

## CHAPTER 177

### THE FOREIGN MERCHANT SHIPPING (AGREEMENTS) ACT

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#### Section

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## FOREIGN MERCHANT SHIPPING (AGREEMENTS)

(22nd February, 1932.)

2011932.  
S.R.O. 22/1956.  
1511961.  
1811989.  
S.I. 3911989.

- 1.** This Act may be cited as the Foreign Merchant Shipping (Agreements) Act. **Short title.**
- 2.** In this Act— **Interpretation.**
- "Commonwealth Caribbean country" means Antigua and Barbuda, Barbados, Belize, the Commonwealth of Dominica, Grenada, the Co-operative Republic of Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, the Republic of Trinidad and Tobago, Anguilla, the British Virgin Islands, Montserrat, and any dependency of any such country;
- "foreign port" means any port or place outside the limits of Antigua and Barbuda;
- "foreign ship" means a ship registered in a place not in the Commonwealth;
- "Master" includes owner, agent or consignee, except in this section in the definition of "seaman";
- "proper return port" means either the port at which a seaman was shipped or a port in the country to which he belongs;
- "seaman" includes any native of Antigua and Barbuda or of any other Commonwealth Caribbean country (except the Master) employed or engaged in any capacity on board any ship;
- "ship" means every description of vessel used in navigation not propelled by oars, and includes a foreign

ship but does not include a ship registered and owned in Antigua and Barbuda.

Engagement of  
seamen.

**3.** (1) It shall not be lawful for the Master of any foreign ship proceeding from any port in Antigua and Barbuda, to a foreign port, to engage any seaman to serve on board any such ship without the sanction of a Harbour Master.

(2) The sanction of the Harbour Master shall not be given to any such engagement on board a foreign ship unless the Master of such ship shall enter into a bond with good and sufficient sureties, with the Harbour Master at the port where the seaman is to be engaged, in such sum, not exceeding three thousand dollars in respect of every such seaman, as the circumstances of the case shall require, for the repayment of all expenses incurred for the relief, maintenance, medical attendance and repatriation of any such seaman to a proper return port in the event of such seaman being shipwrecked, discharged or left behind in a foreign port or otherwise becoming distressed within the meaning of section 40 of the Merchant Shipping Act, 1906, or any Regulations made thereunder:

6 Edw. 7 c. 48.

Provided that no liability shall attach under such bond in respect of any seaman shipwrecked, discharged or left behind in the country to which he belongs.

Notice of  
engagement of  
Commonwealth  
Caribbean  
country seaman  
to be given to  
seaman's  
country.

**4.** In every case in which a seaman (being a native of a Commonwealth Caribbean country other than Antigua and Barbuda) is engaged to serve on board any ship, notice of such engagement and of the bond (if any) entered into under this Act shall be given to the Government of such country.

Expenses of  
repatriation etc.,  
of  
Commonwealth  
Caribbean  
country seaman  
recoverable on  
behalf of the  
seaman's  
country.

**5.** In the event of any seaman referred to in section 4 being repatriated direct to the country to which he belongs, all expenses incurred by or on behalf of the Government of such country in relation to such repatriation may be recovered by the Government of Antigua and Barbuda for and on behalf of the Government of such other country.

- 6.** The Master of any ship shall be liable to a penalty not exceeding three thousand dollars for every seaman engaged in contravention of this Act. **Penalty.**
- 7.** All sums of money payable under this Act and all penalties imposed thereunder may be recovered summarily before any Magistrate exercising jurisdiction in Antigua and Barbuda. **Penalties etc. recoverable summarily.**
- 8.** Nothing in this Act contained shall be deemed to affect the provisions of the Merchant Shipping Acts of the United Kingdom with respect to the repatriation of distressed seamen. **Saving as to the Merchant Shipping Acts of the United Kingdom.**
- 9.** All expenses incurred in carrying out the provisions of this Act shall be paid out of funds provided by Antigua and Barbuda. **Expenses.**
- 10.** The signature of the Minister to any document containing a statement of the amount due under the provisions of this Act shall, without proof of his signature, or of any other matter or thing, be deemed in all Courts to be *prima facie* evidence of the amount claimed being in every particular correct. **Certificate to be prima facie evidence.**