The Minister responsible for Transport, in exercise of the powers conferred by section 45 of the Merchant Shipping Act 2002, makes the following regulations:

**Citation**
1. These Regulations may be cited as the Merchant Shipping (Seamen's Wages and Accounts) Regulations 2007.

**Interpretation**
2. In these Regulations —
   "seaman" does not include a person serving on a fishing vessel; and
"ship" means a ship registered in Bermuda but does not include a fishing vessel.

**Manner in which wages to be paid**

3 (1) Subject to paragraph (2), the wages due to a seaman under a crew agreement shall be paid in cash.

(2) If the seaman has so agreed, the whole or part of the wages due to him may, subject to any local currency restrictions, be paid by means of a cheque, money order or directly to a bank.

**Accounts of wages; particulars as in Schedule**

4 (1) The account of wages to be delivered to a seaman under section 44(1) of the Merchant shipping Act 2002 (in this Act referred to as “the Act”) shall contain the particulars prescribed in the Schedule to these Regulations and shall indicate which amounts (if any) stated in the account are estimated amounts.

(2) Further account of wages to be delivered to a seaman under section 44(3) of the Act shall—

(a) contain the same particulars as are required to be contained in an account of wages to be delivered to a seaman under section 44(2) and (3) of the Act adjusted in such manner as the circumstances may require;

(b) indicate which amounts stated in the account are adjusted amounts;

(c) state the amount of wages already paid to the seaman; and

(d) state the balance of wages remaining to be paid to the seaman.

**Deductions from wages**

5 (1) The deductions specified in regulation 6 are hereby authorized to be made from the wages due to a seaman under a crew agreement.

(2) The deductions authorized by this regulation—

(a) shall be without prejudice to any dispute relating to the amount payable to a seaman under the crew agreement and, subject to the Act, to the rights and under the agreement or otherwise; and

(b) shall be in addition to any deduction authorized by any provision of the Act (except section 45) or of any other enactment.
Types of deductions
6 The deductions referred to in regulation 5(1) are—

(a) deductions of any amount payable by the seaman to his employer in respect of—
   (i) canteen bills;
   (ii) goods supplied;
   (iii) radio or telephone calls;
   (iv) postage expenses;
   (v) cash advances;
   (vi) allotments;

(b) subject to regulations 7, 8 and 9, a deduction of an amount being the actual expense or pecuniary loss incurred or sustained by the employer in consequence of the seaman's absence or absences without leave, where the employer is satisfied on reasonable grounds that such absence is a breach of the seaman's obligations under the crew agreement;

(c) subject to regulations 7 and 9 and to any additional limitations imposed by the crew agreement, a deduction of an amount being the actual expense or pecuniary loss incurred or sustained by the employer, where the employer is satisfied on reasonable grounds that the expense or loss was caused by a breach or breaches of the seaman's obligations under the crew agreement not falling within sub-paragraph (b);

(d) contributions by the seaman to a fund or in respect of membership of a body declared by regulations under section 47(3) of the Act to be a fund or body to which that section applies.

Amount deductible
7 The amount which may be deducted from a seaman's wages in respect of any number of breaches of his obligations under the crew agreement—

(a) by virtue of regulation 6(b), shall not exceed $900.00; and

(b) by virtue of regulation 6(c) shall not exceed $900.00.
No deduction in case of absence
8 No deduction shall be made by virtue of regulation 6(b) if the seaman satisfies the master—

(a) that his absence was due to an accident or mistake or some other cause beyond his control; and

(b) that he took all reasonable precautions to avoid being absent.

Conditions for making deductions
9 (1) Deduction shall not be made by virtue of regulation 6(b) or (c) unless paragraph (2) or (3) has been complied with.

(2) Where it is possible for him to give a notice of deduction in compliance of paragraph (4) not less than 24 hours before the seaman’s wages fall due to be paid, the seaman’s employer or the master on his behalf shall give to the seaman—

(a) a notice of deduction complying with paragraph (4); and

(b) an opportunity to make representations about the deduction to the employer or to the master.

(3) Where it is not possible for him to give a notice of deduction in compliance of paragraph (4) not less than 24 hours before the seaman’s wages fall due to be paid, the seaman’s employer or the master on his behalf shall—

(a) if it is possible to do so before the seaman’s wages fall due to be paid, give to the seaman—

(i) a notice of deduction in compliance of paragraph (4); and

(ii) an opportunity to make representations about the deduction to the employer or to the master; or

(b) if the seaman has not been given such notice and opportunity, send to the seaman by registered post at his last known address a notice of deduction complying with paragraph (4).

(4) A notice of deduction shall state that the employer is satisfied on reasonable grounds that there has been a breach or breaches, as the case may be, of the seaman’s obligations under the crew agreement and that, subject to regulations 5 to 8, the deduction specified in the notice appears to the employer to be authorized to be made from the wages due to the seaman under the crew agreement; and such notice shall also—
(a) identify each provision of the crew agreement of which the employer is satisfied on reasonable grounds that there has been a breach and in respect of which he intends to make a deduction;

(b) state the grounds upon which the employer is satisfied that each such breach has taken place;

(c) specify, with sufficient particulars to show how the amount of the actual expense or pecuniary loss incurred or sustained by the employer in respect of each such breach or the total amount of such expense or loss in respect of which a deduction is made under regulation 6(b), (c) and (d) exceeds the maximum which may be deducted under the appropriate paragraph, with sufficient particulars to show that such maximum is exceeded; and

(d) specify the total amount of the deduction proposed to be made.

Revocation

10 The Merchant Shipping (Seamen’s Wages and Accounts) Regulations 1980 are revoked.

SCHEDULE (Regulation 4)
ACCOUNTS OF SEAMEN’S WAGES

Particulars to be shown in the account of wages to be delivered to a seaman under section 44 of the Act.

PARTICULARS OF THE SEAMAN AND OF THE SHIP

1 Name of the seaman and—
   (a) the number of his current discharge book (if any);
   (b) his reference number in the crew agreement;
   (c) his income tax code (if any);
   (d) his national insurance number or social security number, (if any) and the dates on which contributions commenced and ceased.

2 Name of the ship and its official number.

PARTICULARS OF EMPLOYMENT

3 Capacity in which the seaman was employed.
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4 Dates when employment commenced and ceased and total period of employment in which wages were earned, showing separately the dates of the beginning and end of any period in which wages were not earned.

ALLOTMENTS

5 Sums payable under each allotment note, date when the first payment was due, the intervals between payments, and the total of all such sums.

GROSS WAGES

6 Total amount of gross wages earned, with, shown separately and with sufficient detail to indicate how each amount is calculated, the total amounts in respect of—
   (a) the wages at the rate specified in the crew agreement;
   (b) increase in wages;
   (c) overtime;
   (d) leave pay;
   (e) subsistence;
   (f) any other earnings during the period of employment.

7 Deductions authorized by regulations 5 and 6, specifying the nature of the deduction and showing the total amount in respect of each deduction.

8 Fines deducted pursuant to section 53 of the Act specifying the nature of the deduction and showing the total amount in respect of each deduction.

9 Total of amounts deducted from gross wages.

NET WAGES

10 Total amount of net wages.

BALANCE PAYABLE

11 Balance of wages.

Made this 23rd day of February, 2007
Premier