

船員法

1999年6月23日公佈實施，2021年4月28日最近修正

The SEAMEN CODE

As Promulgated on 23th of June 1999

1999 船員法 -2021 年修正

Chapter 1 General Principles

Article 1

This Act is enacted for purposes of protecting rights and interests, maintaining physical and mental health, reinforcing cultivation and training of seafarers, harmonizing the employer-employee relationship, and enhancing the development of the shipping industry. It also aims at reinforcing the training and management of yachtmasters and power-driven small ship masters, in order to promote the development of yacht activities.

Article 2

Terms used in this Act shall have the meanings defined below:

1. "Ship" means a ship, which navigates on the surfaces of waters or in waters.
2. "Yacht" means a ship intended exclusively for entertainment, not for transporting passengers or goods, nor fishing, and the ship is mainly driven or ancillary driven by mechanical means.
3. "Power-driven small ship" means a power-driven ship installed with mechanical devices for navigation, with tonnage under twenty (20) gross tonnages.
4. "Employer" means the registered owner of a ship or any person or party who has the right to employ seafarers.
5. "Seafarer" means the master and seamen of a ship.
6. "Master" means the person who is employed by the employer to take charge of all matters of a ship.
7. "Seaman" means the person who is employed by the employer to provide services on a ship under direction of the master of the ship.
8. Officer: refers to deck officer, engineer officer, telecommunications personnel holding certificates of competency issued by competent authorities, and other seafarers who were endorsed by competent authorities.
9. Rating: refers to the seafarers except the officers, and other seafarers who were endorsed by competent authorities.
10. Cadet: refers to personnel on board practicing the duties of an officer.
11. Trainee: refers to personnel on board practicing the duties of a rating.

第一章總則

第 1 條

為保障船員權益，維護船員身心健康，加強船員培訓及調和勞雇關係，促進航業發展；並加強遊艇駕駛與動力小船駕駛之培訓及管理，以推動遊艇活動發展，特制定本法。

第 2 條

本法用詞，定義如下：

- 一、船舶：指在水面或水中供航行之船舶。
- 二、遊艇：指專供娛樂，不以從事客、貨運送或漁業為目的，以機械為主動力或輔助動力之船舶。
- 三、動力小船：指裝有機械用以航行，且總噸位未滿二十之動力船舶。
- 四、雇用人：指船舶所有權人及其他有權僱用船員之人。
- 五、船員：指船長及海員。
- 六、船長：指受雇用人僱用，主管船舶一切事務之人員。
- 七、海員：指受雇用人僱用，由船長指揮服務於船舶上之人員。
- 八、甲級船員：指持有主管機關核發適任證書之航行員、輪機員、船舶電信人員及其他經主管機關認可之船員。
- 九、乙級船員：指甲級船員以外經主管機關認可之船員。
- 十、實習生：指上船實習甲級船員職務之人員。
- 十一、見習生：指上船見習乙級船員職務之人員。

12. "Wage" means the remuneration paid for services earned by seafarers during normal working time.

13. "Allowance" means, in addition to the wage, the payments of navigation allowances, fixed overtime charges, and other various types of regular payments.

14. Wages and allowances: including wages and allowances, in which the wages shall be more than 50% of the total amount of the wages plus allowances.

15. Special bonuses: including the remuneration paid for special works, non-fixed overtime charges, annual bonuses and the bonus given from the profit in business operation earned by the employer.

16. "Average Wage" means the amount computed by dividing the total wage amount of the latest three months by three. If a seafarer's working time is less than three months, the average wage shall be the amount computed by dividing the total wage amount of the working period by actual total working days, then multiplying it by thirty.

17. "Average Wage and Allowance" means the amount computed by dividing the total wage plus allowances of the latest three months by three. If a seafarer's working time is less than three months, the average wage and allowance shall be the amount computed by dividing the total wage plus allowances of the working period by actual total working days, then multiplying it by thirty.

18. "Yacht master" means the person who skippers a yacht.

19. "Power-driven small ship master" means the person who skippers a power-driven small ship.

20. "Assistant" means a person assisting the yacht master or power-driven small ship master in handling relevant matters.

十二、薪資：指船員於正常工作時間內所獲得之報酬。

十三、津貼：指船員薪資以外之航行補貼、固定加班費及其他名義之經常性給付。

十四、薪津：包括薪資及津貼，薪資應占薪津總數額百分之五十以上。

十五、特別獎金：包括特別工作而獲得之報酬、非固定加班費、年終獎金及因雇用人營運上獲利而發給之獎金。

十六、平均薪資：指船員在船最後三個月薪資總額除以三所得之數額；工作未滿三個月者，以工作期間所得薪資總額除以工作期間總日數，乘以三十所得之數額。

十七、平均薪津：指船員在船最後三個月薪資及津貼總額除以三所得之數額；工作未滿三個月者，以工作期間所得薪資及津貼總額除以工作期間總日數，乘以三十所得之數額。

十八、遊艇駕駛：指駕駛遊艇之人員。

十九、動力小船駕駛：指駕駛動力小船之人員。

二十、助手：指隨船協助遊艇或動力小船駕駛處理相關事務之人員。

Article 3

This Act shall not apply to seafarers serving on the following ships provided that those involving navigation safety and dealing of maritime casualties:

1. Military vessels and boats.
2. Vessels and boats of the Coast Guard Authority
3. Fishing ships.

This Act shall not apply to the seafarers serving on ship exclusively for the governmental services, except for the matters of each clause in the preceding Paragraph in respect of their qualifications, practice, cultivation and training, and dealing of navigation safety and maritime casualties.

Article 4

The competent authority specified in this Act means the Ministry of Transportation & Communications (the MOTC) and all matters governed by the Act shall be regulated by the shipping administration authority.

第 3 條

下列船舶之船員，除有關航行安全及海難處理外，不適用本法之規定：

- 一、軍事建制之艦艇。
- 二、海岸巡防機關之艦艇。
- 三、漁船。

前項各款外專用於公務用船舶之船員，除有關船員之資格、執業與培訓、航行安全及海難處理外，不適用本法之規定。

第 4 條

本法之主管機關為交通部，其業務由航政機關辦理。

Chapter 2 Qualification, Vocation, and Cultivation of Seafarers

Article 5

All seafarers shall be not less than 16 years of age.
All masters shall be the nationals of the Republic of China (the ROC).

第二章船員之資格、執業與培訓

第 5 條

船員應年滿十六歲。
船長應為中華民國國民。

Article 6

The qualification of seafarers shall be in conformity with the provision of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, and any other international covenants. Seafarers shall also pass the Seafarer Examination or verification of the Seafarer Training.

For foreign national seafarer's application qualification employed by R.O.C. vessels, the relevant laws shall apply.

Provisions for the application, annulment, cancellation, training foreigner ratio and other matters concerning the training verification and issuance of certificate for seafarers shall be prescribed by the competent authority.

Anyone who has been convicted under final and unappealable judgment of a violence under the Act Governing the Control and Prohibition of Gun, Cannon, Ammunition, and Knife, the Punishment of Smuggling Act or the Drug Prevention and Control Act, and sentenced to 6-month imprisonment or above shall not be a seafarer.

Article 7

Any person, who meets the requirements set forth in the preceding Article, can practice as a seafarer only after having filed an application for a competency certificate with the shipping administration authority and having obtained the competency certificate issued by the MOTC.

Article 8

A seafarer can serve aboard a ship only when he qualified through a medical fitness examination and possesses a seafarer service book in accordance with relevant regulations.

A seafarer who is working on a ship shall undergo periodic health examinations. The seafarer, who is unqualified by or refused to undergo such examination, shall not be permitted to work on board.

Expenses for the medical health examinations for seafarers as provided by the preceding paragraph shall be on the employer's account, affiliated to the Commission.

Seafarers' physical examination and health examinations shall be performed by the medical institutions which meet the prescribed conditions, or the medical institutions affiliated to the department of the organization where the seafarers serve, and the examination records shall be well kept.

The MOTC shall coordinate the central government authorities which are in charge of labor safety and sanitation to set down the stipulations concerning seafarers' fitness and health examinations, as well as the requirements of the medical institutions.

Article 9

In order to cultivate seafarers, the competent authority shall consult and coordinate with the Ministry of Education (the MOE) to establish maritime colleges or adjust the relevant schools and departments of existing maritime universities or colleges.

The shipping administration authority shall assist in the arrangement of the students from maritime universities or colleges to go on board ships for practices. The ship's registered owner or the parties who

第 6 條

船員資格應符合航海人員訓練、發證及當值標準國際公約與其他各項國際公約規定，並經航海人員考試及格或船員訓練檢覈合格。

外國人申請在中華民國籍船舶擔任船員之資格，亦同。

前項船員訓練、檢覈、證書核發之申請、廢止、外國人之受訓人數比率與其他相關事項辦法，由主管機關定之。

違反槍砲彈藥刀械管制條例、懲治走私條例或毒品危害防制條例之罪，經判決有期徒刑六個月以上確定者，不得擔任船員。

第 7 條

具有前條資格者，應向航政機關提出申請，並經主管機關核發適任證書，始得執業。

第 8 條

船員應經體格檢查合格，並依規定領有船員服務手冊，始得在船上服務。

已在船上服務之船員，應接受定期健康檢查；經檢查不合格或拒不接受檢查者，不得在船上服務。

前項船員健康檢查費用，由雇用人負擔。

船員體格檢查及健康檢查，應由符合規定條件之醫療機構或本事業單位所設置醫療單位為之；其檢查紀錄應予保存。

船員體格檢查、健康檢查及醫療機構應符合之條件等相關事項之辦法，由主管機關會同中央勞動及衛生福利主管機關定之。

第 9 條

主管機關為培育船員，應商請教育部設置或調整海事校院及其有關係科。

航政機關應協助安排海事校院學生上船實習，船舶所有權人及其他有權僱用船員之人無正當理由不得拒絕。

have the right to employ seafarers shall not refuse to do so without due reasons.

Article 10

In order to foster technical manpower for maritime professionals, to enhance working technology and to promote national employment, the shipping administration authority shall establish or assist in the establishment of seafarer vocational training centers, or entrust other relevant professional organizations, to conduct pre-service and in-service training for seafarers.

The costs required for the vocational training as mentioned in the preceding paragraph, in addition to be budgeted and paid by the shipping administration authority, may be paid by the seafarers or employers.

Article 10-1

Regulations on the program of seafarer training transacted by professional organizations as mentioned in Paragraph 1 of the preceding article, as well as the students' and instructors' qualifications, the curriculum of training, facilities and expenses, imposition of certification fee, management of training and other relevant matters shall be prescribed by the competent authority.

The shipping administration authority may perform supervision over the professional organizations offering seafarer training, and the professional organizations shall not evade, impede or avoid such supervision, and will be notified of deficiencies if any, and shall improve within a certain period of time when so advised.

Article 11

When a seafarer is required to participate in training or qualification examinations held by the shipping administration authority, the employer shall provide the appropriate cooperation.

Chapter 3 Employment of Seafarers

Article 12

When employing a seafarer, the employer shall sign a written employment contract with the seafarer. The seafarer employed shall not work on board a ship until the contract is sent to the shipping administration authority for future reference. The same shall apply for the contract is terminated thereto.

Article 13

The exemplar of the employment contract for employing seafarers shall be prescribed by the shipping administration authority.

Article 14

When employing a minor as a seafarer, the employer shall obtain the written approval of the minor's guardian.

Article 15

第 10 條

航政機關為培養海運技術人才，提高船員工作技能，促進國民就業，應設立船員職業訓練中心或輔導設立相關專業機構，並得自行或委託相關專業機構，辦理船員之職前及在職進修之訓練。

前項訓練所需經費，除由航政機關編列預算支應外，得由船員或僱用人支付。

第 10-1 條

前條第一項專業機構辦理船員訓練之計畫書、學員與教師資格、訓練課程、設施與費用、證照費收取、訓練管理業務及其他相關事項之規則，由主管機關定之。

航政機關得派員督導專業機構辦理船員訓練業務，專業機構不得規避、妨礙或拒絕。

第 11 條

船員依規定參加航政機關辦理之訓練或船員執業資格考試時，僱用人應作適當之配合。

第三章船員僱用

第 12 條

僱用人僱用船員，應簽訂書面僱傭契約，送請航政機關備查後，受僱船員始得在船上服務。僱傭契約終止時，亦同。

第 13 條

僱用人僱用船員僱傭契約範本，由航政機關定之。

第 14 條

僱用人僱用未成年之船員，應得法定代理人之書面允許。

第 15 條

The employer shall provide on board the ship of the texts of the relevant laws and regulations, the necessary medicines and medical equipment.

The standards for the provision mentioned in the preceding paragraph shall be prescribed by the competent authority.

Article 16

The employer shall provide proper quantity and quality of foods, bedrooms, bedding and tableware, working protectors, clothes, and those hats and shoes appropriate for various weather conditions.

Article 17

The employer shall establish seafarers' working regulations and submit the same to the shipping administration authority for future reference.

Seafarers shall obey the employer's instructions given within the scope of its supervision.

Article 18

The lower rank seafarers are obliged to obey the orders given by the higher rank ones within the scope of their supervision. Nevertheless, the lower rank seafarers are entitled to state their opinions, if any.

No seafarer shall leave the ship without permission.

Article 19

The employment contract will immediately be terminated upon occurrence of the ship is sunk, missing or becomes unseaworthy, provided that the seafarers of that ship survive.

The seafarers who need to work in order to salvage a ship, human lives or cargoes in emergencies condition, their contracts shall remain effective for the said working period.

If any seafarers survive as provided in Paragraph 1 and the employer has no other ship or position for the seafarer to work continually, the employer is entitled to terminate the employment contract by offering severance pays in accordance with Article 39 of This Act.

If there is no any news or information about a ship for two months, the ship shall be deemed as missing.

Article 20

The employer is entitled to terminate the employment contract if a seafarer commits any of the following situations:

1. Where misrepresents any fact at the time of signing of the employment contract in a manner which might mislead his employer and cause him to sustain damage therefrom.
2. Where commits a violent act against or grossly insults the employer, his (or her) agent, or a fellow worker or family members of the above persons.
3. Where has been sentenced to temporary imprisonment in a final and conclusive judgment, and is not granted a suspended sentence or permitted to commute the sentence to payment of a fine.
4. Where is in serious breach of the employment contract or in serious violation of work rules.
5. Where deliberately destroying or stealing ship equipment, accessories or cargoes.

雇用人應於船上備置有關法令規章、必要之藥品及醫療設備。

前項備置標準，由主管機關定之。

第 16 條

雇用人應提供質量適當之食物、臥室、寢具、餐具及工作護具與適應天候之工作服、工作帽與工作鞋等。

第 17 條

雇用人應訂定船員工作守則，報請航政機關備查。

船員應遵守雇用人任其業務監督範圍內所為之指示。

第 18 條

上級船員就其監督範圍內所發命令，下級船員有服從之義務。但有意見時，得陳述之。

船員非經許可，不得擅自離船。

第 19 條

船舶沈沒、失蹤或完全失去安全航行能力者，僱傭契約即告終止。但船員生還者，不在此限。

船員因施救船舶、人命或貨物之緊急措施必須工作者，其工作期間僱傭契約繼續有效。

第一項船員生還者，雇用人已無他船或職位可供船員繼續工作時，得終止僱傭契約並依第三十九條之規定發給資遣費。

船舶於二個月內無存在消息者，以失蹤論。

第 20 條

船員有下列情事之一者，雇用人得終止僱傭契約：

- 一、訂立僱傭契約時，為虛偽意思表示，使雇用人誤信而有損害之虞。
- 二、對於雇用人、雇用人之代理人、其他共同工作人或以上人員之家屬，實施暴行或有重大侮辱、恐嚇行為。
- 三、受有期徒刑以上刑之宣告確定，而未諭知緩刑或易科罰金。
- 四、違反僱傭契約或船員工作守則，情節重大。
- 五、故意損毀或竊取船舶設備、屬具或貨物。

6. Where is, without good cause, disobey the employer's or master's instructions to go on board the ship.

Where the employer desires to terminate the employment contract pursuant to the preceding paragraph, shall give the seafarer a written notice.

Where the employer desires to terminate the employment contract pursuant to terms 1 and 2, Items 4 to 6 of the preceding paragraph, shall do so within thirty days from the date he (or she) becomes aware of the particular situation.

Article 21

The seafarer is entitled to terminate the employment contract if any of the following situations occur:

1. The ship loses its nationality;
2. The employer misrepresents any fact at the time of signing of the employment contract in a manner which might mislead the seafarer and cause him to sustain damage therefrom;
3. A doctor has issued a certificate of diagnosis to verify that the seafarer suffers from physical or mental impairment that prevents him/her from engaging in the work consistently;
4. The employer, his (or her) agent, or family members of the above persons commits violence or grossly insults or threat to the seafarer;
5. The environment of work is likely to be injurious to the seafarer's health and the seafarer has without success requested his (or her) employer to improve working conditions;
6. The employer breaches the employment contract or violates any labor statute or administrative regulation in a manner likely to adversely affect the rights and interests of the seafarer;
7. The employer fails to pay wage and allowance in accordance with the employment contract; or
8. The other fellow workers carry epidemic disease and there is a possibility that the seafarer may contract this disease.

Article 22

The employer shall not, even by advance notice to the seafarer, terminate the employment contract unless one of the following situation arises:

1. The business ceases to operate or has been transferred.
2. The business suffers an operating loss or contraction.
3. Business suspension for more than one month is necessitated by force majeure.
4. A change in business nature requires a reduction of seafarers and the particular seafarers cannot be assigned to another suitable position.
5. The seafarer is clearly not able to perform satisfactorily the duties required of the position held.

Where the employer terminates the contract pursuant to the preceding paragraph, the stipulations described below shall govern the minimum period of advance notice:

1. Where the seafarer has worked continuously for more than three months but less than one year, the notice shall be given ten days in advance.
2. Where the seafarer has worked continuously for more than one year but less than three years, the notice shall be given twenty days in advance.
3. Where the seafarer has worked continuously for more than three years, the notice shall be given thirty days in advance.

六、無正當理由不遵守雇用人或船長之指示上船。

雇用人依前項規定終止僱傭契約時，應以書面通知船員。

雇用人依第一項第一款、第二款及第四款至第六款規定終止僱傭契約者，應自知悉其情形之日起，三十日內為之。

第 21 條

有下列情事之一者，船員得終止僱傭契約：

- 一、船舶喪失國籍。
- 二、訂定僱傭契約時，雇用人為虛偽意思表示，使船員誤信而有受損害之虞。
- 三、船員因身心狀況違常，經醫師出具不適宜繼續工作之診斷書。
- 四、雇用人、雇用人之代理人或以上人員之家屬對船員實施暴行或有重大侮辱、恐嚇行為。
- 五、工作環境對船員健康有危害之虞，經通知改善而無效果。
- 六、雇用人或其代理人違反契約或法令，致有損害船員權益之虞。
- 七、雇用人不依契約給付薪津。
- 八、船上其他共同工作人患有法定傳染病，有傳染之虞。

第 22 條

非有下列情形之一者，雇用人不得預告終止僱傭契約：

- 一、歇業或轉讓時。
- 二、虧損或業務緊縮時。
- 三、不可抗力暫停工作在一個月以上時。
- 四、業務性質變更，有減少船員之必要，又無適當工作可供安置時。
- 五、對於所擔任之工作確不能勝任時。

雇用人依前項規定終止僱傭契約，其預告期間依下列各款之規定：

- 一、繼續工作三個月以上一年未滿者，於十日前預告之。
- 二、繼續工作一年以上三年未滿者，於二十日前預告之。
- 三、繼續工作三年以上者，於三十日前預告之。

When a seafarer is on maternity leave, or in medical treatment of injury or illness resulted from performing the duties, the employer shall not terminate the employment contract, unless the employer cannot continue the business or the ship sunk, missed or became totally unseaworthy caused by acts of god, accidents or force majeure.

Where the employer terminates the contract without serving an advance notice within the time limit prescribed in the second paragraph of this Article, he shall pay the wage and allowance for the advance notice period.

In the case of the seafarer terminating a non-fixed term contract, the provisions of Paragraph 2 of this Article pertaining to the prescribed time limit for serving advance notice shall apply mutatis. The seafarer who intends to terminate a fixed term contract, shall give the employer or the master thirty days advance notice.

Where the seafarers agree the transfer of serving ships owned by the same employer, the original contract shall remain effective before the new contract is signed.

Article 23

If a fixed term employment contract expires during the period of voyage, the contract is to be terminated at 48 hours after the ship arrives at the first calling port.

Article 24

Where the employment contract was suspended for cause but the seafarer resumes to perform the contract continuously, or an existing contract is renewed, within three months after the expiration of a fixed-term contract for cause, the seafarers' service period which accrued before the execution or renewal of the contract shall be combined with the service period of the new or renewed contract in any computation of service period. Computation of seniority of service shall include all the years of a seafarer who works on the same ship or different ships owned or operated by the same corporate body, except that the seafarer who has received a severance pay or retirement pension upon termination of contract.

Article 25

Foreign employers can hire the R.O.C. seafarers only after applying to the shipping administration authority for approval. The regulations on the qualifications and application procedures, conditions of approval, revocation, duties, employment, employment management and other relevant matters shall be prescribed by the competent authority.

Article 25-1

An employer hiring foreign national seafarers shall apply to the shipping administration authority for permission. The regulations on the application qualifications and procedures, conditions of permission, annulment, cancellation, duties, employment, employment management, foreign national seafarers to total employed seafarers ratio and other related matters shall be prescribed by the competent authority.

Article 25-2

船員在產假期間或執行職務致傷病之醫療期間，雇用人不得終止僱傭契約。但雇用人因天災、事變、不可抗力致事業不能繼續或船舶沈沒、失蹤或已完全失去安全航行之能力時，不在此限。

雇用人未依第二項規定期間預告而終止契約者，應給付預告期間之薪資。

不定期僱傭契約之船員終止僱傭契約時，應準用第二項規定預告雇用人或船長。定期僱傭契約之船員終止僱傭契約時，應在一個月前預告雇用人或船長。

雇用人經徵得船員同意，於雇用人所屬船舶間調動，另立新約前，原僱傭契約仍繼續有效。

第 23 條

定期僱傭契約，其期限於航行中屆滿者，以船舶到達第一港後經過四十八小時為終止。

第 24 條

僱傭契約因故停止履行後，繼續履行原約或定期僱傭契約屆滿後，未滿三個月又另訂定新約時，船員前後工作年資應合併計算。船員工作年資之計算應包括船員在同船舶或同一公司法人所屬或經營之不同船舶之工作年資。但曾因僱傭契約終止領取辭退金或退休金者，不在此限。

第 25 條

外國雇用人僱用中華民國船員，應向航政機關申請，經審核許可，始得僱用；其申請資格與程序、許可條件、廢止、職責、僱用、僱傭管理及其他相關事項之辦法，由主管機關定之。

第 25-1 條

雇用人僱用外國籍船員，應向航政機關申請許可，始得僱用；其申請資格與程序、許可條件、廢止、職責、僱用、僱傭管理、受僱人數比率及其他相關事項規則，由主管機關定之。

第 25-2 條

Seafarers, cadets, probationary workers serving on board a ship shall apply to the local shipping administration authority for permission. The regulations on the application qualifications and procedures, repeal of permission, cancellation, employment, duties, management of seaworthiness rules and other related matters shall be prescribed by the competent authority.

甲級船員、乙級船員、實習生、見習生及外國籍實習生上船服務，應向航政機關申請許可；其申請資格與程序、許可之廢止、僱用、職責、外國籍實習生之實習人數比率、航行應遵守事項管理及其他相關事項規則，由主管機關定之。

Chapter 4 Working Conditions and Welfares

第四章勞動條件與福利

Article 26

第 26 條

Remuneration for seafarers who work on board a ship shall include wages and allowances, and special bonuses. An employer shall not make advance deduction of wages as indemnity.

船員之報酬包含薪津及特別獎金。雇用人不得預扣船員報酬作為賠償費用。

Article 27

第 27 條

The minimum standards of seafarer wages, on-shore pay and overtime charges shall be prescribed by the competent authority. The minimum wages mentioned in the preceding paragraph shall be not less than the wages stipulated by the basic work criteria of the Labor Standard Law.

船員之薪資、岸薪及加班費之最低標準，由主管機關定之。前項最低薪資不得低於勞動基準法所定之基本工資。

Article 28

第 28 條

The employer shall provide necessary night safety protection measures for the seafarers who are required to perform their work between 8:00 p.m. and 6:00 a.m. on the next day. The employer shall not instruct any seafarer under 18 years of age to perform his/her work during the period mentioned in the preceding paragraph.

船員在午後八時至翌晨六時之時間內工作，雇用人應提供必要之夜間安全防護措施。雇用人不得使未滿十八歲之船員於前項時間內工作。

Article 29

第 29 條

Before employing a female seafarer who is pregnant or within eight weeks after childbirth to work on board a ship, the employer shall take into account the advice given by the doctor generally evaluating the result of the physical examination performed for the female seafarer, and shall provide necessary maternal health protection measures.

雇用人僱用懷孕中或分娩後未滿八週之女性船員在船工作，應參採醫師綜合評估其體格檢查結果之建議，並提供必要之母性健康保護措施。

In case a female seafarer is confirmed in pregnancy during the voyage, the employer shall instruct her to do light duties and the jobs necessary for navigation safety after having provided necessary maternal health protection measures. The employer shall not reduce any remuneration that the female seafarer is supposed to receive.

女性船員在船舶航行中判明懷孕，應由雇用人提供必要之母性健康保護措施後，從事較輕便及對航行安全有必要之工作；雇用人不得減少其原本得領受之各項報酬。

Article 30

第 30 條

(Deleted)

(刪除)

Article 31

第 31 條

The employer shall not instruct the seafarers under 18 years of age to conduct dangerous or harmful works. When the employer instructs any of the following female seafarers to

雇用人不得使未滿十八歲之船員從事有危險性或有害性之工作。雇用人使有下列情形之一之女性船

conduct dangerous or harmful works, the employer shall take the doctor's suitability assessment recommendations into account and shall provide necessary maternal health protection measures:

1. Female seafarers in pregnancy; or
2. Female seafarers within one year after childbirth.

Criteria for determining the dangerous or harmful works mentioned in the preceding paragraph shall be prescribed by the competent authority.

The employer shall submit to the shipping administration authority a monthly report specifying the number of female seafarers resigning due to pregnancy, childbirth or other factors, the ratio of the resigned female seafarers and other relevant statistical data.

Article 32

Regular working hours for a seafarer is 44 hours per week. Provided that the seafarer is taking turns at watchkeeping because of navigation needs.

Seafarers' regular working hours per week exceeding 44 hours shall be deemed as overtime hours, for which the employer shall pay overtime charges.

Article 33

Seafarers shall have at least one regular day off in every seven days, unless the seafarer is taking turns at watchkeeping because of navigation needs.

For the case mentioned in the proviso of the preceding paragraph, the employer shall arrange for taking leaves by turns.

Article 34

If it is necessary to navigate on a national holiday or the Navigation Day, the master is entitled to arrange the seafarers to undertake the necessary works by taking turns at watchkeeping, entering or leaving ports and serving meals. The employer shall pay holiday overtime charges for such works based on the normal wage.

Article 35

If a seafarer has to extend working hours because of navigation need, he/she shall fill in and submit an overtime application form to the master or department head for validation before performing his/her works.

Article 36

It may be set down in the employment contract that the seafarers' overtime charges shall be computed based on the normal wage per hour and paid as a fixed overtime charge. Nevertheless, the hours for overtime computation charge shall be at least 85 working hours per month.

Article 37

The employer shall give 30-day annual paid leaves to seafarers who have worked for one year on the ship, and the paid leaves shall be computed pro rata in accordance with working months for those who have worked less than one year.

員，從事有危險性或有害性之工作，應經醫師適性評估建議，並提供必要之健康及安全防護措施：

- 一、懷孕中。
- 二、分娩後一年以內。

前項危險性或有害性工作之認定標準，由主管機關定之。

雇用人應將女性船員因懷孕、分娩或其他因素自行離開職場之人數及比率等相關統計資料，按月報請航政機關備查。

第 32 條

船員正常工作時間，以每週工作總時數四十四小時為準。但因航行需要參加航行當值輪班者，不在此限。

船員每週工作總時數超過四十四小時者視為加班，雇用人應給予加班費。

第 33 條

船員每七日中至少應有一日之休息，作為例假。但因航行需要仍應參加航行當值輪班者，不在此限。

前項但書情形，雇用人應另行安排輪休。

第 34 條

國定假日及航海節因航行需要，船長得安排船員參加航行當值輪班、進出港、餐勤等必要工作。但雇用人應按平日薪資發給假日加班費。

第 35 條

基於航行需要延長工作時間，船員應於加班前先填寫加班申請單，經船長或部門主管簽認後施行。

第 36 條

僱傭契約得約定船員之加班費數額按照船員之平日每小時薪資標準計算，列為固定加班費發給船員。但計算時數，每月至少應等於八十五工作小時。

第 37 條

船員在船上服務滿一年，雇用人應給予有給年休三十天。未滿一年者，按其服務月數比例計之。

When obtaining consents from seafarers to work during paid leaves, the employer shall pay them extra daily wage per day. The employer shall pay wage and allowance for leave days that are not taken because of year ending or termination of the contract.

Article 38

After signing an employment contract, the employer shall pay seafarers the remuneration equivalent to the wage during the period of stand-by ashore while waiting to board a ship. The employer shall pay remuneration equivalent to the seafarers' wage during the periods of examination or training as assigned by the employer.

Article 39

Except the seafarers agree the transfer of serving ships owned by the same employer, the employer, who terminates employment contracts in accordance with Paragraph 1 and proviso of Paragraph 3 of Article 22, or the reasons not attributable to seafarers, shall give severance pays based on the followings criteria:

1. For seafarers paid on monthly basis: a three-month severance pay based on the average wage.
2. For seafarers paid on voyage basis: the full amount of remuneration.
3. For seafarers having worked consecutively for three years on the ships owned by the same employer: in addition to the payment made in accordance with Item 1, one-month severance pay based on average wage for every one year from the fourth year. The working year less than one full year shall be computed on a pro rata basis, and less than one full month shall be computed as one month.

Article 40

Upon termination of an employment contract, the employer and the master shall, in all events, repatriate the seafarers, whose contracts are terminated at places beyond the place of employment, under escort back to the place where they are engaged. It is also applicable to those injured or ill seafarers going ashore.

The obligations of repatriation under escort back to the place where they are engaged mentioned in the preceding paragraph shall include the cost of transportation, accommodation, meals and other necessary expenses.

The employer is entitled to request the seafarers, who are repatriated under escort back to the place where they are engaged based on seafarers' personal reasons, to pay the expenses as provided in the preceding paragraph.

Article 41

The employer shall be responsible for medical expenses for injured or ill seafarers during their employment period, unless the non-work related injuries or illnesses were caused by alcoholic, gross negligence or indiscipline.

Article 42

The employer is entitled to stop bearing medical expenses for a

雇用人經徵得船員同意於有給年休日工作者，應加發一日薪津。有給年休因年度終結或終止契約而未休者，其應休未休之日數，雇用人應發給薪津。

第 38 條

船員於簽訂僱傭契約後，在岸上等候派船期間，雇用人應發給相當於薪資之報酬。

雇用人選派船員參加訓練或考試期間，應支給相當於薪資之報酬。

第 39 條

雇用人依第二十二條第一項、第三項但書或非可歸責於船員之事由終止僱傭契約時，應依下列規定發給資遣費。但經船員同意在原雇用人所屬船舶間調動時，不在此限：

- 一、按月給付報酬者，加給平均薪資三個月。
- 二、按航次給付報酬者，發給報酬全額。
- 三、船員在同一雇用人所屬船舶繼續工作滿三年者，除依第一款規定給付外，自第四年起每逾一年另加給平均薪資一個月，不足一年部分，比例計給之，未滿一個月者，以一個月計。

第 40 條

船員於受僱地以外，其僱傭契約終止時，不論任何原因，雇用人及船長有護送回僱傭地之義務；其因受傷或患病而上岸者，亦同。

前項護送回僱傭地之義務，包括運送、居住、食物及其他必要費用之負擔。

船員因個人事由被護送回僱傭地時，雇用人得要求其負擔前項之費用。

第 41 條

船員於服務期間內受傷或患病者，由雇用人負擔醫療費用。但因酗酒、重大過失或不守紀律所致之非職業傷病者，不在此限。

第 42 條

船員非因執行職務而受傷或患病已逾

seafarer's injuries or illnesses, which were not caused by undertaking his/her duties, after sixteen weeks therefrom.

Article 43

The employer shall also pay the original wage during the period of bearing medical expenses.

Article 44

The employer shall pay disability compensations to the seafarers who get recovered from injuries or illnesses suffered during the period of undertaking their duties but become disabled later, or who do not totally get recovered after two years, and for such disabilities remaining in their bodies after they are examined and certified by an approved medical institution. The disability compensations shall be on a lump-sum basis in accordance with the average wage and the degree of disabilities. Criteria of the payment of disability compensations shall be in accordance with the Labor Insurance Statute.

The degree of disability remaining in the seafarers' body, if certified by an assigned doctor as 50 percent or more, and that in the same time ranked as the 7th grade or higher, or the 11th grade or higher as prescribed in the Labor Insurance Act, and proved to be unsuitable for working on board, the seafarers shall be paid the highest level of disability compensation.

Article 45

If a seafarer who died not in the performance of duties during service period or died because of injuries or illnesses not arising from the performance of duties, the employer shall pay a lump sum of death compensation equivalent to 20-month average wage to the survivors of the seafarers.

Article 46

If a seafarer who died in the performance of duties during service period or died because of injuries or illnesses arising from the performance of duties, the employer shall pay a lump sum of death compensation equivalent to 40-month average wage to the survivors of the seafarers.

If the ship is sunk or missing and thus causing seafarers missing, the employer shall pay survivors of the seafarer death compensations in accordance with the provisions of the preceding paragraph.

Article 47

The seafarers death compensation shall be paid to survivors in the following order:

1. Spouse and children.
2. Parents.
3. Grandparents.
4. Grandchildren.
5. Brothers and sisters.

Article 48

十六週者，雇用人得停止醫療費用之負擔。

第 43 條

雇用人負擔醫療費用之期間內，仍應支給原薪津。

第 44 條

船員因執行職務而受傷或患病，雖已痊癒而成失能或逾二年仍未痊癒者，經符合規定條件之醫療機構診斷，審定其遺存障患者，雇用人應按其平均薪資及失能程度，一次給與失能補償；失能補償給付標準，依勞工保險條例有關之規定。

船員之遺存障等級，經指定醫師評定為百分之五十或以上，且符合勞工保險條例失能等級第七級以上或第十一級以上，並證明永久不適任船上任何職位者，應按最高等級給與失能補助金。

第 45 條

船員在服務期間非因執行職務死亡或非因執行職務受傷、患病而死亡時，雇用人應一次給與其遺屬平均薪津二十個月之死亡補償。

第 46 條

船員因執行職務死亡或因執行職務受傷、患病死亡時，雇用人應一次給與其遺屬平均薪津四十個月之死亡補償。

船舶沈沒或失蹤致船員失蹤時，雇用人應按前項規定給與其遺屬死亡補償。

第 47 條

船員遺屬受領死亡補償之順位如下：

- 一、配偶及子女。
- 二、父母。
- 三、祖父母。
- 四、孫子女。
- 五、兄弟姐妹。

第 48 條

If the seafarer died during service period, the employer shall pay funeral expenses equivalent to 6-month average wage.

Article 49

The injury, illness or death of a master during his/her service period shall be prima facie caused by performing his/her duties, unless the injury, illness or death resulted from his/her gross negligence or indiscipline.

Article 50

The right to claim the medical expenses provided in Article 41, disability compensations provided in Article 44, death compensations provided in Article 45 and 46, and funeral expenses provided in Article 48 shall be extinguished by prescription if not exercised within two years from the date the rights is granted.

The rights provided in the preceding paragraph shall not be affected by resignations of seafarers, and shall not be assigned, mortgaged, offset, seized or pledged.

The employer shall pay the death compensations provided in Article 46 within 15 days after the date of the claim made and the funeral expenses provided in Article 48 within 3 days after the date of the claim made.

Article 51

A seafarer may apply for voluntary retirement under either of the following conditions:

1. Where has worked on ships for fifteen years and attains the age of fifty-five.
2. Where has worked on ships for more than twenty years.

The employer may force a seafarer to retire in either of the following conditions:

1. The seafarer attains the age of 65;
2. The seafarer is under guardianship or has declared assistantship; or
3. According to the Labor Insurance Act the degree of disability remaining in the seafarers' body is determined to be unsuitable for working on board.

A retired seafarer at the age of 65 can be hired in case he/she complies with the standard of physical examination.

The seniority of service and the payment of retirement pension of a seafarer prior to the enactment of This Act shall be computed in accordance with the Maritime Law before the enactment of This Act.

Article 52

In order to protect seafarers' security and livelihood, the employer shall insure the Labor insurance and National Health Insurance for the seafarers and reserve seafarers employed by him.

Article 53

In order to protect the retirement benefit of seafarers, the retirement system prescribed by the Labor Pension Act shall apply to the retirement matters for seafarers of R.O.C. nationality, unless those who have not opted for the retirement system under the Labor Pension Act pursuant to Article 9 of the Labor Pension Act.

船員在服務期間死亡者，雇用人應給與平均薪資六個月之喪葬費。

第 49 條

船長在服務期間受傷、患病或死亡，推定其為執行職務所致。但因其重大過失或不守紀律受傷、患病或死亡者，不適用之。

第 50 條

第四十一條醫療費用、第四十四條失能補償、第四十五條及第四十六條死亡補償及第四十八條喪葬費，其請求權自得請領之日起，因二年間不行使而消滅。

前項請求權不因船員之離職而受影響，且不得讓與、抵銷、抵充、扣押或擔保。

雇用人依第四十六條及第四十八條規定給與船員遺屬之死亡補償及喪葬費，死亡補償應自請領之日起算十五日內，喪葬費應自請領之日起算三日內給付。

第 51 條

船員有下列情形之一者，得申請退休：

- 一、在船服務年資十年以上，年滿五十五歲。
- 二、在船服務年資二十年以上。

船員有下列情形之一者，雇用人得強迫退休：

- 一、年滿六十五歲。
- 二、受監護、輔助宣告。
- 三、依勞工保險條例所認定失能等級，達到永久不適任船上任何職位。

年滿六十五歲船員，合於船員體格檢查標準，得受僱之。

本法施行前之船員工作年資，其退休金給與標準，依本法施行前之海商法規定計算。

第 52 條

為保障船員生活之安定與安全，雇用人應為所雇用之船員及儲備船員投保勞工保險及全民健康保險。

第 53 條

為保障船員退休權益，本國籍船員之退休金事項，適用勞工退休金條例之退休金制度。但依勞工退休金條例第九條規定，未選擇適用勞工退休金條例之退休金制度者，不在此限。

For the standard for payment of employee's pension as mentioned in the proviso of the preceding paragraph, the seniority of service before the enactment of this Act shall be computed in accordance with Paragraph 4 of Article 51, while the seniority of service after the enactment of This Act shall be computed in accordance with Article 55 of the Labor Standard Law.

For seafarers who are employed by the same employer after applying the retirement system prescribed in the Labor Pension Act, their seniority of service before such application shall be reserved. For the standard of payment of their pension, the seniority of service before the enactment of this Act shall be computed in accordance with Paragraph 4 of Article 51, while the seniority of service after the enactment of This Act shall be computed in accordance with Article 55 of the Labor Standard Law.

The employer shall allocate a pension reserve for seafarers in the preceding two paragraphs pursuant to Article 56 of the Labor Standard Law.

For the seafarers who apply to the retirement system under the Labor Pension Act, the severance pay shall be paid in accordance with Articles 39 and 54.

For seafarers hired by the same employer for on-shore work, the seniority of service shall be combined for computation as the retirement conditions, and the pension shall be computed on the average wage specified in Article 2 of the Labor Standard Law according to their onboard and on-shore work respectively.

The right to claim the pension payment shall be extinguished by prescription if not exercised within five (5) years commencing from the month following retirement.

Article 54

If, according to this Act, the severance pays, overtime charges and disability/death compensations, and the salaries/expenses that shall be paid during treatment of injury/illness, as well as the funeral and burial expenses, are less than the severance pays, extended working hour wages and vocational casualty compensations provided by the Labor Standard Law, the payment shall be made in accordance with the standard provided by the Labor Standard Law.

Article 55

The employer shall insure liability insurance covering medical expenses, disability/death compensations, and funeral expenses for which the employer shall be liable to pay in accordance with this Act.

Article 56

All seafarers and reserve seafarers to be employed shall be included in the employees' welfare fund arrangements effected by the employer in accordance with the Employers' Welfare Fund Statute.

Article 57

The shipping administration authority may afford assistance for establishing seafarer welfare facilities in any appropriate ports, including seafarer welfare, cultural, recreational and informational equipment.

前項但書人員之退休金給與基準，其屬本法施行前之工作年資，依第五十一條第四項規定計算，其屬本法施行後之工作年資，依勞動基準法第五十五條規定計算。

船員適用勞工退休金條例之退休金制度後仍受僱於同一雇用人者，其適用前之工作年資，應予保留；其退休金給與基準，屬本法施行前之工作年資，依第五十一條第四項規定計算，屬本法施行後，勞工退休金條例施行前之工作年資，依勞動基準法第五十五條規定計算。

雇用人應依勞動基準法第五十六條規定，為前二項船員提撥勞工退休準備金。

船員適用勞工退休金條例之退休金制度者，其資遣費仍依第三十九條及第五十四條規定發給。

船員受僱於同一雇用人從事岸上工作之年資，應併計作為退休要件，並各依最後在船、在岸之勞動基準法第二條所定平均工資計算退休金。

船員請領退休金之權利，自退休之次月起，因五年間不行使而消滅。

第 54 條

依本法給與之資遣費、加班費、失能補償、死亡補償、傷病治療期間支給之薪津、喪葬費低於勞動基準法所定資遣費、延長工作時間之工資、職業災害補償之給付金額時，依勞動基準法所定標準支給。

第 55 條

雇用人依本法應支付之醫療費用、失能補償、死亡補償及喪葬費，應投保責任保險。

第 56 條

雇用人依據職工福利金條例提撥職工福利金辦理職工福利事業時，所雇用之船員與儲備船員應予以納入。

第 57 條

航政機關得在適當港口輔導設置包括船員福利、文化、娛樂和資訊設備之船員福利設施。

Chapter 5 Master

Article 58

The master of a ship is responsible for commanding the ship. The master, in order to carry out his/her duties, has rights to command and administrate the seafarers and other persons on board the ship. For assuring safety of the ship and protecting human lives or bodies, a master is entitled to take necessary measures to deal with any danger or casualty possibly occurred on the ship.

Article 59

The master is entitled, during the voyage, to take emergency action in order to maintain security on the ship and to protect national legal interest.

Article 60

A master shall prepare various ship documents and the relevant documents concerning passengers and cargoes carried by the ship. When the shipping administration authority, according to law, inspects the ship documents and relevant documents as provided in the preceding paragraph, the master shall submit them immediately for inspection.

Article 61

Before and at beginning of a voyage, a master shall inspect the ship and make the ship ready for the voyage.

Article 62

The master shall not alter the scheduled route of the ship unless encountering accidents or force majeure.

Article 63

The master shall not open the cabins or unload cargoes unless necessary.

Article 64

The master shall not rescind himself/herself from undertaking or cease his/her duties during a voyage even when his/her term of employment has expired.

Article 65

The master shall take the most advantageous measures for the ceased seafarer's heir to dispose the personal effects left on the ship by the seafarers who died or have been missing.

Article 66

A master shall prepare the sea protests and submit it to the shipping administration authority in details regarding the accident of sinking, stranding, collision, forced docking, or other accidents, and extraordinary occurrences to cargoes, seamen or passengers.

第五章船長

第 58 條

船舶之指揮，由船長負責；船長為執行職務，有命令與管理在船海員及在船上其他人員之權。船長為維護船舶安全，保障他人生命或身體，對於船上可能發生之危害，得為必要處置。

第 59 條

船長在航行中，為維持船上治安及保障國家法益，得為緊急處分。

第 60 條

船長在船舶上應置備船舶文書及有關載客載貨之各項文件。航政機關依法查閱前項船舶文書及文件時，船長應即送驗。

第 61 條

船長於船舶發航前及發航時，應依規定檢查船舶及完成航海準備。

第 62 條

船長非因事變或不可抗力，不得變更船舶預定航程。

第 63 條

船長除有必要外，不得開艙或卸載貨物。

第 64 條

船長在航行中，其僱用期限已屆滿，不得自行解除或中止其職務。

第 65 條

在船人員死亡或失蹤時，其遺留於船上之財物，船長應以最有利於繼承人之方法處置之。

第 66 條

船長遇船舶沈沒、擱淺、碰撞、強迫停泊或其他意外事故及有關船舶貨載、海員或旅客之非常事變時，應作成海事報告，載明實在情況，檢送航

The sea protests in the preceding paragraph are effective only after having been authenticated by the seamen or passengers, provided that the sea protests were made while the master survived alone from the accident.

Article 67

The master shall be held responsible for any negligence while in performing his/her duties. The burden of proof shall be on the master who alleges no fault of his own.

Article 68

If a master is incapable of exercising his/her duties because of death or accidents during the voyage, and there are no successors available, then the highest rank seafarer among deck officers shall act for on behalf of the master.

Chapter 6 Navigation Safety and Dealing of Casualties

Article 69

The seafarers shall not use the ship for smuggling of cargoes. If the smuggled cargoes are contraband, or are likely to cause damage to the ship, persons or cargoes on board the ship, the master or the employer is entitled to jettison the said cargoes.

A master or an employer shall have rights to dispose of or jettison the ammunition, explosives or other dangerous goods carried on board by seafarers.

The disposal or jettisoning provided in the preceding two paragraphs shall be done in the manner and at the place that would cause minimum pollution to the sea.

Article 70

The watchkeeping seafarer shall observe the rules of the collision regulation, and signal siren or hang up signals as provided.

Article 70-1

To ensure the safety of the ship and navigation, the employer shall, before and at the beginning of the voyage, man the ship with sufficient and qualified seafarers in accordance with relevant provisions

The minimum standard of safe manning for various routes, types and sizes of ships shall be prescribed by the competent authority.

Article 71

A master shall report to the shipping administration authority his/her findings, in the present routing, of oil pollution, newly formed sand beach, submerged reefs, severe weather changes or other accidents, which may obstruct navigation.

Article 72

In case a maritime casualty or other accident incurred to a ship, the

政機關。

前項海事報告，應有海員或旅客之證明，始生效力。但其報告係船長於遭難獨身脫險後作成者，不在此限。

第 67 條

船長對於執行職務中之過失，應負責任；如主張無過失時，應負舉證之責任。

第 68 條

船舶在航行中，船長死亡或因故不能執行職務而未有繼任人時，應由從事駕駛之海員中職位最高之一人代理執行其職務。

第六章航行安全與海難處理

第 69 條

船員不得利用船舶私運貨物，如私運之貨物為違禁品或有致船舶、人員或貨載受害之虞者，船長或雇用人得將貨物投棄。

船員攜帶武器、爆炸物或其他危險物品上船，船長或雇用人有權處置或投棄。

前二項處置或投棄，應選擇對海域污染最少之方式及地點為之。

第 70 條

當值船員，應遵守航行避碰規定，並依規定鳴放音響或懸示信號。

第 70-1 條

為維護船舶及航行安全，雇用人應依規定配置足夠之合格船員，始得開航。

前項各航線、種類、大小之航行船舶船員最低安全配置標準，由主管機關定之。

第 71 條

船長於本航次航路上發現油污損害、新生沙灘、暗礁、重大氣象變化或其他事故有礙航行者，應報告航政機關。

第 72 條

船舶發生海難或其他意外事故，船長

master shall immediately take any emergency measures to prevent the ship from danger and report to the shipping administration authority in priority manner for salvage if necessary.

If a ship was stranded, sunk, or malfunctions because of a maritime casualty or other accident, the master shall not only deal with it in accordance with the preceding paragraph, but also prevent oil from spilling or leaking in order to avoid pollution to the coasts and waters.

Article 73

If a ship is in imminent danger, the master shall endeavor to adopt any necessary measures to save the human lives, ship and cargoes.

No matter what danger occurs during navigation, the master shall not abandon the ship unless has consulted with other key seafarers. Nevertheless, the master has the right to make final decision.

When the ship shall to be abandoned, the master shall endeavor to rescue the passengers, seamen, ship documents, mails, moneys and precious articles.

The master, if violates the regulations stipulated in Paragraphs 1 and 2, shall be responsible for the measures adopted by him/her.

Article 74

After a collision, the master of each of the ships in collision is bound, so far as he can do so without serious danger to his ship and persons on board, to render assistance to shipmaster, seafarer and passengers on board the other ship.

The master of each of the ships shall, except there is a force majeure circumstance, stand by at the site of the disaster until it is obvious that the assistance to the ship continually would be useless.

The masters of each of the ships in collision is likewise bound so far as possible to make known to the other ship the name of his ship, its port of registry, and the places where she had departed from and is bound for.

Article 75

Every master is bound, so far as he can do so without serious danger to his ship, crews and passengers thereon, to render assistance to any persons in danger of being lost at sea or in distress.

Chapter 6-1 Masters and Assistants of Yachts and Power-driven Small Ships

Article 75-1

The yacht master or the power-driven small ship master shall be at the age of 18 or above, with no maximum age restriction, except for otherwise provided in the Act.

The business-use power-driven small ship master shall not exceed 65 years of age. However, in case the master satisfies physical examination standards and has never been punished for violation of navigation safety for the latest year, the maximum age restriction may extend to the age of 68.

Assistants shall be at the age of 16 or above, with no maximum age restriction. However, in case the business-use power-driven small

應立即採取防止危險之緊急措施，並應以優先方法報告航政機關，以便施救。

船舶因海難或其他意外事故致擱淺、沈沒或故障時，船長除應依前項規定處理外，並應防止油污排洩，避免海岸及水域遭受油污損害。

第 73 條

船舶有急迫危險時，船長應盡力採取必要之措施，救助人命、船舶及貨載。

船長在航行中不論遇何危險，非經諮詢各重要海員之意見，不得放棄船舶。但船長有最後決定權。

放棄船舶時，船長應盡力將旅客、海員、船舶文書、郵件、金錢及貴重物救出。

船長違反第一項、第二項規定者，就自己所採措施負其責任。

第 74 條

船舶碰撞後，各碰撞船舶之船長於不甚危害其船舶、海員或旅客之範圍內，對於其他船舶、船員及旅客應盡力救助。

各該船長除有不可抗力之情形外，在未確知繼續救助為無益前，應停留於發生災難之處所。

各該船長應於可能範圍內，將其船名、船籍港、開來及開往之港口通知他船舶。

第 75 條

船長於不甚危害船舶、海員、旅客之範圍內，對於淹沒或其他危難之人，應盡力救助。

第六章之一 遊艇與動力小船之駕駛及助手

第 75-1 條

遊艇及動力小船駕駛須年滿十八歲，其最高年齡，除本法另有規定者外，不受限制。

營業用動力小船駕駛之最高年齡不得超過六十五歲。但合於體格檢查標準且於最近一年內未有違反航行安全而受處分紀錄者，得延長至年滿六十八歲止。

助手須年滿十六歲，最高年齡不受限制。但營業用動力小船駕駛之年齡超

ship master exceeds 65 years of age, the master's assistant shall not exceed 65 years of age.

Article 75-2

The yacht masters and power-driven small ships masters shall pass physical examination, and hold a master's license as stipulated before he/she is allowed to skipper.

Anyone who has been convicted under final and unappealable judgment of a violence under the Act Governing the Control and Prohibition of Gun, Cannon, Ammunition, and Knife, the Punishment of Smuggling Act or the Drug Prevention and Control Act, and sentenced to 6-month imprisonment or above shall not be a yachtmaster and power-driven small ships master.

Article 75-3

Yachts and power-driven small ships may sail only when they are manned with qualified masters and assistants. Provided that no assistant is needed in a ship with a gross tonnage below five or ship with a gross tonnage is five or above but with a passenger quota under 12.

Article 75-4

Any person desiring to engage in establishing a yacht master or power-driven master training organization, shall, by enclosing business plan, apply to the shipping administration authority for passing the joint review and then submitting to the competent authority for approving the establishment of the organization.

The training organization shall complete the establishment within six months from the date the permission was given, and report to the shipping administration authority for transferring the same to the competent authority for permission of operation. Then the organization may start recruiting students therefrom.

If the training organization fails to complete establishment within six month after being given permission of establishment due to reasons not attributable to the organization, it may apply to the shipping administration authority one month before the deadline for transferring the same to the competent authority for permission of one extension with a maximum period of six months. The permission shall be revoked in case the establishment is not completed within the extended period.

The organizations permitted by the competent authority to offer training for power-driven small ship masters before the enactment of the amendment on 11 January 2011 may continue to offer various training for power-driven small ship masters.

Article 75-5

The shipping administration authority may from time to time dispatch a delegation to examine the personnel, training and equipment of the training organizations for yacht masters or power-driven small ship masters, and supervise their operation, as well as conduct annual assessment based on the annual plan and other related information submitted. The training organization shall not evade, impede or avoid such requests.

The content of assessment as mentioned in the preceding paragraph shall include administration and management, instructors'

過六十五歲者，其助手年齡不得超過六十五歲。

第 75-2 條

遊艇及動力小船駕駛應經體格檢查合格，並依規定領有駕駛執照，始得駕駛。

違反槍砲彈藥刀械管制條例、懲治走私條例或毒品危害防制條例之罪，經判決有期徒刑六個月以上確定者，不得擔任遊艇及動力小船駕駛。

第 75-3 條

遊艇及動力小船應配置合格駕駛及助手，始得航行。但船舶總噸位未滿五或總噸位五以上之乘客定額未滿十二人者，得不設助手。

第 75-4 條

申請辦理遊艇及動力小船駕駛訓練之機構，應擬具營運計畫書，向航政機關申請會勘合格後，報請主管機關許可籌設。

訓練機構應自許可籌設之日起六個月內完成籌設，並報請航政機關核轉主管機關許可營業，始得對外招生。

訓練機構經許可籌設後，因不可歸責於該機構之事由，而未能於六個月內籌設完成時，得於期限屆滿一個月前報請航政機關核轉主管機關准予展延一次，並以六個月為限；逾期廢止其籌設許可。

本法中華民國一百年一月十一日修正之條文施行前經主管機關許可辦理動力小船駕駛訓練之機構，得繼續辦理各項動力小船駕駛訓練。

第 75-5 條

航政機關得派員檢查遊艇或動力小船駕駛訓練機構之各項人員、訓練、設備及督導其業務，並依據其提報之年度計畫等相關資料，辦理年度評鑑；訓練機構不得規避、妨礙或拒絕。

前項年度評鑑內容，應包括行政管理、師資、訓練用船艇、教室、訓練

qualification, ships for training purpose, classrooms, training venues, teaching materials, teaching tools, fees, class condition of academic and technical subjects, research and development, etc.

For the training organizations who fail the annual assessment, the shipping administration authority shall order the organizations to make necessary rectification within a given time limit and to then effect the re-assessment. The organization concerned shall not recruit or train students before it passes the re-assessment.

Article 75-6

Regulations on the qualifications of the yacht masters and power-driven small ship masters, their standard for physical examination, training, testing, issuance of master's license, imposition of licensing fee, safety quota, assistants' standard for physical examination, safety quota, and the establishment of an master training organization, application/annulment of permission, offering of classes, admission procedures, qualifications of the students under training, training programs, training facilities, instructors' qualifications, imposition of training fee, refund of fees, annual assessment, training management and other matters shall be set down by the competent authority.

Article 75-7

Articles 69, 70 and 71 to 75 shall apply mutatis mutandis to yachts and power-driven small ships.

Chapter 7 Penalties

Article 76

Any master who commits the provisions of Paragraph 3 of Article 73, shall be subject to an imprisonment under seven years; and subject to imprisonment from 3 to 10 years for causing death to another.

Article 77

The penalties for violating this Act against the seafarer are as follows:

1. Warning
2. Demerit
3. Degrading: degraded by one grade lower than the current one for three months or more up to one year of actual service time.
4. Calling back the seafarer service book: three months to five years.

For the penalties provided by the preceding paragraph, issuing of three warnings are equal to one demerit, and issuing of three demerits within a period of two years, the seafarer service book shall be called back for three months.

When the penalty of calling back of the seafarer service book is punished, the competent certificate, if any, shall also be called back.

The period of calling back the seafarer service book is computed from the date when the seafarer submits that book.

Article 78

場地、教材、教具、收費情形、學術科上課情形及研究發展等事項。

訓練機構經年度評鑑不合格者，航政機關應命其限期改善後，辦理複評，複評未通過前，不得招生或訓練。

第 75-6 條

遊艇與動力小船駕駛之資格、體格檢查基準、訓練、測驗、駕駛執照之核發、證照費收取、安全配額，助手之體格檢查基準、安全配額，及駕駛訓練機構之籌設、許可之申請、廢止、開班、招生程序、訓練學員之資格、訓練課程、訓練設施、教師資格、訓練費用收取、退費、年度評鑑、訓練管理業務及其他相關事項之規則，由主管機關定之。

第 75-7 條

第六十九條、第七十條及第七十一條至第七十五條規定，於遊艇及動力小船駕駛，準用之。

第七章罰則

第 76 條

船長違反第七十三條第三項規定者，處七年以下有期徒刑。因而致人於死者，處三年以上十年以下有期徒刑。

第 77 條

船員違反本法規定之處罰如下：

- 一、警告。
- 二、記點。
- 三、降級：按其現任職級降低一級僱用，並須實際服務三個月至一年。
- 四、收回船員服務手冊：三個月至五年。

前項處罰，處警告三次相當記點一次；二年期間內記點三次者，收回船員服務手冊三個月。

受收回船員服務手冊之處分時，其有適任證書者，並應收回其適任證書。收回船員服務手冊期間，自船員繳交手冊之日起算。

第 78 條

Any master who commits the provisions of Articles 60 to 65, Paragraph 1 of Article 66, or Article 71, shall be subject to warning or demerit.

Article 79

Any seafarer shall be subject to warning or demerit if any of the following conditions occur:

1. It violated the regulations stipulated in Paragraph 1 of Article 8, or Article 18.
2. It violated the regulations stipulated in Article 25-2 concerning the duties of on-board service, things to be observed during navigation and regulations for management, in a mild offense.
3. It violated the regulations stipulated in Paragraph 1 of Article 69, by using the ship for smuggling of goods, in a mild offense.
4. It violated the regulations stipulated in Article 70, in a mild offense.
5. Failure to report or disclose the smuggled or untaxed cargoes found on the ship.

Article 80

Any seafarer shall be subject to degrading or withdrawal of seafarer service book for three months or more up to five years if any of the following conditions occur:

1. It violated the regulations stipulated in Article 25-2 concerning the duties of on-board service, things to be observed during navigation and regulations for management, in a serious offense.
2. It violated the regulations stipulated in Paragraph 1 of Article 69, by using the ship for smuggling of goods, in a serious offense.
3. It violated the regulations stipulated in Article 70, in a serious offense.
4. It violated the regulations stipulated in Article 72, Paragraphs 1 and 2 of Article 73, Article 74 or Article 75.
5. Disturbing the order on ship and thus affecting navigation safety.
6. Undertaking duty by using an assumed name.
7. It violated the laws and regulations provided by the government, relating to navigation restrictions.
8. Intentionally destroyed the ship, damaged or stole the ship's equipment, accessories, and cargoes or caused the ship to sink.
9. Any behavior that would cause danger to national security.
10. Smuggling of the guns, ammunition and drugs or assisting the stowaways.

Article 81

The employer who fails to pay the severance pays in accordance with Paragraph 3 of Article 19 or Article 39 shall be punished a penalty of no more than ninety thousand New Taiwan Dollars (NT\$90,000).

Article 82

The employer who violates Articles 28, 29, 31(1) or 31(2) shall be punished with imprisonment not exceeding six months, or detention in lieu thereof, or in addition thereto, a penalty not exceeding sixty thousand New Taiwan Dollars (NT\$60,000).

Article 83

船長違反第六十條至第六十五條、第六十六條第一項或第七十一條規定者，處警告或記點。

第 79 條

船員有下列情事之一者，處警告或記點：

- 一、違反第八條第一項或第十八條規定。
- 二、違反依第二十五條之二所定規則中有關上船服務應負職責、航行應遵守事項及管理之規定，情節較輕。
- 三、違反第六十九條第一項規定，利用船舶私運貨物，情節較輕。
- 四、違反第七十條規定，情節較輕。
- 五、發現船上有走私或未依規定完稅之貨物而不報告或舉發。

第 80 條

船員有下列情事之一者，處降級、收回船員服務手冊三個月至五年：

- 一、違反第二十五條之二所定規則中有關上船服務應負職責、航行應遵守事項及管理之規定，情節較重。
- 二、違反第六十九條第一項規定，利用船舶私運貨物，情節較重。
- 三、違反第七十條規定，情節較重。
- 四、違反第七十二條、第七十三條第一項、第二項、第七十四條或第七十五條規定。
- 五、擾亂船上秩序影響航行安全。
- 六、冒名頂替執行職務。
- 七、違反政府有關航行限制之法規。
- 八、故意破壞船舶、損毀或竊取船舶設備、屬具、貨物或使船舶沈沒。
- 九、有危及國家安全之行為。
- 十、私運槍械、彈藥、毒品或協助偷渡人口。

第 81 條

雇用人未依第十九條第三項或第三十九條規定發給資遣費者，處新臺幣九萬元以下罰金。

第 82 條

雇用人違反第二十八條、第二十九條、第三十一條第一項或第二項規定者，處六月以下有期徒刑、拘役或科或併科新臺幣六萬元以下罰金。

第 83 條

(Deleted)

Article 84

Any employer shall be subject to a fine from sixty thousand New Taiwan Dollars (NT\$60,000) to three hundred thousand New Taiwan Dollars (NT\$ 300,000), and the ship concerned may also be subject to a 30-day maximum suspension of sailing if any of the following conditions occur:

1. It violated the regulations stipulated in Paragraph 3 of Article 8, Paragraph 2 of Article 9, Article 12, Article 14, Paragraph 1 of Article 15, Paragraph 1 of Article 17, Paragraphs 1 to 4 of Article 22, Paragraph 2 of Article 26, Article 32, Article 33, the proviso of Article 34, Article 37, Article 38, Paragraph 1 or 2 of Article 40, Article 41 to Article 45, Paragraph 3 of Article 50 or Paragraph 1 of Article 70-1.
2. It violated the things mentioned in Subparagraph 2, 4, 5 or 7 of Article 21.
3. It violated the minimum standard specified in Paragraph 1 of Article 27.
4. Employing persons who are not eligible for practicing as a seafarer or unqualified seafarers to undertake duties on a ship without permission.
5. Covering, instigating or taking any other injustice means causing a seafarer to engage in smuggling of persons.

The employer who is permitted to hire foreign national seafarers but commits one of the things provided by the preceding paragraph, in a serious offense, shall also be subject to revoking of their permission to hire foreign national seafarers.

Article 84-1

When the employer hiring any foreign national seafarers violates the regulations stipulated in Article 25-1 concerning the duties, employment, revocation and cancellation of permission, or employment management, their eligibility to apply for hiring foreign national seafarers shall be suspended for three months or more up to five years, depending on severity of the offense.

For the penalties provided by the preceding paragraph, when the employer hiring any foreign national trainees violates the trainee ratio stipulated in Article 25-2, shall be applied.

Article 84-2

Any training organizations for yacht or power-driven small ship masters shall be ordered to make improvement within the specified time limit, and may have to suspend all or part of the classes if any of the following conditions occur:

1. Evading, impeding or avoiding the inspection stipulated in Paragraph 1 of Article 75-5, or any deficiencies are found in the inspection.
2. It violated the regulations stipulated in Article 75-6 concerning the offering of classes, admission procedures, imposition of training fees, refund of fees or training management.

For those which are ordered to make improvement within the specified time limit subject to the preceding paragraph, but fail to improve within the time limit, or those fail to observe the class

(刪除)

第 84 條

雇用人有下列情事之一者，處新臺幣六萬元以上三十萬元以下罰鍰，並得處有關船舶三十日以下之停航：

- 一、違反第八條第三項、第九條第二項、第十二條、第十四條、第十五條第一項、第十七條第一項、第二十二條第一項至第四項、第二十六條第二項、第三十二條、第三十三條、第三十四條但書、第三十七條、第三十八條、第四十條第一項或第二項、第四十一條至第四十五條、第五十條第三項或第七十條之一第一項規定。
- 二、有第二十一條第二款、第四款、第五款或第七款情事。
- 三、違反依第二十七條第一項所定最低標準。
- 四、擅自僱用不合格船員或不具船員資格人員執行職務。
- 五、包庇、唆使或以其他非正當方法使船員偷渡人口。

經許可僱用外國籍船員之雇用人有前項各款情事之一，情節重大者，廢止其僱用外國籍船員之許可。

第 84-1 條

雇用人僱用外國籍船員時，違反第二十五條之一所定規則中有關職責、僱用、許可之廢止或僱傭管理、受僱人數比率之規定者，依其情節輕重，停止申請僱用外國籍船員三個月至五年。

前項處分，於雇用人僱用外國籍實習生，違反第二十五條之二所定實習人數比率者，亦適用之。

第 84-2 條

遊艇或動力小船駕駛訓練機構有下列情形之一者，應命其限期改善，並得停止開班之全部或一部：

- 一、規避、妨礙或拒絕依第七十五條之五第一項所為之檢查或經檢查結果發現有缺失。
- 二、違反依第七十五條之六所定規則中有關開班、招生程序、訓練費用收取、退費或訓練管理業務之規定。

經依前項規定限期改善，屆期未改善，或未遵守前項停止開班之處分者，廢止其許可。

suspension penalty subject to the preceding paragraph, their permission shall be revoked.
The maximum period of suspension of the classes stipulated in paragraph 1 of this article is six months.

Article 84-3

Yacht or power-driven small ship masters shall be subject to warning or demerit if any of the following conditions occur:

1. It violated the regulations stipulated in Article 75-7 apply mutatis mutandis to Paragraph 1 of Article 69, using the yacht or power-driven small ship for smuggling of goods.
2. It violated the regulations stipulated in Article 75-7 apply mutatis mutandis to Article 70 or 71.
3. Skippering without permission upon expiry of his/her master's license and without renewing the license.

For the penalties provided by the preceding paragraph, issuing of three warnings are equal to one demerit, and issuing of three demerits within a period of two years, the master's license shall be called back for three months.

Article 84-4

Yacht or power-driven small ship masters shall be subject to calling back of the master's license if any of the following conditions occur:

1. It violated the regulations stipulated in Article 75-7, apply mutatis mutandis to Article 72, Paragraph 1 or 2 of Article 73, Article 74 or 75, causing death of other persons or affecting navigation safety.

2. Disturbing the order on ship and thus affecting navigation safety.
3. Smuggling of the guns, ammunition and drugs or assisting the stowaways

The period of calling back the master's license as mentioned in the preceding paragraph is three months or more up to five years from the date when the license is submitted.

Article 84-5

Any yacht and power-driven small ship masters are subject to a fine of six thousand New Taiwan Dollars (NT\$6,000) or more up to thirty thousand New Taiwan Dollars (NT\$30,000), and shall be stopped from skippering on the spot if any of the following conditions occur:

1. It violated the regulations stipulated in Article 75-2, skippering a yacht or power-driven small ship without passing the physical examination and obtaining a master's license.
2. Teaching others to skipper a yacht or power-driven small ship without obtaining a master's license.
3. Operating a yacht or power-driven small ship against other licensing conditions of the master's license.

Article 84-6

Those who holding a learner's license for skippering a yacht or power-driven small ship, if not being guided and monitored by a licensed master of a yacht or business-use power-driven small ship when learning to skipper, shall be fined six thousand New Taiwan Dollars (NT\$6,000) or more up to thirty thousand New Taiwan Dollars (NT\$30,000), and be stopped from skippering on the spot.

第一項所定停止開班期間，以六個月為限。

第 84-3 條

遊艇或動力小船駕駛有下列情形之一者，處警告或記點：

- 一、違反第七十五條之七準用第六十九條第一項規定，利用遊艇或動力小船私運貨物。
- 二、違反第七十五條之七準用第七十條或第七十一條規定。
- 三、駕駛執照期限屆滿，未換發駕駛執照，擅自開航。

前項處分，處警告三次相當記點一次；二年期間內記點三次者，收回其駕駛執照三個月。

第 84-4 條

遊艇或動力小船駕駛有下列情形之一者，收回其駕駛執照：

- 一、違反第七十五條之七準用第七十二條、第七十三條第一項或第二項、第七十四條或第七十五條規定，致造成人員傷亡或影響航行安全。
- 二、擾亂船上秩序影響航行安全。
- 三、私運槍械、彈藥、毒品或協助偷渡人口。

前項收回駕駛執照期間，自繳交執行之日起算三個月至五年。

第 84-5 條

遊艇或動力小船駕駛有下列情形之一者，處新臺幣六千元以上三萬元以下罰鍰，並當場禁止其駕駛：

- 一、違反第七十五條之二規定，未經體格檢查合格，並領有駕駛執照，而駕駛遊艇或動力小船。
- 二、未領有駕駛執照，教導他人學習駕駛遊艇或動力小船。
- 三、其他未依駕駛執照之持照條件規定駕駛遊艇或動力小船。

第 84-6 條

領有學習駕駛遊艇或動力小船執照，於學習駕駛時，未經持有遊艇或營業用動力小船駕駛執照之駕駛在旁指導監護者，處新臺幣六千元以上三萬元以下罰鍰，並當場禁止其駕駛。

Article 84-7

Owners of a yacht or power-driven small ship who violated the regulations stipulated in Article 75-3 and set sail without permission shall be fined eight thousand New Taiwan Dollars (NT\$8,000) or more up to forty thousand New Taiwan Dollars (NT\$40,000), and shall be ordered to make immediate improvement. For those who fail to improve, the ship concerned shall be subject to a 30-day maximum suspension of sailing. Three violations within one year will result in the ship concerned being suspended of sailing for six months or below.

Owners of a yacht or power-driven small ship who cover, instigate or take any other injustice means and cause the master or assistant of the yacht or power-driven small ship to engage in smuggling of persons, shall be fined thirty thousand New Taiwan Dollars (NT\$30,000) or more up to one hundred and fifty thousand New Taiwan Dollars (NT\$150,000), and the ship concerned is subject to a 30-day maximum suspension of sailing. Three violations within one year will result in the ship concerned being suspended for sailing for six months or below.

Article 84-8

If a seafarer professional training organization evades, impedes or avoids the supervision conducted by the shipping administration authority under Paragraph 2 of Article 10-1 or if the examination result reveals any defect, the organization shall be requested to make necessary rectification in a given period of time and cease all or any of the training programs to be launched.

If the organization requested to make necessary rectification in the given period of time in accordance with the preceding paragraph fails to do so or does not cease the training programs as requested, the training business of the organization shall be suspended for one year.

The period provided in the first paragraph for the cease of training programs shall be limited to six months.

Article 85

Any foreign vessel carrier who violates Article 25, shall be subject to a fine from sixty thousand New Taiwan Dollars (NT\$60,000) up to three hundred thousand New Taiwan Dollars (NT\$300,000); and it may also be prohibited to enter or depart from the R.O.C. ports for a certain period. The R.O.C. seafarers employed by them, in the absence of approval, shall be forced to leave the ship.

Article 86

(Deleted)

Chapter 8 Supplementary Rules

Article 87

Assignment of seafarers on board a ship to a war zone shall be agreed upon by the seafarers in a written agreement. The danger allowance, insurance, and the disability and death compensations for such seafarers shall be negotiated by the relevant organizations of

第 84-7 條

遊艇或動力小船所有人違反第七十五條之三規定擅自開航者，處新臺幣八千元以上四萬元以下罰鍰，並命其立即改善；未改善者，處違法船舶三十日以下之停航；一年內違反三次者，處違法船舶六個月以下之停航。

遊艇或動力小船所有人有包庇、唆使或以其他非正當方法使遊艇、動力小船駕駛或助手偷渡人口者，處新臺幣三萬元以上十五萬元以下罰鍰，並處違法船舶三十日以下之停航；一年內違反三次者，處違法船舶六個月以下之停航。

第 84-8 條

船員訓練專業機構有規避、妨礙或拒絕航政機關依第十條之一第二項所為之督導或經檢查結果發現有缺失者，應令其限期改善，並得停止開班之全部或一部。

經依前項規定限期改善，屆期未改善，或未遵行前項停止開班之處分者，停止其辦理訓練一年。

第一項所定停止開班期間，以六個月為限。

第 85 條

外國船舶運送業違反第二十五條規定者，處新臺幣六萬元以上三十萬元以下罰鍰，並得定期禁止在中華民國各港口入出港；其已僱用未經核准上船工作之中華民國船員應強制下船。

第 86 條

(刪除)

第八章附則

第 87 條

船員隨船前往戰區，應依船員之意願，並簽同意書；其危險津貼、保險、傷害、失能及死亡給付，由勞雇有關組織協議，報經航政機關核定後

employees and employers, and reported to the shipping administration authority for approval before coming into effect.

Assignment of seafarers on board a ship to the high-risk sea areas threatened by pirates or illegal force, if the employer wouldn't hire private armed security personnel in accordance with Shipping Act, the seafarers should be notified and respect their willings.

Article 88

(Deleted)

Article 89

For matters not provided herein which involving in international transactions, the competent authority may adopt and implement the rules, regulations, guidelines, standards, recommendations and programs set forth under the relevant international conventions or agreements and their protocols thereof.

Article 90

The administrative punishments prescribed in the Act are implemented by the shipping administration authority.

Article 91

The competent authority or the shipping administration authority is entitled to collect reviewing fees, and certificate and license fees while reviewing the application for a permit, or issuance of certificate or license. The schedule of fees shall be prescribed by the competent authority.

Article 92

The by-laws of this Act shall be established by the competent authority.

Article 93

This Act will take effect from the date of promulgation.
This Act as amended on June 12,2009 will take effect on November 23,2009.

實施。

船員隨船前往受海盜或非法武力威脅高風險海域，倘雇用人未依航業法規
定僱用私人武裝保全人員，應告知船員並依其意願。

第 88 條

(刪除)

第 89 條

本法未規定事項，涉及國際事務者，主管機關得參照有關國際公約或協定及其附約所訂規則、辦法、標準、建議或程式，採用發布施行。

第 90 條

本法所定之行政處罰，由航政機關為之。

第 91 條

主管機關或航政機關依本法受理申請許可、核發證照，應收取審查費、證照費；其收費標準，由主管機關定之。

第 92 條

本法施行細則，由主管機關定之。

第 93 條

本法自公布日施行。
本法中華民國九十八年六月十二日修正之條文，自九十八年十一月二十三日施行。