is necessary to fulfill its obligations under international conventions and the nation's own goals.

You are hereby instructed to prepare legislation along the following lines as set out below.

INSTRUCTIONS

1. The legislation must apply to vessels flying the Guilderland flag of not less than 100 gross tons and engaged in commercial activities beyond the respective waters of Guilderland.
2. Provision needs to be made ensuring that seamen employed on the above types of ship are party to a crew agreement which has been approved by the Government. Allowing for Article 3 of Convention No. 147 of the ILO, seafarers should have their right maintained as to contracting employment with vessels not registered in Guilderland.
3. The Secretary of Transport who is responsible for Maritime Affairs must have the authority to promulgate regulations regarding any matter concerning the following:
 - (a) vessels not encompassed by this legislation.
 - (b) contents of the crew agreement but it shall include the name of the seafarer, his age, and place of birth, and the terms of termination being mutual consent, death of the seafarer, or loss of the ship.
 - (c) certification of seafarers for national implementation of international conventions.

- (d) Occupational Safety Regulations including the establishment of a Board of Advisors to keep the Secretary abreast of seamen's needs and welfare.
 - (e) Regulations as to crew accommodation, cooking, medical fitness, proper medical supplies aboard ships.
 - (f) Working conditions and living conditions generally.
4. No minors below the age of sixteen are to be employed on a ship falling under this Act, but provisions need to be made for those between the ages of sixteen to eighteen years who with the Secretary of Education's approval and proper medical certification could be employed on a vessel. The Convention Fixing the Minimum Age For the Admission of Children to Employment at Sea, Convention No. 58 of 1936 and Convention No. 16 of 1921 regarding the above should be of assistance in this regard.
5. The certification of able seamen as per Convention No. 74 entitled Convention concerning the Certification of Able Seamen and Convention No. 69 concerning the certification of Ships' Cooks must be accounted for in the body of this legislation. For example "able seamen" are to be of the requisite age prescribed, should have passed the required examinations and spent qualifying time at sea of at least three years.

6. Working and living conditions of seamen aboard ships needs to be provided for as well. The appropriate Convention to examine is ILO No. 147 which at Article 2, requires Guilderland as a member to this Convention to have laws and regulations for ships registered under our flag governing safety standards to ensure the safety of life at sea aboard ship; and inter alia, shipboard conditions of employment and living arrangements. The Secretary shall have the power to regulate the matters. However specific provision should be made in respect of the supply of provisions and water to be allotted to seamen. Also they must have a place for lodging any complaint they may have regarding their living and working conditions.

GUILDERLAND MERCHANT SHIPPING ACT

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GUILDERLAND MERCHANT SHIPPING ACT

COMMENCEMENT: January 1, 1997

An Act of Parliament to make provision for the engagement, welfare, and disciplinary regulation of seafarers in merchant shipping and for matters connected with and incidental to the foregoing.

PART I - PRELIMINARY

Short title. 1. This Act may be cited as the GMS 97 Act.

Interpretation. 2. (1) In this Act, except where the context otherwise requires -

"apprentice" means an apprentice to the sea service;

"crew" means persons validly certified and currently employed under a crew agreement;

"crew agreement" means an agreement entered into between the master of a ship on behalf of the shipowner and the crew thereof;

"foreign-going ship" means a ship employed

in voyages beyond the limits of Guilderland coasts;

"foreign-ship" means any ship registered outside of Guilderland;

"master" includes every person (except a pilot) having command or charge of a ship;

"official log book" means the book kept in respect of a ship under section 235;

"owner" as applied to an unregistered vessel means the actual owner, and as applied to a registered ship means the registered owner;

"port" means a place whether natural or artificial, to which ships may resort for shelter or to ship or unship goods or passengers;

"register" means a register of Guilderland ships kept under the provisions of the Guilderland Merchant Shipping Act, and "registered" shall be construed accordingly;

"registrar" means the registrar of ships at the ship's port of registry, and includes a deputy registrar;

"school ship" means any ship approved by the Secretary of Education as such;

"sea-going ship" means a ship employed in voyages not exclusively within the inland waters or territorial seas of Guilderland which may also be a foreign-going ship;

"seaman" includes every person (except a master or pilot duly contracted or indentured or registered) employed or engaged in any capacity on board any ship;

"Secretary" means the Secretary of Transportation for the time being responsible for Maritime Affairs;

"ship" includes every description of vessel used in navigation which is not propelled by oars;

"vessel" includes any ship or boat or any other description of vessel used or designed to be used in navigation;

(2) This Act does not apply to the regulation of inland water transport, naval warships, and Government-owned ships.

PART II - MASTERS, OFFICERS, SEAMEN AND APPRENTICES

ENGAGEMENT OF SEAMEN

Crew agreement. 3. (1) The master of every Guilderland ship shall enter into an agreement in accordance with this Act with every seaman whom he engages in Guilderland and carries to sea as one of his crew.

(2) Subsection (1) shall not apply in any case where the ship concerned is less than 100 gross tons, and not engaged in a seagoing voyage.

Waiver of 4. The Secretary may waive the requirements

requirements. stated in section (1) or may vary the contents of the approved form of the crew agreement in respect of any ship if he considers it expedient to do so.

Regulations of 5. The Secretary may make regulations for the vessels below engagement of seamen and matters regarding the 100 gross tons. engagement of seamen in respect of vessels less than 100 gross tons and which are engaged in a sea-going voyage.

Contents of crew 6. A crew agreement shall be in a form agreement. approved by the Secretary and shall be signed by the master who shall inquire whether the seaman has understood or has questions regarding the agreement before a seaman signs his name.

(1) The crew agreement shall show the place at which it is made, the complete legal name and any other name of the seaman, his birthplace and his age or the date of his birth and shall clearly state the respective rights and obligations of each of the parties and shall include the following particular terms -

- (a) the name of the ship in which the seaman undertakes to serve;
- (b) either the nature and, as far as is practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement, which shall not exceed twelve months, and the port at which it is intended the crew shall be discharged, and the places or ports of the world, if any, to which the voyage or engagement is not to extend;
- (c) the precise number and description of the crew;
- (d) if possible, the place and date at which each seaman is to be on board or to begin work;
- (e) the capacity in which each seaman is to serve;
- (f) the amount of wages which each seaman is to receive;
- (g) the prescribed scale of the provisions which are to be furnished

to seamen;

- (h) the time that is to expire after arrival at the port of discharge before the seaman is discharged;
- (i) any regulations as to conduct on board and as to fines, and other lawful punishment for misconduct which have been made by the Secretary which the parties agree to adopt;
- (j) a list of persons under the age of eighteen years and the dates of their births.

(2) If the master of a ship registered in a country outside of Guilderland has an agreement with the crew made in proper form according to the law of that country or of the country in which her crew were engaged, and engages single seamen in Guilderland, those seamen may sign the agreement so made and it shall not then be necessary for them to sign an agreement in the form approved by the Secretary.

(3) A crew agreement made to employ a seaman under this section shall be terminated

by-

- (a) mutual consent of the parties to the agreement; or
- (b) the death of the seaman; or
- (c) the loss or total unseaworthiness of the ship.

(4) A crew agreement made in Guilderland in the case of foreign-going ships registered within or outside of Guilderland shall be in accordance with the following -

- (a) the agreement shall, subject to the provisions of this Act as to substitutes, be signed by each seaman;
- (b) the Registrar of Seamen shall cause the agreement to be read over and explained to each seaman or otherwise ensure that each seaman understands the agreement before he signs it and shall attest each signature;
- (c) when the crew is first engaged, the agreement shall be signed in

triplicate one part shall be retained by the seaman and one part shall be forwarded to the owner and the other shall be retained by the master and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequent to the first departure of the ship;

- (d) where a substitute is engaged in the place of a seaman who duly signed the agreement and whose services are, within twenty-four hours of the ship proceeding to sea, lost by death, desertion or other unforeseen cause, the master shall, before the ship proceeds to sea if practicable, and if not, as soon as possible thereafter, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness and the witness shall attest the signature;
- (e) an agreement may be made for a voyage

or, if the voyage of the ship averages less than six months in duration, may be made to extend over two or more voyages, and an agreement as made to extend over two or more voyages is in this Act referred to as a "running agreement";

- (f) a running agreement shall not extend beyond the twelve month' date of the making of the agreement or the first arrival of the ship at her port of destination after the termination of that period;
- (g) on every return to the port where the crew was engaged before the final termination of a running agreement, the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made or are intended to be made before the ship leaves port, or that all those made have been made as required by law, and if the master wilfully makes a

false statement in any such endorsement he is guilty of an offence;

- (h) the triplicate crew agreement retained by the owner on the first engagement of the crew shall be kept by the owner for a period of seven years after the expiration of the agreement and shall be produced on demand made therefor by the Registrar of Seamen or other proper officer;
- (i) a crew agreement shall not purport to deprive any court of its jurisdiction to hear and determine disputes respecting the agreement.

(5) The master shall ensure that a legible copy of the ship's crew agreement, omitting the signatures be placed in plain view in a public part of the ship at the beginning of every foreign voyage or engagement.

(6) Any master who fails to comply with this section shall be guilty of an offense and shall be liable for a fine not exceeding 500

dollars.

(7) Every erasure, interlineation, alteration or amendment made to any crew agreement with the exception of additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship shall be entirely without effect unless proved to have been made with the valid consent of all persons interested in the erasure, interlineation, alteration or amendment.

(8) Every person who fraudulently alters, makes any false entry in or delivers a false copy of any crew agreement shall be guilty of an offense.

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

Employment of
children and
young persons.

7. (1) No person under the age of sixteen years shall be employed on any Guilderland ship.

(2) No persons of sixteen to eighteen years shall be employed on any Guilderland ship

except: -

(a) upon work approved and supervised by the secretary of the Department of Education on board a school-ship or training-ship; or

(b) where the Secretary certifies that he is satisfied, having due regard to the mental health and physical condition of the person that the employment will be beneficial to the person.

(3) No person of sixteen to eighteen years shall be employed in any capacity on any Guilderland ship unless the master of the ship to employ the person has in his possession a currently valid certificate granted by a duly qualified medical practitioner certifying that the person is fit to be employed in the capacity in which the person will be employed.

(4) Every medical certificate under section (c) shall be valid for one year from the date of issue, unless earlier revoked and such

certificate may be revoked by a duly qualified medical practitioner if he is satisfied the person is no longer fit for work.

(5) A duly qualified medical practitioner may revoke a medical certificate certifying that a person is fit for work in a certain capacity and recertify the person if he is satisfied the person is fit for work in another capacity.

(6) Where the master or owner of a Guilderland ship employs a person of sixteen to eighteen years without a currently valid medical certificate and written certification from the Secretary he shall be guilty of an offense and shall be liable for a fine not to exceed 1,000 dollars and a term of imprisonment of up to six months.

(7) No person under the age of eighteen shall be employed to work in the engine room of any Guilderland ship.

(8) This section shall not apply to a vessel on which only members of one family are

employed.

CERTIFICATION OF SEAMEN

Certificate of 8. No seaman engaged on a Guilderland ship
competency. shall be rated able seaman unless he holds a
valid certificate of competency as able seaman.

Granting of 9. (1) The Secretary may make
certificate of regulations for the implementation of any
competency. international convention relating to the
certification or status of seamen to which
Guilderland is a party, and such regulations
shall in particular direct that no certificate
shall be granted to any person unless he has -

(a) reached the minimum age prescribed by
the regulations;

(b) performed the requisite qualifying
service at sea which shall be 3
years; and

(c) passed the prescribed examinations.

(2) The regulations may authorize the
grant of a certificate to any person,

notwithstanding that he has not passed the prescribed examinations, if he can show that he was serving as able seaman or equivalent or superior seaman immediately before the commencement of this Act.

CONDITIONS OF SERVICE

Regulations for conditions of service.

10. The Secretary may make such regulations as he deems necessary to provide for -

- (a) the conditions of service of persons serving on Guilderland ships and of Guilderland citizens serving on foreign ships;
- (b) matters connected therewith and, in particular, relating to -
 - (i) apprenticeship to the sea service;
 - (ii) engagement by foreign ships of Guilderland citizens;
 - (iii) the implementation of any international convention relating to the employment, welfare, security,

- certification or status of
seamen, to which
Guilderland is a party;
- (iv) the avoidance of agreements
made contrary to such
regulations as may be
prescribed;
- (v) wages in general, and the
rights related thereto of
persons employed in
Guilderland ships, securing
safe working conditions,
health and welfare for
seamen and apprentices
employed in ships;
- (vi) the accommodation to be
provided for seamen and
apprentices on board ships,
the locations and standards
of accommodation and all
questions relating to
accommodating seamen and
apprentices on board; and
- (vii) the employment of persons
under the age of eighteen

years.

OCCUPATIONAL SAFETY

Regulations
concerning
occupational
safety.

11. (1) The Secretary shall make regulations for securing safe working conditions and safe means of access for masters and seamen employed on Guilderland ships.

(2) Regulations made by the Secretary under this section may -

- (a) Require the maintenance, inspection and testing of any equipment and impose conditions on its use.
- (b) Require, prohibit or regulate the use of any material or process.
- (c) Limit the hours of employment of seamen in any specified circumstances.

PROVISIONS

Scale of
provisions

12. (1) Where it is provided by this Act that the form and content of the agreement with

to be provided. the crew shall be as prescribed under this Part of this Act, the scale of the provisions to be furnished to each seaman shall be those specified in the agreement.

(2) The master of every registered Guilderland ship for which an agreement is required under this Act shall furnish provisions to every member of the crew which provisions are sufficient in quantity, quality and nutritional variety.

(3) The master of a ship who, due to neglect or default fails to furnish provisions in accordance with this section is guilty of an offense and is liable for a fine of three thousand dollars and any liability which he incurs under the succeeding section.

Complaints as to provisions and water. 13. (1) Where three or more members of the crew of a Guilderland ship at any time complain that the provisions or water provided for the use of the crew are insufficient or of bad quality they may complain to the proper officer who shall have the provisions examined by an

inspector.

(2) If the inspector concludes that the provisions or water are of bad quality, insufficient or deficient in any manner he shall convey this verbally and in writing to the master of the ship who shall then provide proper provisions and water to replace those concluded deficient.

(3) The inspector, upon completing his examination shall enter his conclusions in the official log book and send a conclusive report of the examination to the Registrar of Seamen.

(4) Where the master of the ship is properly informed of deficient provisions or water and does not replace the deficient provisions with others fit for human consumption, he is guilty of an offense under this Act and the ship may be detained until the matter is rectified.

(5) Where the inspector concludes that the provisions or water are sufficient in quantity

and quality for human consumption, the complainants shall communicate in writing their complaints to the inspector.

(6) Where the inspector after reviewing the complainant's written communication certifies in a written statement that he has found no reasonable ground for the complaint, the complainants shall each be liable to the owner for any cost incurred due to such complaint, liability not to exceed the sum of 1,000 dollars per individual.

Compensation for short or bad provisions.

14. If during a voyage the allowance of provisions or water is of bad quality or is short of that quantity specified by agreement, the seaman shall be compensated for such deficiency by way of prescribed amounts recoverable as wages through the duration of deficiency until the matter is rectified.

Weights and measures on board.

15. (1) The master of a ship shall at all times keep on board properly functioning weights and measures to be used for determining the quantities of provisions distributed and the

weights and measures shall be used in the presence of a fitness whenever provisions are distributed.

(2) A master who fails to comply with subsection (9) without reasonable cause is guilty of an offence and shall be liable for a fine not less than 300 dollars.

HEALTH AND ACCOMMODATION

Regulations 16. The Secretary shall make regulations respecting medical he deems necessary - fitness and cooking.

(a) for the medical examination of persons seeking employment on board Guilderland registered ships and the issue of medical certificates for such persons;

(b) for the examination and granting of certificates to persons qualifying to be employed as ships cooks.

Regulations in 17. (1) The Secretary shall make regulations in respect of crew for the crew accommodation to be provided on accommodation. board Guilderland ships in accordance with the

standards of International Labour Organization Convention 147.

(2) In respect of crew accommodation the Secretary may make regulations in particular to-

- (a) prescribe the minimum space per person which shall be provided as sleeping accommodation for seamen and the maximum number of persons by whom a specified part of such sleeping accommodation may be used;
- (b) prescribe the equipment to be provided for the sleeping accommodation, mess rooms, sanitary accommodation and galleys in a ship;
- (c) regulate the spaces in the ship in which the crew accommodation or any part thereof may be located and the standards to be observed in the construction, equipment and furnishing of any such accommodation;
- (d) provide for the protection of the crew against injury, condensation, heat, cold and noise on a ship;
- (e) prescribe the water, heating,

lighting, ventilation and sanitary facilities to be supplied on a ship;

- (f) require the submission to a surveyor of ships of plans and specifications of any works proposed to be carried out for the purpose of the provision or alteration of any such accommodation and authorize the surveyor to inspect any such works;
- (g) provide for the maintenance and repair of any such accommodation and prohibit or restrict the use of other than those for which it is designed; and
- (h) provide for the inspection, measuring and marking of crew accommodation on a ship and its certification for the purpose of ascertaining tonnage.

Ship to carry certificated cook. 18. (1) Regulations made under this section may exempt any particular ship or class of ship from any requirements of the regulations.

(2) Every registered and sea-going Guilderland ship of 1,000 gross tons shall be

provided with and shall carry a duly certificated ship's cook unless such ship is specifically excepted from this requirement.

Regulation in respect of medical stores. 19. (1) The Secretary shall make regulations requiring registered Guilderland ships to carry such medicines, medical stores and medical appliances including books containing instructions and advice, as may be specified in the regulations, and the regulations may make different provisions for different classes of ships or different circumstances.

(2) The owner and master of every registered Guilderland vessel shall provide and ensure that the ship carries such medicines, medical stores and medical appliances as specified in the regulations.

Ships to carry medical practitioners. 20. (1) Every registered sea-going Guilderland vessel carrying aboard one hundred persons or more shall upon departure from any Guilderland port carry a duly qualified medical practitioner and if she does not, the owner shall be guilty of an offence for each day of every voyage of

the ship when it does not carry a duly qualified medical practitioner.

(2) For purposes of this section a duly qualified practitioner means a medical practitioner authorized by law to practice as a legally qualified medical practitioner in Guilderland or in the case of a foreign ship in the country to which the ship belongs.

Inspection of
medical supplies.

21. (1) The Secretary may appoint qualified persons as inspectors of medicines, medical stores and medical appliances, and an inspector so appointed shall have power -

- (a) to board any ship and inspect it or any part of it at all reasonable times;
- (b) to request from the owner or master of the ship reasonable assistance and pertinent information.

(2) If an inspector is of the opinion that the medicines, medical stores and appliances on the ship are deficient in quality or quantity or

an improperly stored, he shall give written notice to the master or owner of the ship, who shall remedy the default and shall produce a certificate evidencing such remedy to the inspector before proceeding to sea.

(3) If he deems necessary the inspector may suspend the certificate of registry of the ship until the default has been remedied.

(4) If the master or owner of a ship found to be deficient in medicines, medical stores or medical appliances does not remedy such default before next proceeding to sea, the owner shall be guilty of an offense and shall be liable for a fine not exceeding 1,000 dollars per month until the default is remedied.

Medical expenses in 22. (1) Where a seaman belonging to a case of injury or illness. Guilderland ship receives any hurt or injury in the service of the ship or, suffers from any illness, due to his own wilful act or default or to his own misbehavior or an illness or infirmity wilfully concealed at the time of his engagement, the expense of providing proper

medical care and maintenance for him until he is cured or dies or is returned either to the port from which he was shipped or to a port in the country to which he belongs and of his conveyance to such port shall be borne by the owner of the ship.

(2) In the event of his death, the cost of his burial or cremation shall be defrayed by the owner of the ship without any deduction on that account from his wages.

(3) For the purposes of this section proper medical care comprises -

(a) medical treatment and the supply of proper and sufficient medicines and therapeutical appliances.

(b) hospitalization or board and lodging.

(4) Where a seaman becomes eligible to receive medical aid at the expense of his employer under the terms of any law providing for compensation to injured or sick workmen, this section, except in

relation to the expense of his burial or cremation in the event of his death, shall cease to apply to him.

Facilities for 23. (1) Where a seaman while on board a making complaints. Guilderland ship informs the master of the ship that he wishes to make a complaint to the proper officer or the Registrar of seamen, against the master or any of the crew, the master shall as soon as the service of the ship will permit, allow the complainant to go ashore, in order to make his complaint -

(a) if the ship is then at a place where there is a proper officer or the Registrar of seamen at that place;

(b) if the ship is not, then at such a place, upon her arrival there.

(2) A master of a ship who fails, without reasonable cause to comply with this section is guilty of an offense and is liable for a fine of up to 5,000 dollars.

Welfare Board for 24. The Secretary may by regulations

seaman's welfare. constitute an advisory board for the purpose of advising him on measures to be taken for promoting the welfare of seamen.

DISCIPLINE

General offenses 25. (1) Where a seaman engaged on a ship against discipline. Guilderland ship commits any of the following acts -

- (a) leaves the ship without leave after its arrival at a port and before it is placed in security, he is liable to forfeit out of his wages a sum not exceeding one week's pay;
- (b) wilfully disobeys any lawful command, he is liable to imprisonment and at the discretion of the court he shall be liable to forfeit out of his wages a sum not exceeding two days' pay;
- (c) continually and wilfully disobeys any lawful command, or continually and wilfully neglects his duty, he is guilty of an offence and is liable to imprisonment for three months, and at

the discretion of the court to forfeit for every twenty-four hours continued disobedience or neglect either a sum not exceeding two days' pay or any expenses properly incurred in hiring a substitute;

- (d) assaults the master or any mate or officer of the ship, he is guilty of an offence and is liable to imprisonment for one year;
- (e) combines with any of the crew to disobey lawful commands or to neglect duty or to impede the navigation of the ship or the progress of the voyage, he is guilty of an offence and is liable to imprisonment for one year;
- (f) wilfully damages his ship, or dishonestly misappropriates or converts to his own use, or commits criminal breach of trust in respect of , or wilfully damages, any of its stores or cargo, his is guilty of an offence and is liable to imprisonment for one year and at the discretion of

the court forfeiture out of his wages a sum equal to the loss thereby sustained;

- (g) commits an act of smuggling, whereby loss or damage is occasioned by the master or owner of the ship, is guilty of an offence and is liable to pay to the master or owner a sum sufficient to reimburse the loss or damage and the whole or a proportionate part of wages may be retained in satisfaction or on account of that liability without prejudice to any further remedy;
- (h) aids or procures a person to stow away on his ship, and that person is afterwards convicted of the offence, he is guilty of an offence and is liable to imprisonment for three months, and to pay to the master or owner of the ship a sum sufficient to reimburse the expenses occasioned to that master or owner in respect of the stowaway, and the whole or a proportionate part of wages may be

retained in satisfaction or on account of that liability without prejudice to any further remedy;

- (h) aids or procures a person to stow away on his ship, and that person is afterwards convicted of the offence, he is guilty of an offence and is liable to imprisonment for three months, and to pay to the master or owner of the ship a sum sufficient to reimburse the expenses occasioned to that master or owner in respect of the stowaway, and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability, without prejudice to any further remedy.

(2) A seaman shall not be guilty of an offence under section (a) by reason only of his refusing duty during a lawful strike after his ship has arrived and has been secured in good safety to the satisfaction of the master and the port authority at a port in Guilderland.

(3) A forfeit or other payment imposed in respect of an offence under section (1) shall not exceed one-half of one month's salary in any one month, and shall leave the seaman a sum which is sufficient for his maintenance and that of his dependents.

Done at Seashell,

Guilderland

April 1996