

CHAPTER 278

THE MERCHANT SHIPPING (AGREEMENTS) ACT

Arrangement of Sections

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MERCHANT SHIPPING (AGREEMENTS)

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17/1932.
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1. This Act may be cited as the Merchant Shipping (Agreements) Act. Short title.

2. (1) The master of every British ship, (including any ship which belongs to Antigua and Barbuda and trades to ports outside Antigua and Barbuda) shall enter into an agreement with every seaman whom he carries to sea from any port in Antigua and Barbuda as one of his crew, in the manner hereinafter mentioned, and every such agreement shall be in the form sanctioned by the Board of Trade, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof; that is to say—

Agreements to be made with seamen, containing certain particulars.

(a) the nature and, as far as practicable, the duration of the intended voyage or engagement;

(b) the number and description of the crew, specifying how many are engaged as sailors;

(c) the amount of wages which each seaman is to receive;

(d) a scale of the provisions which are to be furnished to each seaman in cases where it is agreed that the provisions are to be furnished;

(e) any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct which have been sanctioned by the Board of Trade as regulations proper to be adopted, and which the parties agree to adopt.

(2) Every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seamen, in each case, as to advance and allotment of wages,

and may contain any other stipulations which are not contrary to law.

Agreements to be made before, and attested by, shipping master.

3. The following rules shall be observed with respect to agreements; that is to say—

(a) every agreement shall be signed by each seaman in the presence of the shipping master, or other officer appointed for the purpose;

(b) such shipping master, or other officer as aforesaid shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest such signature; and in case any such attestation is not made, the burden of proving that the seaman was duly engaged, as hereby required, shall lie upon the master;

(c) when the crew is first engaged, the agreement shall be signed in duplicate, and one copy shall be retained by the shipping master, or other officer as aforesaid, and the other copy shall be delivered to the master.

Running agreements may be made.

4. Agreements with the crew may be made to extend over two or more voyages, so that no such agreement shall extend beyond six months, or the first arrival of the ship at a port in Antigua and Barbuda after the expiration of six months, or the discharge of cargo consequent upon such arrival.

Penalty for shipping seamen without agreement duly executed.

5. If, in any case, a master carries any seaman to sea without entering into an agreement with him as is by this Act required, he shall, for each such offence, incur a penalty not exceeding two hundred and fifty dollars:

Provided, that this shall not apply to any case in which a seaman already engaged is not on board at the time appointed for a vessel's departure, and the master engages another seaman to supply his place after the shipping master's office hours, and reports the fact in writing to the shipping master, and, on his return to the island, engages the seaman with the forms by this Act required.

6. Every erasure, interlineation, or alteration in any such agreement shall be wholly inoperative, unless proved to have been made with the consent of all the parties interested in such erasure, interlineation, or alteration by the written attestation of a shipping master, or other officer as aforesaid.

Alteration to be made void unless attested.

7. Every person who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes, or assists in making, or procures to be made, any false entry in, or delivers, assists in delivering, or procures to be delivered, a false copy of any agreement, shall for each such offence be deemed guilty of a misdemeanour.

Penalty for falsifying agreement.

8. Any seaman may bring forward evidence to prove the contents of any agreement, or otherwise to support his case, without producing, or giving notice to produce, the agreement or any copy thereof.

Seamen not to be bound to produce agreement.

9. The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting the signatures, to be placed or posted up in such part of the ship as to be accessible to the crew, and, in default, shall, for each offence, incur a penalty not exceeding two hundred and fifty dollars.

Copy of agreement to be made accessible to crew.

10. All penalties under this Act shall be recoverable on summary conviction.

Recovery of penalties.

11. The fees payable to the shipping master under the provisions of this Act shall be such as may, from time to time, be fixed by the Cabinet, save and except that, for the engagement of seamen separately, the fee shall be twenty-four cents for each.

Fees to be paid upon agreement.
