CHAPTER 145.

MERCHANT SEAMEN'S DISCIPLINE.

5/1918
24/1956

(*26th February*, 1918.

Short title.

1. This Act may be cited as the Merchant Seamen's Discipline Act.

Neglecting to join ship, deserting or joining in state of drunkenness.

2. (1) If whilst within the jurisdiction a seaman lawfully engaged in accordance with the Merchant Shipping Acts 1894 to 1914, to serve on board any ship or vessel belonging to or chartered, hired or requisitioned by the Admiralty, or Army Council, or the Shipping Controller—

(*a*) neglects or refuses without reasonable cause to join his ship or vessel, or to proceed to sea in his ship or vessel, or deserts or is absent without leave from his ship or vessel or from his duty at any time; or

(*b*) joins his ship or vessel, or is whilst on board his ship or vessel in a state of drunkenness so that the performance of his duties or the navigation of his ship or vessel is thereby impeded;

he shall be guilty of an offence; and the master, mate or owner of the ship or vessel, or his agent, or any commissioned naval or military officer may with or without the assistance of the police officers or constables convey on board his ship or vessel any seaman whom he has reason to believe to be guilty of an offence under this section, and may also arrest him without first procuring a warrant, and police officers or constables are hereby directed to give assistance if required: Provided that no commissioned naval or military officer acting in pursuance of the powers aforesaid shall be liable to any penalty nor to any action for damages for false imprisonment.

(2) If such seaman is brought before a Court on a charge of having committed an offence under this section, he shall, if the offence comes within the provisions of paragraph (*a*) be liable to the penalties prescribed for such offences in section 221 of the Merchant Shipping Act, 1894, and if the offence comes

within the provisions of paragraph (*b*) he shall be liable to a fine not exceeding twenty-four dollars.

Recovery of penalties.

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

[L. S.]

I ASSENT,

G. WYN JONES,
Governor,
7th December, 1979.

MONTSERRAT

NO. 20 OF 1979

AN ORDINANCE TO AMEND THE MERCHANT SEAMEN'S DISCIPLINE ACT, CAP. 145.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council of Montserrat, and by the authority of the same as follows:–

Short Title

1. This Ordinance may be cited as the Merchant Seamen's Discipline (Amendment) Ordinance, 1979.

Amendment of section 2 of Merchant Seamen's Discipline Act. Cap. 145.

2. Section 2 of the Merchant Seamen's Discipline Act is amended as follows:

(a) in subsection (1), by the deletion of the words –

"and the master, mate or owner of the ship or vessel, or his agent, or any commissioned naval or military officer may with or without the assistance of the police officers or constables convey on board his ship or vessel any seamen whom he has reason to believe to be guilty of an offence under this section and may also arrest him without first curing a warrant, and police officers or constables are hereby directed to give assistance if required: Provided that no commissioned naval or military officer acting in pursuance of the powers aforesaid shall be liable to any penalty nor to any action for damages for false imprisonment.".

(b) in subsection (2) by the deletion of the words –

"the penalty prescribed for such offence in section 221 of the Merchant Shipping Act, 1894" –

and by the substitution therefor of the words –

"a fine not exceeding four hundred and eighty dollars".

D. R. V. EDWARDS,
Deputy Speaker.

Passed the Legislative Council this 19th day of November, 1979.

D. H. BRAMBLE,
Clerk of the Council.

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