



**Circular N<sup>o</sup> CH 43-9**

**To: All Shipowners of Swiss Flagged Vessels, Masters, Shipboard Safety Committee, Recognised Organisations and Approved Inspectors**

**Sub.: Disciplinary Power of the Master**

**Ref. Federal Law on Navigation under the Swiss Flag (Navigation Act)**

**PURPOSE:**

Information regarding the exercise of disciplinary power on board Swiss seagoing vessels - breach of discipline and punishments

1. According to art. 54, par. 1 of the Federal Law on Navigation under the Swiss Flag dated 23 September 1953 (hereafter Navigation Act, NA), the **master** is responsible for the discipline on board Swiss seagoing vessels and he exerts **disciplinary authority**.
2. Consequently, the breach of discipline mentioned in art. 155 NA has to be reprimanded by the master himself (see art. 157 NA), i.e. the Master or his substitute may pronounce all disciplinary penalties - including fines - foreseen in art. 156 NA.
3. Nevertheless, caution is imperative in pronouncing disciplinary penalties. In case of doubt about the author of the infringement, the master has to take the necessary steps to clarify the facts. The penalties and fines will be measured in proportion to the gravity of the fault committed. Furthermore, the general behaviour of the accused, as well as the fact that it is either a first infringement or not, (see art. 155, par. 3 NA) will be taken into account.
4. Finally, the provisions of art. 158 to 161 NA shall be referred to, especially regarding the payment of the fines to the Swiss Maritime Navigation Office, the recording of every disciplinary measure decided in the log book and the right of appeal given to the seafarer.

Swiss Maritime Navigation Office SMNO

p.p.

  
Lukas Roth

