

Merchant Shipping (International Labour Conventions) Act, 1925.

[15 & 16 GEO. 5. CH. 42.]



ARRANGEMENT OF SECTIONS.

A.D. 1925.

Section.

1. Amendment of s. 158 of Merchant Shipping Act, 1894.
2. Employment of young persons as trimmers or stokers.
3. Medical examination of young persons.
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SCHEDULES.



CHAPTER 42.

An Act to give effect to certain Draft Conventions adopted by the International Labour Conference relating respectively to an unemployment indemnity for seamen in the case of loss or foundering of their ship, the minimum age for the admission of young persons to employment as trimmers and stokers, and the compulsory medical examination of children and young persons employed at sea. A.D. 1925.

[31st July 1925.]

WHEREAS at Genoa the General Conference of the International Labour Organisation of the League of Nations on the ninth day of July, nineteen hundred and twenty, adopted a draft convention concerning unemployment indemnity for seamen in case of loss or foundering of their ship, and at Geneva on the eleventh day of November, nineteen hundred and twenty-one, adopted two other draft conventions, namely, a draft convention fixing the minimum age for the admission of young persons to employment as trimmers and stokers, and a draft convention concerning the compulsory medical examination of children and young persons employed at sea :

And whereas the said draft conventions contain (together with other provisions) the provisions set out in Parts I., II. and III. respectively of the First Schedule to this Act :

And whereas it is expedient that for the purpose of giving effect to the said draft conventions such provision should be made as is contained in this Act :

[CH. 42.] *Merchant Shipping* [15 & 16 GEO. 5.]
(*International Labour Conventions*) Act, 1925.

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Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment
of s. 158 of
Merchant
Shipping
Act, 1894.
57 & 58 Vict.
c. 60.

1.—(1) Where by reason of the wreck or loss of a ship on which a seaman is employed his service terminates before the date contemplated in the agreement, he shall, notwithstanding anything in section one hundred and fifty-eight of the Merchant Shipping Act, 1894, but subject to the provisions of this section, be entitled, in respect of each day on which he is in fact unemployed during a period of two months from the date of the termination of the service, to receive wages at the rate to which he was entitled at that date.

(2) A seaman shall not be entitled to receive wages under this section if the owner shows that the unemployment was not due to the wreck or loss of the ship and shall not be entitled to receive wages under this section in respect of any day if the owner shows that the seaman was able to obtain suitable employment on that day.

(3) In this section the expression "seaman" includes every person employed or engaged in any capacity on board any ship, but, in the case of a ship which is a fishing-boat, does not include any person who is entitled to be remunerated only by a share in the profits or the gross earnings of the working of the boat.

Employment
of young
persons as
trimmers or
stokers.

2.—(1) Subject to the provisions of this section, no young person shall be employed or work as a trimmer or stoker in any ship:

Provided that—

(a) The foregoing provision shall not apply—

(i) to the employment of a young person on such work as aforesaid in a school-ship or training-ship if the work is of a kind approved by the Board of Trade and is carried on subject to supervision by officers of the Board; or

(ii) to the employment of a young person on such work as aforesaid in a ship which is mainly propelled otherwise than by means of steam; or

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(iii) to the employment of a young person subject to and in accordance with the provisions contained in paragraph (c) of Article 3 of the draft convention set out in Part II. of the First Schedule to this Act; and

(b) Where in any port a trimmer or stoker is required for any ship and no person over the age of eighteen years is available to fill the place, a young person over the age of sixteen years may be employed as a trimmer or stoker, but in any such case two young persons over the age of sixteen years shall be employed to do the work which would otherwise have been performed by one person over the age of eighteen years.

(2) There shall be included in every agreement with the crew a list of the young persons who are members of the crew, together with particulars of the dates of their birth, and, in the case of a ship in which there is no such agreement, the master of the ship shall, if young persons are employed therein, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew.

(3) There shall be included in every agreement with the crew a short summary of the provisions of this section.

3.—(1) Subject to the provisions of this section, no young person shall be employed in any capacity in any ship, unless there has been delivered to the master of the ship a certificate granted by a duly qualified medical practitioner certifying that the young person is fit to be employed in that capacity: Medical examination of young persons.

Provided that—

(a) the foregoing provisions shall not apply to the employment of a young person in a ship in which only members of the same family are employed; and

(b) a superintendent or consular officer may on the ground of urgency authorise a young person to be employed in a ship notwithstanding that no such certificate as aforesaid

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has been delivered to the master of the ship, but a young person in whose case any such authorisation is given shall not be employed beyond the first port at which the ship calls after the young person has embarked thereon, except subject to and in accordance with the foregoing provisions of this section.

(2) A certificate under this section shall remain in force for a period of twelve months from the date on which it is granted and no longer:

Provided that, if the said period of twelve months expires at some time during the course of the voyage of the ship in which the young person is employed, the certificate shall remain in force until the end of the voyage.

Penalties.

4.—(1) If any young person is employed in any ship in contravention of the provisions of this Act, the master of the ship shall be liable to a fine not exceeding forty shillings, or, in the case of a second or subsequent offence, not exceeding five pounds, and where a young person is taken into employment in any ship in contravention of the provisions of this Act on the production by, or with the privity of, the parent of a false or forged certificate or on a false representation by the parent that the young person is of an age at which such employment is not in contravention of the said provisions, that parent shall be liable on summary conviction to a fine not exceeding forty shillings.

(2) If the master of a ship fails to keep such a register as is required to be kept by him under this Act, or, on being so required by an officer of the Board of Trade or any other person having power to enforce compliance with the provisions of the Merchant Shipping Acts, 1894 to 1923, refuses or neglects to produce for inspection by that officer or person any such register as aforesaid or any certificate delivered to him under this Act, he shall be liable to a fine not exceeding twenty pounds.

Interpreta-
tion.

5. In this Act—

The expression “young person” means a person who is under the age of eighteen years:

The expression “ship” means any sea-going ship or boat of any description which is registered in

the United Kingdom as a British ship, and includes any British fishing-boat entered in the fishing-boat register, but does not include any tug, dredger, sludge vessel, barge, or other craft whose ordinary course of navigation does not extend beyond the seaward limits of the jurisdiction of the harbour authority of the port at which such vessel is regularly employed, if and so long as such vessel is engaged in her ordinary occupation. A.D. 1925.

6.—(1) His Majesty may by Order in Council direct that the provisions of this Act shall, subject to such modifications and adaptations, to be specified in the Order, as appear to His Majesty necessary or expedient in the circumstances of the case, apply to ships registered in any British possession outside the United Kingdom, other than the Dominions mentioned in the Second Schedule to this Act, as they apply to ships registered in the United Kingdom. Power to apply Act to British possessions.

(2) The reference in this section to British possessions shall include a reference to territories which are under His Majesty's protection and territories in respect of which a mandate has been accepted by His Majesty, other than any such territories in respect of which the mandate is being exercised by the Government of any of the Dominions mentioned in the said Second Schedule.

(3) An Order in Council made under this section may be varied or revoked by a subsequent Order.

7. This Act may be cited as the Merchant Shipping (International Labour Conventions) Act, 1925, and shall be construed as one with the Merchant Shipping Acts, 1894 to 1923, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1925. Short title and construction.

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SCHEDULES.

Preamble.
Section 2.

FIRST SCHEDULE.

PART I.

DRAFT CONVENTION CONCERNING UNEMPLOYMENT INDEMNITY IN CASE OF LOSS OR FOUNDERING OF THE SHIP.

ARTICLE 1.

For the purpose of this Convention, the term "seamen" includes all persons employed on any vessel engaged in maritime navigation.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

ARTICLE 2.

In every case of loss or foundering of any vessel the owner or person with whom the seaman has contracted for service on board the vessel shall pay to each seaman employed thereon an indemnity against unemployment resulting from such loss or foundering.

This indemnity shall be paid for the days during which the seaman remains in fact unemployed at the same rate as the wages payable under the contract, but the total indemnity payable under this Convention to any one seaman may be limited to two months' wages.

ARTICLE 3.

Seamen shall have the same remedies for recovering such indemnities as they have for recovering arrears of wages earned during the service.

ARTICLE 4.

Each member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

- (a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions. A.D. 1925.

Each member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

1ST SCH.
—cont.

PART II.

DRAFT CONVENTION FIXING THE MINIMUM AGE FOR THE ADMISSION OF YOUNG PERSONS TO EMPLOYMENT AS TRIMMERS OR STOKERS.

ARTICLE 1.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

ARTICLE 2.

Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

ARTICLE 3.

The provisions of Article 2 shall not apply :

- (a) To work done by young persons on school-ships or training-ships, provided that such work is approved and supervised by public authority ;
- (b) To the employment of young persons on vessels mainly propelled by other means than steam ;
- (c) To young persons of not less than sixteen years of age, who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in the coastal trade of India and of Japan, subject to regulations made after consultation with the most representative organisations of employers and workers in those countries.

ARTICLE 4.

When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available, such young persons may be employed and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age.

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ARTICLE 5.

1ST SCH.
—cont.

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of eighteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

ARTICLE 6.

Articles of agreement shall contain a brief summary of the provisions of this Convention.

ARTICLE 11.

Each member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

PART III.

DRAFT CONVENTION CONCERNING THE COMPULSORY
MEDICAL EXAMINATION OF CHILDREN AND YOUNG
PERSONS EMPLOYED AT SEA.

ARTICLE 1.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

ARTICLE 2.

The employment of any child or young person under eighteen years of age on any vessel, other than vessels upon which only members of the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

ARTICLE 3.

The continued employment at sea of any such child or young person shall be subject to the repetition of such medical examination at intervals of not more than one year, and the production, after each such examination, of a further medical certificate attesting fitness for such work. Should a medical

certificate expire in the course of a voyage, it shall remain in force until the end of the said voyage. A.D. 1925.

1ST SCH.
—cont.

ARTICLE 4.

In urgent cases, the competent authority may allow a young person below the age of eighteen years to embark without having undergone the examination provided for in Articles 2 and 3 of this Convention, always provided that such an examination shall be undergone at the first port at which the vessel calls.

ARTICLE 9.

Each member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

SECOND SCHEDULE.

Section 6.

DOMINIONS TO WHICH ACT MAY NOT BE APPLIED BY
ORDER IN COUNCIL.

British India.

The Dominion of Canada.

The Commonwealth of Australia (including Papua and Norfolk Island).

The Dominion of New Zealand.

The Union of South Africa.

The Irish Free State.

Newfoundland.

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