



Government Circular 38/90

DEPARTMENT OF HIGHWAYS, PORTS AND PROPERTIES

(MARINE ADMINISTRATION)

**MERCHANT SHIPPING (MASTERS AND SEAMEN) ACT 1979**

**MERCHANT SHIPPING (MASTERS AND SEAMEN) (APPLICATION) ORDER 1990**

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The Merchant Shipping (Masters and Seamen) (Application) Order 1990 is made by the Department of Highways, Ports and Properties in exercise of powers conferred by section 63(1) of the Merchant Shipping (Masters and Seamen) Act 1979 after consultation with the Secretary of State of the Department of Transport, and applies to the Isle of Man the following Statutory Instruments:-

1. Merchant Shipping (Seamen's Wages and Accounts) (Fishing Vessels) (Amendment) Regulations 1988 (S.I. 1988/2064)
2. Merchant Shipping (Crew Accommodation) (Amendment) Regulations 1989 (S.I. 1989/184)

The Order was approved by Tynwald on the 21st March, 1990, and will come into operation on the 1st. April, 1990.

*MARINE ADMINISTRATION*  
*Department of Highways, Ports and Properties*

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MERCHANT SHIPPING (MASTERS AND SEAMEN) ACT 1979

MERCHANT SHIPPING (MASTERS AND SEAMEN) (APPLICATION) ORDER 1990

In exercise of the powers conferred on the Department of Highways, Ports and Properties by section 63(1) of the Merchant Shipping (Masters and Seamen) Act 1979 (a), and of all other powers enabling it in that behalf, and after consultation with the Secretary of State, the following Order is hereby made:-

Citation and Commencement

1. This Order may be cited as the Merchant Shipping (Masters and Seamen) (Application) Order 1990 and, subject to section 63(3) of the Merchant Shipping (Masters and Seamen) Act 1979, shall come into operation on 1st. April, 1990.

Application to the Island of the legislation.

2. Subject to the exceptions, adaptations and modifications specified in the Schedules 2 and 3, the legislation specified in Schedule 1 shall apply to the Island as part of the law of the Island.

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(a) 1979 c.14

SCHEDULES

Article 2

SCHEDULE 1

UNITED KINGDOM SUBSIDIARY LEGISLATION APPLIED TO THE ISLAND

1. Merchant Shipping (Seamen's Wages and Accounts) (Fishing Vessels) (Amendment) Regulations 1988 (S.I. 1988/2064)
2. Merchant Shipping (Crew Accommodation) (Amendment) Regulations 1989 (S.I. 1989/184).

Article 2

SCHEDULE 2

MODIFICATIONS AND EXCEPTIONS SUBJECT TO WHICH THE MERCHANT SHIPPING (SEAMEN'S WAGES AND ACCOUNTS) (FISHING VESSELS) (AMENDMENT) REGULATIONS 1988 (S.I. 1988 no.2064) SHALL HAVE EFFECT IN THE ISLAND AND IN RELATION TO SHIPS REGISTERED IN THE ISLAND.

<u>Provision of Regulations</u>	<u>Subject Matter</u>	<u>Modification and Exceptions</u>
Reg. 1	Citation, commencement and interpretation	Omit the words from "and shall" to the end of that Regulation.
Reg. 2	Amendment	After "1972" insert "as they have effect in the Isle of Man".

Article 2

SCHEDULE 3

MODIFICATIONS AND EXCEPTIONS SUBJECT TO WHICH THE MERCHANT SHIPPING (CREW ACCOMMODATION) (AMENDMENT) REGULATIONS 1989 (S.I. 1989 no. 184) SHALL HAVE EFFECT IN THE ISLAND AND IN RELATION TO SHIPS REGISTERED IN THE ISLAND.

<u>Provision of Regulations</u>	<u>Subject Matter</u>	<u>Modification and Exceptions</u>
Throughout		For "Secretary of State" substitute "Department of Highways, Ports and Properties".
Reg. 1	Citation and Commencement	Omit the words from "and shall" to the end of that Regulation.
Reg. 2	Amendment of Principal Regulations	(1) After "1978" insert - "as they have effect in the Isle of Man".  (2) In paragraph (a) after the words "Misuse of Drugs Regulations 1985" add "as they have effect in the Isle of Man".  (3) In paragraph (c), for "he" substitute "it".  (4) In paragraph (f) for the "Merchant Shipping Acts" substitute "any statutory provision relating to Merchant Shipping".

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Made this 13th. day of February, 1990

*A. Arnold Callin,*

MINISTER for  
Highways, Ports and Properties.

## EXPLANATORY NOTE

(This Note is not part of the Regulations)

This Order is made under section 63 of the Merchant Shipping (Masters and Seamen) Act 1979 and applies to the Isle of Man the provisions of the following United Kingdom subsidiary legislation:-

- (a) The Merchant Shipping (Seamen's Wages and Accounts) (Fishing Vessels) (Amendment) Regulations 1988 which amend the Merchant Shipping (Seamen's Wages and Accounts) (Fishing Vessels) Regulations 1972 so as to increase from £50 to £200 the maximum contribution that an employer can recover from a fisherman who is in breach of his contractual obligations.
- (b) The Merchant shipping (Crew Accommodation) (Amendment) Regulations 1990 which further amend the provisions of the Merchant Shipping (Crew Accommodation) Regulations 1978 to align them more closely with the International Labour Conventions Nos 92 and 133 on which they are based. The principal amendments to the 1978 Regulations are in respect of plans, headroom, decks, sidescuttles, sleeping accommodation, beds, mess and recreation rooms; washing drainage and fresh water arrangements; laundry facilities; galleys; and storage of medicines.