



Maritime and Coastguard Agency

MGN 136 (M+F)

Changes to the amounts that may be deducted from Seafarers' Wages in respect of breaches of obligations under a Crew Agreement

Notice to Shipowners and Managers, Masters, Officers and Crew of Merchant Ships, Skippers, Officers and Crew of Fishing Vessels and Masters, Officers and Crew of Pleasure Craft (including Yachts) who receive Wages for their Employment.

Summary

This Marine Guidance Note sets out details of changes to the regulations governing the maximum amounts that may be deducted from seafarers' wages to cover expenses or loss caused to an employer by the seafarer's absence without leave.

1. It has been found that there is a legal inconsistency between the provisions of the Merchant Shipping Act 1995, and those of the Merchant Shipping (Seamen's Wages and Accounts) Regulations 1972 (as amended) and the Merchant Shipping (Seamen's Wages and Accounts) (Fishing Vessels) Regulations 1972 (as amended) with regard to the deductions an employer may make from a seafarer's wages.

2. Under the Regulations, the maximum deduction an employer may make in respect of expenses or losses incurred by him as a result of the absence of a seafarer without permission, or for other breaches of a crew agreement, is £300 for seafarers on merchant ships and £200 for those on fishing vessels. However, section 70(3) of the Merchant Shipping Act 1995 provides that a seafarer's civil liability for absence without permission shall be no more than £100. Legal advice is that because of the provisions of the parent Act, the provisions of the Regulations cannot be enforced for any amount over £100 in the case of absence without permission.

3. To rectify this anomaly new regulations have been introduced, the Merchant Shipping (Seamen's Wages and Accounts) (Amendment) Regulations 1999, which amend the Merchant

Shipping (Seamen's Wages and Accounts) Regulations 1972 (as amended) and the Merchant Shipping (Seamen's Wages and Accounts) (Fishing Vessels) Regulations 1972 (as amended) to bring both sets of regulations into line with section 70(3) of the Act.

4. From 10 January 2000 when the new regulations came into force, the amount that can be deducted from a seafarer's wages to cover the employer's expenses or losses incurred as a result of unauthorised absence is reduced to a maximum of £100. Maximum deductions in respect of other breaches of a seafarer's obligations under a crew agreement remain unchanged at £300 for merchant ships (including pleasure craft with paid crew employed under crew agreements) and £200 for fishing vessels.

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