

Amended by **SI 2014 No. 1614 in Red**

Amended by **SI 1972 No. 1698 in Orange**

SI 1972 No. 1698 - The Merchant Shipping (Seamen's Allotments) Regulations

MERCHANT SHIPPING

MASTERS AND SEAMEN

The Merchant Shipping (Seamen's Allotments) Regulations 1972.

Made	9 th November 1972
Laid before Parliament	17 th November 1972
Coming into Operation	1 st January 1973

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 13 of that Act and now vested in him (b), and of all other powers enabling him in that behalf, hereby makes the following regulations:-

Citation, commencement and interpretation

1..-(1) These regulations may be cited as the Merchant Shipping (Seamen's Allotments) Regulations 1972 and shall come into operation on 1st January 1973.

(2) In these Regulations "ship" means a ship (including a fishing vessel) registered in the United Kingdom,

(3) The Interpretation Act 1889 (c) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Circumstances in which a seaman may make an allotment

2. -(1) A seaman employed **or engaged** under an agreement relating to one or more ships who [-

- (a) in not exempted from the requirements of section 1 of the Merchant Shipping Act 1970 (which relates to crew agreements) by regulations made under this section; or
- (b) is employed in a ship which is not exempted from those requirements by such regulations; **or**
- (c) **is employed or engaged on a ship to which the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014(10) apply**
- (d) **is employed or engaged on a ship to which the Merchant Shipping (Work in Fishing Convention) Regulations [201X] apply.**

may at any time while he is so employed **or engaged**, by means of an allotment note is issued in accordance with these Regulations, allot **all or part** of his wages to any person or persons.

(2) **In these Regulations, references to wages include any remuneration payable to a seaman who is not an employee and who is engaged on a ship falling within paragraph (1)(c) or (1)(d).**

Limitations on issue of allotment notes

3.-(1) **Subject to paragraph (3) and (4)** unless the seaman's employer or the master otherwise agrees, a seaman shall not-

- (a) allot more than one half of his wages; or
- (b) allot that part of his wages to more than 2 persons.

(2) For the purpose of calculation the proportion of a seaman's wages specified in paragraph (1)(a) of this regulation-

- (a) the wages of a seaman shall be taken to be his wages calculated at the rate stipulated in the agreement under which he is employed without any addition (including overtime payments) or deduction whatsoever; and
- (b) an allotment note issued under the law in force immediately before these Regulations come into operation shall be treated as if it had been issued under these regulations.

(3) Paragraph (1) does not apply to a seaman employed or engaged on a ship to which the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 apply

(4) Paragraph (1) does not apply to a seaman employed or engaged on a ship to which the Merchant Shipping (Work in Fishing Convention) Regulations 201X apply.

Times and intervals of payments under allotment notes

4. Unless the seaman's employer or the master otherwise agrees-

- (a) the first sum payable under an allotment note shall be payable not less than one month from the date on which the allotment note is issued and subsequent sums shall become payable at regular intervals if not less than one month reckoned from the date when the first sum is payable; and
- (b) no sum shall be payable under an allotment note before the seaman has earned any of the wages allotted by it.

Form of allotment notes

5. An allotment note shall be in the form prescribed in the Schedule to these Regulations.

Payments pursuant to allotment notes

6. All sums payable pursuant to an allotment note must be paid promptly and directly to the person to whom the allotment is made.

Charges and exchange rates

7. (1) Subject to paragraph (2), a person may recover from the relevant seaman any costs incurred in making payments pursuant to an allotment note in accordance with these Regulations, but may not otherwise charge for the provision of that service.

(2) Where paragraph (1) applies, costs which that person ordinarily incurs in making payments to the seaman may not be recovered.

(3) Where it is appropriate or necessary to exchange currency in order to make payments pursuant to an allotment note, the person making the payment must make the exchange at a reasonable rate.

(4) A breach of this regulation is an offence.

(5) A person guilty of the offence is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

9th November 1972

Michael Heseltine,
Minister for Aerospace and Shipping.
Department of Trade and Industry.

THE SCHEDULE
FORM OF ALLOTMENT NOTE
MERCHANT SHIPPING ACT 1970
THE MERCHANT SHIPPING (SEAMEN'S ALLOTMENTS) REGULATIONS 1972.

Seaman's Allotment Note

(A separate form must be used for each allotment.)

I, (name of seaman), employed in (name of ship, its port of registry and official number) require you (name and address of employer) to pay to (names and addresses of persons to whom the allotment is made) the sum of (amount of each payment) on (date of first payment) and at intervals of (intervals at which payments are to be made) thereafter until (number of payments*) payments have been made or until the agreement under which I am now employed is terminated or until 7 days after I have given notice in writing of revocation of this allotment note to you or to the master of my ship, whichever shall be the earlier.

Signed: (Signature of seaman)

(Date)

*Leave blank if a number of payment is NOT to be limited.

Acknowledgement by employer or master

I acknowledge receipt of this allotment note.

** My agreement to its issue is not required under the Regulations

** I agree to its issue

Signed:

(Signature of master or of other person on behalf of the employer of the seaman)

(Date)

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 13 of the Merchant Shipping Act 1970 permits a seaman to allot part of his wages to any person by means of an allotment note. The Regulations prescribe the form of an allotment note, provide for the calculation of the amount which may be allotted and limit the circumstances in which and the number of persons to whom an allotment may be made. They also prescribe the times and intervals at which the payments under an allotment note are to be made.

Section 13 and 14 of the Merchant Shipping Act 1970 and these Regulations supersede existing provisions.

Notes

(a) 1970 c. 36 **back**

(b) See the Secretary of State for Trade and Industry Order 1970 (S.I. 1970/1537 (1970 III, p.5293)). **back**

(c) 52 & 53 Vict. C. 63 **back**

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