



MERCHANT SHIPPING (SEAMEN'S DOCUMENTS) (AMENDMENT) ORDER 2019

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Statutory Document No. 2019/0100



Merchant Shipping (Masters and Seamen) Act 1979

MERCHANT SHIPPING (SEAMEN'S DOCUMENTS) (AMENDMENT) ORDER 2019

Approved by Tynwald: 20 March 2019
Coming into Operation: 1 April 2019

The Department for Enterprise, after consultation with the Secretary of State, makes the following Order under sections 63(1) and 63(1A) of the Merchant Shipping (Masters and Seamen) Act 1979.

1 Title

This Order is the Merchant Shipping (Seamen's Documents) (Amendment) Order 2019.

2 Commencement

If approved by Tynwald, this Order comes into operation on 1 April 2019.

3 Further modification of the Merchant Shipping (Seamen's Documents) Regulations 1987 (of Parliament)

- (1) The Merchant Shipping (Seamen's Documents) Regulations 1987¹ (of Parliament) is further modified in its application to the Island in accordance with articles 4 to 8.
- (2) In those articles a reference to a numbered regulation is a reference to that regulation as it applies in the Island.

4 Regulation 1 (citation, commencement, interpretation and revocation) further modified

- (1) Regulation 1 is further modified as follows.
- (2) In paragraph (2) —

¹ SI 1987 No 408 as applied to the Island by GC332/88 Merchant Shipping (Masters and Seamen)(Application) Order 1988 and further modified by SI 1995 No 1900 Merchant Shipping (Seamen's Documents) (Amendment) Regulations 1995 (as applied to the Island by SD299/99 Merchant Shipping (Masters and Seamen)(Application and Amendment) Order 1999).

- (a) omit from sub-paragraph (d) “or a discharge book”; and
- (b) omit sub-paragraphs (e) to (g).

5 Part II (discharge books) omitted

Omit Part II.

6 Part III (provisions relating to British Seamen's Cards and to discharge books) further modified

- (1) Part III is further modified as follows.
- (2) In the title to the Part omit “and to discharge books”.
- (3) Omit regulation 25.
- (4) In regulations 26 to 29 —
 - (a) for “seamen's documents” (wherever occurring in the titles) substitute —
 - █ British Seamen's Cards █; and
 - (b) for “seaman's document” (wherever occurring) substitute —
 - █ British Seaman's Card █;.
- (5) Omit Regulation 27 (2).
- (6) In regulation 28(1) for “authorised by regulation 5, 8, 18, 20 or 21” substitute —
 - █ authorised by regulation 5 or 8 █.
- (7) In regulation 29 —
 - (a) omit paragraph (a)(ii);
 - (b) for paragraph (a)(iii) substitute —
 - █ (iii) in the case of an application for a British Seaman's Card it appears to the Department that the applicant has lost his latest British Seaman's Card and that the Department has in its possession particulars of any of the matters set out in Schedule 3; █; and
 - (c) in paragraph (b) for the words in brackets substitute —
 - █ (including 1 recent head and shoulders photograph of himself measuring 50 mm by 50mm (2 inches by 2 inches)) █.

7 Schedule 3 (particulars to be furnished in application for seamen's documents) further modified

- (1) Schedule 3 is further modified as follows.
- (2) In the title of Schedule 3 for "Seamen's Documents" substitute —
| **British Seamen's Cards**.
- (3) In the header of Schedule 3 for "Regulations 18,19 and 29" substitute —
| **Regulation 29**.
- (4) Omit paragraphs 10, 12, 13, 14 and the Note.

8 Schedule 4 (countries referred to in regulation 16(1) (which relates to persons holding documents containing substantially the same information as discharge books, issued by or under the authority of the Governments of certain countries)) omitted

Omit Schedule 4.

9 Schedule

For ease of reference the Schedule sets out the text of the Merchant Shipping (Seamen's Documents) Regulations 1987 as it has effect in the Island including the modifications made by this Order.

MADE 15 FEBRUARY 2019

LAURENCE SKELLY
Minister for Enterprise

SCHEDULE

TEXT OF THE MERCHANT SHIPPING (SEAMEN'S DOCUMENTS)
REGULATIONS 1987 AS IT HAS EFFECT IN ISLAND INCLUDING
MODIFICATIONS MADE BY THIS ORDER

1987 No. 408

MERCHANT SHIPPING

MASTERS AND SEAMEN

THE MERCHANT SHIPPING (SEAMEN'S DOCUMENTS)
REGULATIONS 1987

Made.....12th March 1987

Laid before Parliament.....18th March 1987

Coming into force.....8th April 1987

The Secretary of State for Transport, after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970 ^(a) (hereinafter called "the Act"), in exercise of powers conferred by sections 70 and 71 of the Act and now vested in him ^(b), and of all other powers enabling him in that behalf, hereby makes the following Regulations :-

Citation, commencement, interpretation and revocation

1.- (1) These Regulations may be cited as the Merchant Shipping (Seamen's Documents) Regulations 1987 and shall come into force on *1st January, 1989*.

(2) In these Regulations -

(a) *the "Act" means the Merchant Shipping (Masters and Seamen) Act 1979;*

(aa) the expressions "British Citizen", "British Dependent Territories citizen", "British Overseas Citizen", "British protected person", "colony", "protected state" and "protectorate" have respectively the same meanings as they have in and for the purposes of the British Nationality Act 1981;

(b) "British Seaman's Identity Card" means a British Seaman's Identity Card issued under the British Seaman's Identity Cards Order 1942;

(bb) *"The Department" means the Department for Enterprise;*

(c) "the Order of 1960" means the British Seaman's Cards Order 1960;

(d) a person to whom a British Seaman's Card has been issued is referred to as the holder of it.

(e) *Omitted by SD2019/0100.*

(f) *Omitted by SD2019/0100.*

(g) *Omitted by SD2019/0100.*

(3) For the purposes of these Regulations, a person shall be treated as having the right of abode if he has the right of abode in the *Isle of Man* under section 2 of the Immigration Act 1971.

(4) In computing any of the periods of 7 days referred to in regulation 15(1) any period during which the person concerned is not present in the *Isle of Man* shall be disregarded.

(5) The Regulations set out in Schedule 1 to these Regulations are hereby revoked.

(6) Any reference in these Regulations to a numbered regulation is a reference to the regulation of that number in these Regulations.

PART I

BRITISH SEAMEN'S CARDS

Application for British Seamen's Cards

2. (1) Subject to the provisions of regulation 3, a person who satisfies the conditions specified in paragraph (2) of this regulation (whether or not he has previously held a British Seaman's Card or a British Seaman's Identity Card) may apply for a British Seaman's Card.

(2) The conditions referred to in paragraph (1) of this regulation are that the person -

- (a) is a British seaman to whom this regulation applies; and
- (b) is not the holder of a British Seaman's Card issued to him under regulation 5 or endorsed under regulation 8.

3. (1) Regulation 2 applies to any British seaman -

- (a) who is employed or ordinarily employed in a ship otherwise than in an employment specified in paragraph (2) of this regulation; and
- (b) who is not excluded by virtue of paragraph (3) of this regulation.

(2) The employments which are to be disregarded for the purposes of paragraph (1) of this regulation are -

- (a) employment in a fishing vessel;
- (b) employment in a ship belonging to a general lighthouse authority;

- (c) except in the case of a person who is a cadet, employment on terms under which he receives no wages or only nominal wages; and
 - (d) in the case of a person who is not a citizen of the United Kingdom and colonies or a British protected person, employment in a ship registered otherwise than in the United Kingdom, the Channel Islands, the Isle of Man or any colony, protectorate or protected state.
- (3) Regulation 2 does not apply to -
- (a) a person who is not -
 - (i) a British Citizen, a British Dependent Territories citizen, or a British Overseas Citizen,
 - (ii) a British protected person, or
 - (iii) a British subject without citizenship;and who holds a seaman's identity document which has been issued to him by or under the authority of the Government of a country specified in schedule to the British Nationality Act 1981 or of any territory or trust territory under the protection of or administered by such government or of the Republic of Ireland, and of which he has not ceased to be regarded as the holder by that government;
 - (b) a person who holds a seaman's identity document -
 - (i) which has been issued to him by the government of any colony, protectorate, or protected state and
 - (ii) of which he has not ceased to be regarded as the holder by that government;
 - (c) a person in the employment of the Crown who is employed, but not ordinarily employed, as a master or seaman; and
 - (d) a member of the naval, military or air forces of the Crown or of any service administered by the Defence Council.
4. A person applying for a British Seaman's Card shall -
- (a) make an application in accordance with regulation 29; and
 - (b) unless it has been lost or destroyed, surrender to the *Department* or a superintendent any British Seaman's Card or British Seaman's Identity Card previously held by him.

Issue of British Seamen's Cards

5. If a person applying for a British Seaman's Card -

- (i) satisfies the conditions set out in regulation 2(2); and
- (ii) has paid the fee (if any) prescribed;

in the case of a person having the right of abode, the *Department* shall, and, in any other case, may issue a British Seaman's Card to him.

Form and contents of British Seamen's Cards

6. A British Seaman's Card shall be in book form and shall provide for there to be recorded in it from time to time in relation to its holder statements of those particulars specified in Schedule 2 to these Regulations.

Validity of British Seamen's Cards

7. A British Seaman's Card issued after the coming into operation of these Regulations shall be valid until the end of the period of ten years from the date of issue: provided that, if at the end of such period, the holder is not present in the *Isle of Man*, his British Seaman's Card shall remain valid until he first returns to the *Isle of Man* or the expiry of a further 12 months from the date of expiry, whichever is the sooner.

8. (1) A British Seaman's Card issued pursuant to the Merchant Shipping (Seaman's Documents) Regulations 1972^(h) shall be valid -

- (a) until the end of the period of 5 years from the date of issue; and
- (b) if it has been endorsed in accordance with paragraph (2) below, until the end of a further period of 5 years from the end of the period referred to in (a) above;

provided that, if at the end of either of such periods, the holder is not present in the *Isle of Man*, his British Seaman's Card shall remain valid until he first returns to the *Isle of Man* or the expiry of a further 12 months from the date of expiry, whichever is the sooner.

(2) If an application is made for endorsement under paragraph (1)(b) above not less than 4 years and 9 months and not more than 6 years after the date of issue of the British Seaman's Card to which it relates, and the *Department of Trade and Industry* or the superintendent to whom the application is made is satisfied -

- (i) that the person making the application is the holder of the British Seaman's Card; and
- (ii) that the British Seaman's Card was (or would be) valid at the end of the period of 5 years from the date of its issue;

he shall endorse the British Seaman's Card with a statement that it shall be valid until the end of the period referred to in paragraph (1)(b) above.

9. When his British Seamen's Card is lost, destroyed, defaced or required to be surrendered a person shall cease to be regarded as the holder of a British Seamen's Card.

Production of British Seamen's Cards

10. (1) The holder of a British Seamen's Card shall produce it to the *Department* or a superintendent, a proper officer, his employer or the master of his ship, on demand or within such period as the person requiring its production may allow.

(2) A person who fails to produce his British Seamen's Card in pursuance of a requirement made under this regulation shall be guilty of an offence.

Surrender of British Seamen's Cards

11. (1) The holder of a British Seamen's Card shall surrender it to the *Department* or a superintendent –

- (a) forthwith, upon his ceasing to be a British seaman or upon the card being defaced; and
- (b) on demand, after he has ceased to have the right of abode.

(2) A person who fails to comply with the requirements of this regulation shall be guilty of an offence.

Delivery of British Seamen's Cards

12. (1) Any person who comes into possession of a British Seamen's Card of which he is not the holder shall forthwith deliver it to the *Department* or to a superintendent.

(2) Any person who fails to comply with this regulation shall be guilty of an offence.

British Seamen's Cards issued under the Order of 1960

13. (1) This regulation applies to a British Seamen's Card issued under the Order of 1960 and which is still valid on the date these Regulations come into operation.

- (2) Subject to regulation 14, a British Seamen's Card to which this regulation applies shall continue in force and shall have effect as if it were a British Seamen's Card issued under regulation 5 provided that, if the holder is not present in the *Isle of Man* on the date these Regulations come into effect, his British Seamen's Card shall remain valid only until he first returns to the *Isle of Man* after that date; and references in regulations 9, 10, 12, 25, 26, 27, 28 and 29 to British Seamen's Cards or to seamen's documents shall include references to British Seamen's Cards to which this regulation applies.

14. A British Seamen's Card to which regulation 13 applies shall also cease to be valid upon -

- (a) the holder of it ceasing to be a British seaman; or
- (b) its being lost, destroyed, or defaced; or
- (c) its being required to be surrendered.

PART II

DISCHARGE BOOKS

Regulations 15 to 24 omitted by SD2019/0100.

PART III

PROVISIONS RELATING TO BRITISH SEAMEN'S CARDS

25. *Omitted by SD2019/0100.*

Notification of errors in *British Seamen's Cards*

26. (1) If it appears to the holder thereof that any entry in a ***British Seaman's Card*** is not correct, he shall forthwith inform the ***Department*** or a superintendent.

(2) Any person who fails to comply with the requirements of this regulation shall be guilty of an offence.

Surrender of *British Seamen's Cards*

27. (1) If it appears to a superintendent, a proper officer, a police officer or the ***Department***

- (a) that the holder of a ***British Seaman's Card*** was not entitled to apply for it at the time it was issued to him; or
- (b) that the person having possession of a ***British Seaman's Card*** is not the holder thereof;

the person (including the holder) having possession of that document shall, on demand made by a superintendent, a proper officer, a police officer, or the ***Department*** (as the case may be) surrender it to him.

(2) *Omitted by SD2019/0100.*

(3) Any person who fails to comply with the requirements of this regulation shall be guilty of an offence.

Alterations in *British Seamen's Cards*

28. (1) No person other than a person *authorised by regulation 5 or 8* (as the case may be) acting in accordance with the provisions of those regulations, shall make any mark or entry upon, or erase, cancel or alter any mark or entry made upon or otherwise deface or destroy a *British Seaman's Card*.

(2) Any person who contravenes the provisions of this regulation shall be guilty of an offence.

Applications relating to *British Seamen's Cards*

29. An application for the issue of a *British Seaman's Card* or for the endorsement of a British Seaman's Card under regulation 8 shall be made in writing to the *Department* or a superintendent, and

- (a) where -
 - (i) in the case of an application for a British Seaman's Card, the applicant surrenders to the *Department* or a superintendent a British Seaman's Card held by him; or
 - (ii) *Omitted by SD2019/0100.*
 - (iii) *in the case of an application for a British Seaman's Card it appears to the Department that the applicant has lost his British Seaman's Card and that the Department has in its possession particulars of the matters set out in Schedule 3;*

shall state the applicant's name and particulars of such of the other matters set out in Schedule 3 to these Regulations as are not correctly stated in the document (if any) surrendered or produced in accordance with this paragraph, or in the particulars referred to in sub-paragraph (iii) above; and

- (b) in any other case, shall state particulars of the matters required for the application set out in Schedule 3;

and the applicant shall furnish to the Department or a superintendent such documents (*including 1 recent head and shoulders photograph of himself measuring 50mm by 50mm (2 inches by 2 inches)*) and such other evidence as he may require for the proper consideration of the application.

Offences

30. (1) Any offence under these Regulations shall be punishable on summary conviction with a fine not exceeding *level 5 on the standard scale*.

(2) It shall be a defence for a person charged under these Regulations to show he took all reasonable precautions to avoid commission of the offence.

Michael Spicer

Signed by authority of the Secretary of State Parliamentary Under Secretary of State
12th March 1987 Department of Transport
Regulation 1(5)

SCHEDULE 1

REGULATIONS REVOKED BY THESE REGULATIONS

Merchant Shipping (Seamen's Documents) Regulations 1972 (S.I. 1972 No. 1295)

Merchant Shipping (Seamen's Documents) (Amendment) Regulations 1974
(S.I. 1974 No. 1734)

Merchant Shipping (Seamen's Documents) (Amendment) Regulations 1977
(S.I. 1977 No. 1181)

Merchant Shipping (Seamen's Documents) (Amendment) Regulations 1978
(S.I. 1978 No. 107)

Merchant Shipping (Seamen's Documents) (Amendment No 2) Regulations 1978
(S.I. 1978 No. 979)

Merchant Shipping (Seamen's Documents) (Amendment No. 3) Regulations 1978
(S.I. 1978 No. 1758)

Merchant Shipping (Seamen's Documents) (Amendment) Regulations 1981
(S.I. 1981 No. 313)

Regulation 6

SCHEDULE 2

PARTICULARS TO BE RECORDED IN A BRITISH SEAMAN'S CARD

1. A statement that the document is a seafarer's identity document for the purpose of International Labour Organisation Convention Number 108
2. Full name of the holder.
3. Height.
4. Colour of eyes.
5. Date and place of birth.
6. Distinguishing marks (if any).
7. Discharge Book number (if any).
8. Nationality.
9. Home address.
10. National insurance number.
11. Photograph of holder.
12. Signature of holder.
13. A statement of the period of validity.

Regulation 29

SCHEDULE 3

PARTICULARS TO BE FURNISHED IN APPLICATIONS FOR *BRITISH SEAMEN'S CARDS*

1. The name of the person applying for the document;
2. His home address;
3. The date and place of his birth;
4. Any previous names, including in the case of a woman who is or has been married, her maiden surname;
5. His nationality;
6. The colour of his eyes;
7. His distinguishing marks (if any);
8. His height;
9. The number of his discharge book (if any);
10. *Omitted by SD2019/0100;*
11. *Omitted by SI 1995/1900;*
12. *Omitted by SD2019/0100;*
13. *Omitted by SD2019/0100;*
14. *Omitted by SD2019/0100.*

Note. *Omitted by SD2019/0100.*

Regulation 16(1)(a)

SCHEDULE 4

COUNTRIES REFERRED TO IN REGULATION 16(1) (WHICH RELATES TO PERSONS HOLDING DOCUMENTS, CONTAINING SUBSTANTIALLY THE SAME INFORMATION AS DISCHARGE BOOKS, ISSUED BY OR UNDER THE AUTHORITY OF THE GOVERNMENTS OF CERTAIN COUNTRIES)

Omitted by SD2019/0100.

*EXPLANATORY NOTE**(This note is not part of the Order)*

This Order further modifies the Merchant Shipping (Seamen's Documents) Regulations 1987 (SI 1987 No. 408) (as it is applied to the Island) to omit the provisions on Seafarer's Discharge Books. From the 1st April 2019 when this Order comes into operation, the Department will stop issuing Seafarer's Discharge Books.