# ACT Supplement to the Sierra Leone Gazette Vol. CXXXIV, No. 33 dated 10th July, 2003

# THE MERCHANT SHIPPING ACT, 2003

### ARRANGEMENT OF SECTIONS

Section

### PART I – PRELIMINARY

- 1. Commencement
- 2. Application
- 3. Interpretation

# PART II – REGULATIONS FOR VESSELS OPERATING IN INLAND WATERWAYS ETC.

4. Regulations for vessels operating in inland waterways, etc.

# PART III – APPOINTMENT OF REGISTRAR, REGISTRATION OF SHIPS, AND PROPRIETARY INTERESTS IN SHIPS

- 5. Registrar
- 6. Delegation by Registrar
- 7. Assistants to Registrar
- 8. Proper officers
- 9. Register of Ships
- 10. Port of Registry
- 11. Register
- 12. Qualifications for owning Sierra Leonean ships
- 13. Ships bareboat chartered-in by Sierra Leonean charterers
- 14. Exemptions etc.
- 15. Obligation to register Sierra Leonean ships
- 16. Application for registration
- 17. Declaration of ownership
- 18. Evidence of first registration
- 19. Restriction on registration
- 20. Removal from register
- 21. Restriction on deregistration of ships
- 22. Documents to be retained by Registrar
- 23. Name of ship
- 24. Change of name of Ship
- 25. Identity marks for fishing vessels
- 26. Offences under section 24 or 25
- 27. Call sign
- 28. Effects of failure to register
- 29. Ships registered under the repealed Acts
- 30. Period of registration
- 31. Renewal notices and time limit for renewal
- 32. Application for renewal of registration
- 33. Change in registered particulars of ships

- 34. Survey of ships
- 35. Tonnage regulations
- 36. Ships in port through stress of weather
- 37. Tonnage once ascertained to be tonnage of ship
- 38. Alterations between surveys
- 39. Appointment of surveyors
- 40. Marking of ships
- 41. Certificate of Registry
- 42. Power to make regulations in relation to Certificate of Registry
- 43. Issue and custody of Certificate of Registry
- 44. Improper use of Certificate of Registry
- 45. Provisional Certificate of Registry
- 46. Temporary pass in lieu of Certificate of Registry
- 47. Registration of alterations and registration anew
- 48. Rules for registration of alterations
- 49. Provisional certificate where ship is registered anew
- 50. Registration anew on change of ownership
- 51. Procedure for registration anew
- 52. Restriction on re-registration of abandoned ships

# PART IV - TRANSFER AND TRANSMISSION

- 53. Transfer of ship or shares
- 54. Declaration of transfer
- 55. Registration of transfer
- 56. Transmission of property in a ship on death, insolvency, etc.
- 57. Transfer of ship or sale by order of Court
- 58. Power of Court to prohibit transfer

#### PART V - MORTGAGES

- 59. Mortgage of ships or shares
- 60. Mortgage of provisionally registered ships
- 61. Entry on discharge of mortgage
- 62. Priority of registered mortgages
- 63. Mortgagee not treated as owner
- 64. Power of sale of mortgagee
- 65. Mortgage not affected by bankruptcy
- 66. Transfer of mortgages
- 67. Transmission of interest in mortgage on death, bankruptcy, etc.
- 68. Authority to sell or mortgage out of Sierra Leone
- 69. General rules for certificate of sale
- 70. Procedure where ship under certificate of sale granted in Sierra Leone
- 71. Registration in Sierra Leone where ship sold under certificate of sale granted in foreign state
- 72. Rules as to certificate of mortgage
- 73. Loss of certificate of sale or mortgage
- 74. Revocation of Certificate of Sale or Mortgage

#### PART VI – MARITIME LIENS

- 75. Maritime liens
- 76. Priority of maritime liens
- 77. Order of priority of liens
- 78. Rights of ship builders and ship repairers

- 79. Characteristics of maritime liens
- 80. Claims arising from radioactive products etc.
- 81. Extinction of maritime liens
- 82. Notice of forced sale
- 83. Effect of forced sale
- 84. Disposition of proceeds of sale
- 85. Issue of certificate that a ship is free of mortgages, liens etc.
- 86. Non-application to non-commercial government vessels

## PART VII – MISCELLANEOUS

- 87. Provisions relating to infancy or other incapacity
- 88. Notice of trust not received
- 89. Definition of "beneficial interest" and equities not excluded by Act
- 90. Liability of beneficial owner
- 91. Registration of ship's managing owner or manager
- 92. Power of Registrar to dispense with declaration, etc.
- 93. Mode of declarations
- 94. Application of fees
- 95. Returns to be made by Registrar
- 96. Evidence of register, Certificate of Registry
- 97. Documents and instruments as to registration
- 98. Forgery of documents
- 99. False declaration
- 100. Liabilities of ships not recognised
- 101.Fees

#### PART VIII - NATIONAL CHARACTER AND FLAG

- 102. Duty to declare national character
- 103. National colours
- 104. Right to fly flag of Sierra Leone
- 105. Showing of national colours
- 106. Penalty for assuming Sierra Leonean flag
- 107. National flag on foreign ship
- 108. Penalty for concealing Sierra Leonean character or assuming foreign character

#### PART IX - MANNING AND CERTIFICATION

- 109. Regulations regarding manning and qualifications of persons serving in Sierra Leonean ship
- 110. Power to exempt ships from regulations
- 111.Board of inquiry
- 112. Powers of a board of inquiry
- 113. Cancellation etc. of Certificate by Administration
- 114.Revocation of certificate
- 115. Appeals against cancellation etc. of certificate
- 116 Offences
- 117. Validity of certificates issued prior to this Act.

# PART X – ENGAGEMENT AND WELFARE OF SEAMEN

- 118. Application of Part X
- 119.Exemption of particular ships
- 120. Appointment and functions of registrar of seamen
- 121.Crew agreement

- 122. Contents of crew agreement
- 123. Regulations for disciplinary offences
- 124. Same offence
- 125. Procedures relating to certain crew agreements
- 126. Further provisions as to crew agreement
- 127. Stipulations not to be contrary to law of flag state
- 128. Seamen's certificate of discharge
- 129.Performance report
- 130. Discharge on change of ship registry
- 131. Employment of children, persons under sixteen years
- 132. Change of master
- 133. Regulations on conditions of service
- 134.Use of English language
- 135.Crew's knowledge of English

#### PART XI - WAGES

- 136. Time and manner of payment of wages, etc.
- 137. Deductions from wages
- 138. Settlement of wages
- 139.Registrar's decision on wages
- 140. Registrar may require ship's documents
- 141.Registrar may settle way disputes up to five hundred thousand leones
- 142. Court may award interest on wages due where there is no crew agreement
- 143. Allotment notes
- 144. Wages where service terminated
- 145. Protection of seaman's rights and remedies
- 146. Claims against seaman's wages for maintenance
- 147. Master's remedies for remuneration and disbursements
- 148. Wages not to depend on freight
- 149.Refusal to work
- 150.Illness caused by own default
- 151. Cost of producing conviction
- 152.Improper discharge
- 153.Protection of wages
- 154.Leave and holidays
- 155. Seaman may sue for wages
- 156. Jurisdiction of court in recovery of wages
- 157. Power to rescind contracts
- 158. Property of deceased seaman
- 159. Delivery of deceased seaman's property
- 160. Forgery of documents

# PART XII - OCCUPATIONAL SAFETY

# 161.Occupational safety regulations

## PART XIII - PROVISIONS AND WATER TO BE SUPPLIED

- 162. Provisions and water
- 163. Complaints as to provisions and water
- 164. Allowance for short or bad provisions
- 165. Weights and measure
- 166. Medical fitness regulations
- 167.Crew accommodation regulations
- 168. Certified cook to be carried

- 169. Medical stores regulations
- 170. Expenses for medical treatment and burial
- 171. Medical practitioner to be carried
- 172. Facilities for making complaints
- 173. Assignment and sale of salvage
- 174. Seaman's debts
- 175. Misconduct endangering ship
- 176. General offences against discipline
- 177.Desertion and absence without leave
- 178.Improper negotiation of advance note
- 179. Certificate of discharge may be withheld
- 180. Summary remedies not to affect other remedies
- 181.Deserters from ships
- 182. Proof of desertion when wages are to be forfeited
- 183. Application of forfeiture
- 184. Question of forfeiture decided in suit for wages
- 185. Deduction of fine from wages
- 186. Inciting seaman to desert and harbouring deserters
- 187. Penalty on stowaway
- 188. Trade disputes involving seamen
- 189.Offences to be entered in official log book

### PART XIV - RELIEF AND REPATRIATION

- 190. Repatriation of seamen
- 191. Seamen to bear expense of repatriation in certain cases
- 192. Duty of Registrar of Seamen
- 193.Effect of workmen's compensation
- 194. Application to foreign vessels
- 195. Wages and effects of seaman left behind
- 196.Liability of master
- 197. Liability of Government
- 198.Payment to Government
- 199. Non application of Section 195
- 200. Sale of seaman's effects
- 201. Maintenance and return of seaman involuntarily terminating service
- 202. Discharge on change of ownership
- 203. Certificate when seaman is left behind
- 204.Offences
- 205. Account of wages of seaman left behind
- 206. Payment of seaman's wages to proper officers
- 207. Application of wages of seaman left behind
- 208. Relief of distressed seaman
- 209. Repayment of relief and return expenses
- 210. Forcing ashore
- 211. Proper return port
- 212.Manner of return
- 213. Return of seaman to proper port
- 214. Administration may provide temporary relief
- 215. Unauthorised presence on board ship
- 216. Seafarer's identity document
- 217.Employment record book
- 218. General regulations