MERCHANT SHIPPING (MARITIME LABOUR CONVENTION) REGULATIONS 2013

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Statutory Document No. 0234/2013

Merchant Shipping Act 1985

MERCHANT SHIPPING (MARITIME LABOUR CONVENTION) REGULATIONS 2013

Approved by Tynwald:	*9 July 2013*
Coming into Operation:	*20 August 2013*

The Department of Economic Development makes the following Regulations under section 2B of the Merchant Shipping Act 1985.

PART 1 - INTRODUCTORY

1 Title

These Regulations are the Merchant Shipping (Maritime Labour Convention) Regulations 2013.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 20 August 2013.

3 Application

(1) Unless provided otherwise these Regulations apply to all seafarers and all Manx ships wherever they may be, from the dates prescribed in relation to those vessels in regulation 189 (Part 26 - Transitional provisions and consequential amendments).

(2) Part 24 (Inspections in port) and Part 25 (Onshore seafarer complaint handling procedures) apply to a foreign ship calling in the normal course of its business or for operational reasons to a port in the Island from the date which falls 12 months after the date the Maritime Labour Convention is extended to the Island.

(3) These Regulations do not apply to –

(a) pleasure vessels;

(b) ships engaged in fishing or similar pursuits;

(c) ships of traditional build such as dhows and junks;

(d) warships or naval auxiliaries; or

(e) Manx ships which navigate exclusively within 60 nautical miles of the Island's coast.

(4) If there is any doubt whether Part or all of these Regulations apply to a ship or a particular category of ship, the question must be determined by the Department after consultation with shipowners' and seafarers' organisations.

(5) If there is any doubt whether any category of person is regarded as a seafarer for the purpose of any Part or all of these Regulations, the question must be determined by the Department after consultation with shipowners' and seafarers' organisations taking into account Resolution GB.295/4 of the International Labour Office Governing Body at its 295th Session in Geneva, March 2006 and any other information the Department considers relevant.

(6) Any determinations made under paragraphs (4) or (5) must be communicated by the Department to the Director General of the International Labour Office.

(7) Part 3 (Recruitment and placement for providers) applies to any private seafarer recruitment and placement service operating on the Island whose primary purpose is the recruitment and placement of seafarers or that recruit and place a significant number of seafarers from the date which falls 12 months after the date the Maritime Labour Convention is extended to the Island.

(8) If there is any doubt whether Part 3 (Recruitment and placement for providers) applies to a private seafarer recruitment and placement service operating on the Island, the question must be determined by the Department after consultation with shipowners' and seafarers' organisations.

4 Interpretation

In these Regulations —

"**anniversary date**" means the day and month of each year that corresponds to the date of expiry of the certificate or declaration of maritime labour compliance;

"**authorised officer**" means a person appointed as an inspector in accordance with section 3 of the Merchant Shipping Act 1985;

"**annual leave**" means the paid annual leave to which a seafarer is entitled in accordance with regulation 39(4)(a) of Part 7 (Entitlement to leave);

"**basic pay**" means the pay, however composed, for normal hours of work; it does not include payments for overtime worked, bonuses, allowances, paid leave or any other additional remuneration;

"**collective agreement**" means an agreement or arrangement made by or on behalf of one or more trade unions and one or more employers or employers' associations in relation to terms and conditions of employment for seafarers;

"**consolidated wage**" means a wage or salary which includes the basic pay and other pay-related benefits and may include compensation for all overtime hours worked and all other pay-related benefits, or it may include only certain benefits in a partial consolidation;

"**Department**" means the Department of Economic Development[1];

"**established training programme**" means a training programme leading to an STCW qualification;

"**flag State**" means the State whose flag the ship is entitled to fly;

"**foreign ship**" means any ship that is not a Manx ship;

"**hours of rest**" means time outside hours of work and does not include short breaks of one hour or less or a break for a meal;

"**hours of work**" means time during which a seafarer is required to do work on account of the ship;

"**ILO**" means the International Labour Organization;

"**inspector**" means a person appointed as an inspector under section 3 of the Merchant Shipping Act 1985 or a surveyor of an RO authorised by the Department to conduct inspections for compliance with the requirements of these Regulations;

"**international voyage**" means a voyage from a country to a port outside that country;

"**ISM**" means the International Safety Management Code for the Safe Operation of Ships and for Pollution Prevention as adopted by the International Maritime Organisation by resolution A.741 (18) of 4 November 1993, as from time to time amended;

"**large commercial yacht**" means a yacht of 24 metres and over in load line length which is in commercial use for sport or pleasure and does not carry cargo or more than 12 passengers;

"**leave**" means annual leave plus public holiday leave;

[1] Functions transferred from the Department of Economic Development to the Department for Enterprise by the Transfer of Functions (Economic Development and Education) Order 2017 (SD2017/0325)) with effect from 24 November 2017

"**Manx ship**" has the meaning given by section 1 of the Merchant Shipping Registration Act 1991 and includes ships registered under Part IV of that Act (the Demise Charter Register);

"**Maritime Labour Convention**" or **"MLC"** means the Convention adopted on the 23rd February 2006 by the General Conference of the International Labour Organization, ***as amended by the 103rd session of the International Labour Conference on 11 June 2014, which enters in to force on 18 January 2017;***

"**MLN**" means a Maritime Labour Notice issued by the Department;

"**noise**" means any audible sound;

"**overtime**" means time worked in excess of the normal hours of work;

"**pleasure vessel**" has the meaning given by regulation 6 of the Merchant Shipping (Pleasure Vessel) Regulations 2003[2];

"**private seafarer recruitment and placement service**" means any person, company, institution, agency or other organisation, in the private sector that is engaged in recruiting seafarers on behalf of a shipowner or placing seafarers with a shipowner;

"**public holiday leave**" means the paid leave to which a seafarer is entitled in accordance with regulation 39(4)(b) of Part 7 (Entitlement to leave);

"**RO**" means any recognised organisation specified in Manx Shipping Notice 020 which is authorised by the Department to undertake the specified function;

"**seafarer**" means any person who is employed or engaged or works in any capacity on-board a ship to which these Regulations apply;

"**shipowner**" means the owner of the ship or another organisation or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming that responsibility, has agreed to take over the duties and responsibilities imposed on the shipowner in accordance with the Maritime Labour Convention, regardless of whether any other organisation or person fulfils certain of the duties or responsibilities on behalf of the shipowner;

"**shipowners' and seafarers' organisations**" means the United Kingdom Chamber of Shipping, Nautilus International and the National Union of Rail, Maritime and Transport Workers (RMT);

"STCW" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as from time to time amended;

[2] SD396/03

"**substantial alteration**" or "**substantially altered**" means any alteration that is not like for like; and

"**young seafarer**" means a seafarer under the age of 18.

5 Shipowner's responsibility

(1) A shipowner must ensure ships are constructed, equipped and operated in accordance with the requirements of these Regulations and secure that each seafarer enjoys all the rights conferred by these Regulations.

This does not apply to Part 3 (Recruitment and placement for providers).

(2) Paragraph (1) applies whether or not these Regulations impose an obligation on another person.

(3) A shipowner who fails to comply with paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding ***£10,000***[3] or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

6 Requirement to carry a copy of the Maritime Labour Convention

A ship must have a copy of the Maritime Labour Convention available on-board.

PART 2 - MINIMUM REQUIREMENTS FOR SEAFARERS TO WORK ON A SHIP (MLC TITLE 1.1, 1.2, 1.3 AND PART OF 1.4)

7 Minimum age

(1) No person may employ, or engage a person under the age of 16 to work in any capacity on-board a ship.

(2) No person may employ, or engage a seafarer under the age of 18 to work on-board a ship if the work is likely to jeopardise his or her health or safety.

(3) For the purposes of this regulation, the activities or work likely to jeopardize the health and safety of a seafarer under the age of 18 are those set out in regulation 115 (prohibited tasks for young seafarers).

[3] Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

8 Medical certificates

(1) A shipowner must ensure that prior to beginning work on a ship, a seafarer holds a valid medical certificate attesting he or she is medically fit to perform the duties to be carried out at sea.

(2) For the purpose of paragraph (1), a valid medical certificate is a certificate issued to a seafarer by a qualified medical practitioner in accordance with the requirements of —

(a) MLC;

(b) STCW;

(c) ILO 73; or

(d) in the case of a seafarer not covered by STCW, a medical certificate meeting the substance of STCW requirements.

(3) For a seafarer serving on a ship servicing the oil and gas industry on the United Kingdom continental shelf a valid United Kingdom oil and gas medical certificate also meets the requirements of paragraph (1).

(4) Unless a shorter period is required by reason of the specific duties to be performed by the seafarer concerned or is required under STCW —

(a) a medical certificate is valid for a maximum period of 2 years unless the seafarer is under the age of 18, in which case the maximum period of validity is one year; and

(b) a certificate of colour vision is valid for a maximum period of 6 years.

(5) If the period of validity of a certificate expires in the course of a voyage, the certificate is to be treated as continuing in force until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that the period must not exceed 3 months.

(6) In urgent cases, the Department or RO may permit a seafarer to join a ship and work without a valid medical certificate until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided —

(a) the period of permission does not exceed 3 months; and

(b) the seafarer concerned is in possession of a medical certificate which expired not earlier than 30 days before the seafarer joins the ship.

(7) A medical certificate for a seafarer working on a ship must be provided in English.

(8) In this regulation —

"**qualified medical practitioner**" means a practitioner who is recognised by the competent authority of a country which has ratified ILO 73, MLC or

STCW as qualified to issue medical certificates in accordance with ILO 73, MLC or STCW respectively or, in the case of a certificate solely concerning eyesight, by a person recognised by the above competent authorities as qualified to issue such certificates; and

"**ILO 73**" means the Medical Examination (Seafarers) Convention 1946, adopted by the General Conference of the International Labour Organization at its 28th ILC session on 6 June 1946, which entered into force on 17 August 1955 and was revised by the Maritime Labour Convention.

9 Training and qualifications

(1) A seafarer must be trained or certified as competent or otherwise qualified to perform his or her duties.

(2) A seafarer must not work on a ship unless he or she has successfully completed training for personal safety on-board ship.

(3) Training and certification in accordance with the requirements of the Merchant Shipping (Manning and Training) Regulations 1996[4], ***the Merchant Shipping (Manning and STCW) Regulations 2014***[5] and the Merchant Shipping (ISM Code) Regulations 1998[6] meets the requirements of paragraphs (1) and (2).

(4) For a seafarer working on a large commercial yacht, training and certification in accordance with the requirements of the Large Commercial Yacht Code meets the requirements of paragraphs (1) and (2).

(5) In this regulation "**Large Commercial Yacht Code**" means any of the codes of practice for large commercial yachts published by the UK's Maritime and Coastguard Agency which are applied to the Island by statutory provision and includes any Isle of Man national annexes.

10 Seafarer recruitment and placement services

(1) A shipowner who makes use of a seafarer recruitment and placement service based in a country that has not ratified the Maritime Labour Convention must provide information to the Department or RO regarding the regulation of the service to ensure that it is operated in conformity with the standards required by Part 3 (Recruitment and placement for providers).

(2) In this regulation "**seafarer recruitment and placement service**" means any person, company, institution, agency or other organisation, in the public or the private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners.

[4] SD 723/96
[5] SD 2014/0238
[6] SD 421/98

PART 3 - RECRUITMENT AND PLACEMENT FOR PROVIDERS (PART OF MLC TITLE 1.4)

11 Private seafarer recruitment and placement services

(1) A provider must operate in accordance with the requirements of this Part.

(2) A provider must —

(a) maintain an up-to-date register of all seafarers recruited or placed through it, to be available for inspection by an inspector;

(b) ensure each seafarer is informed of his or her rights and duties under the employment agreement prior to or in the process of engagement and that proper arrangements are made for the seafarer to examine the employment agreements before and after it is signed and for the seafarer to receive a copy of the agreement;

(c) ensure the seafarer is advised of any particular conditions applicable to the job for which he or she is to be engaged and of the particular shipowner's policies relating to his or her employment;

(d) verify that a seafarer recruited or placed by the service is qualified and holds the documents necessary for the job concerned and that the seafarer's employment agreement is in accordance with any applicable statutory provisions and any applicable collective agreement that forms part of the employment agreement;

(e) maintain, with due regard to the right to privacy and the need to protect confidentiality, full and complete records of the seafarers covered by the recruitment and placement system, which must include but is not limited to the seafarer's —

(i) qualifications;

(ii) record of employment;

(iii) personal data relevant to employment; and

(iv) medical data relevant to employment;

(f) make sure, as far as practicable, that the shipowner has the means to protect the seafarer from being stranded in a foreign port;

(g) examine and respond to any complaint concerning its activities and advise the Department of any unresolved complaint;

(h) establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that may be incurred as a result of the failure of

the provider or the relevant shipowner under the seafarer's employment agreement to meet its obligations to the seafarer;

(i) maintain up-to-date lists of the ships for which the service provides seafarers;

(j) ensure there is a means by which the service can be contacted in an emergency at all hours;

(k) clearly publicise costs, if any, that the seafarer will be expected to bear in the recruitment or placement process; and

(l) have procedures in place to ensure requests for information or advice by the family of a seafarer while the seafarer is at sea are dealt with promptly, sympathetically and at no cost.

(3) In this Part **"provider"** means a private seafarer recruitment and placement service operating on the Island whose primary purpose is the recruitment and placement of seafarers or that recruit and place a significant number of seafarers.

12 Prohibition on preventing employment

No person may use a blacklist, mechanism or other means intended to prevent or deter a seafarer from gaining employment for which he or she is qualified.

13 Prohibition on charging seafarers

(1) No person may charge a seafarer, directly or indirectly for providing him or her with employment.

This is subject to the following qualification —

(2) A seafarer may be required to pay for the cost of obtaining a medical certificate required by regulation 8, a seafarer's discharge book, passport or similar personal travel documents (other than the cost of visas which must be borne by the shipowner).

14 Certificate of compliance

(1) A provider must maintain a certificate of compliance certifying it has been inspected and found to meet the requirements of this Part.

(2) If the Department or RO has ascertained through inspection that a provider meets or continues to meet the requirements of this Part, it must issue or endorse a certificate of compliance.

(3) A certificate of compliance is valid for the period stated in it, which must not exceed 5 years.

15 Annual inspection

(1) The validity of a certificate of compliance is subject to annual inspection by the Department or RO to verify continuing compliance with the requirements of this Part.

(2) The annual inspection must take place within 3 months either side of the anniversary date of the certificate of compliance.

(3) The certificate of compliance must be endorsed by the Department or RO following satisfactory completion of an annual inspection.

16 Renewal inspection

(1) The validity of the certificate of compliance is subject to renewal inspection by the Department or RO to verify compliance with the requirements of this Part.

(2) The renewal inspection must take place within the period that begins 3 months before the expiry date of the certificate of compliance.

(3) Where the renewal inspection takes place and a certificate of compliance is still valid, the new certificate of compliance is valid for a period not exceeding 5 years from the date of expiry of the existing certificate.

17 Certificate of compliance may be withdrawn

If the Department is satisfied the provider does not comply with the requirements of this Part and any corrective action has not been taken it may withdraw the certificate of compliance.

18 Offences and penalties

A provider, who fails to comply with this Part, commits an offence and is liable on summary conviction to a fine not exceeding ***£10,000***[7] or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

PART 4 - SEAFARERS' EMPLOYMENT AGREEMENTS (MLC TITLE 2.1)

19 Seafarers' employment agreements

(1) A shipowner must ensure a seafarer working on-board a ship has a clear, written legally enforceable agreement, referred to in these Regulations as a seafarer's employment agreement or SEA that must be

[7] Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

signed by both the seafarer and the shipowner or a representative of the shipowner.

This paragraph does not apply to a self-employed seafarer.

(2) A shipowner must ensure a self-employed seafarer has evidence of contractual or similar arrangements providing the seafarer with decent working and living conditions on-board the ship as required by these Regulations.

(3) A shipowner must ensure a seafarer is given an opportunity to examine and seek advice on the terms and conditions in the seafarer's employment agreement before signing, as well as other facilities as are necessary to ensure he or she has freely entered into an agreement with a sufficient understanding of his or her rights and responsibilities and freely accepts them before signing.

(4) A shipowner must ensure that seafarers including the ship's master can easily obtain on-board —

(a) clear information as to the conditions of employment; and

(b) a copy of the seafarer's employment agreement or evidence of contractual or similar arrangements.

(5) The information provided in paragraph (4) must also be made available in English for inspection purposes.

(6) The shipowner and seafarer concerned must each have a signed original of the seafarer's employment agreement and a copy of the signed original for each seafarer must be made available on-board for inspection purposes.

(7) To the extent the provisions of a collective agreement are compatible with these Regulations, a seafarer's employment agreement may incorporate all or part of a collective agreement.

(8) If a collective agreement forms all of part of a seafarer's employment agreement, a copy of that agreement must be made available on-board. If the language of the seafarer's employment agreement and any applicable collective agreement is not English, the following must also be made available on-board in English —

(a) a copy of the standard form of the seafarer's employment agreement; and

(b) the portions of any applicable collective agreement that are subject to port state inspection in accordance with the Maritime Labour Convention.

20 Particulars to be included in the seafarer's employment agreement

The seafarer's employment agreement must in all cases contain the following particulars —

(a) seafarer's full name, date of birth or age and birthplace;

(b) shipowner's name and address;

(c) place where and date when the seafarer's employment agreement is entered into;

(d) capacity in which the seafarer is to be employed;

(e) amount of the seafarer's wages or if applicable, the formula used for calculating them;

(f) amount of paid leave or if applicable, the formula used for calculating it;

(g) the termination of the agreement and the conditions of termination, including —

(i) if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period which must not be less for the shipowner than for the seafarer;

(ii) if the agreement has been made for a definite period, the date fixed for its expiry; and

(iii) if the agreement has been made for a voyage, the port of destination and the time which must expire after arrival before the seafarer is discharged;

(h) health and social security protection benefits provided to the seafarer by the shipowner;

(i) seafarer's entitlement to repatriation, including repatriation destination; and

(j) reference to any applicable collective agreement.

21 Early termination of a seafarer's employment agreement

(1) Subject to paragraph (2), the notice period to be given by the seafarer or shipowner for the early termination of a seafarer's employment agreement must be at least 7 days.

(2) A seafarer's employment agreement may be terminated by less than 7 days' notice or without notice under circumstances agreed in any applicable collective agreement or —

(a) in the case of misconduct of the seafarer; or

(b) if the seafarer has need to terminate the agreement for compassionate or other urgent reasons.

(3) Except as may be provided otherwise in any applicable collective agreement, if a seafarer terminates his or her seafarer's employment

agreement for compassionate or other urgent reasons in accordance with paragraph (2)(b), this must be without penalty to the seafarer.

22 Seafarer's record of employment

(1) A shipowner must ensure a seafarer is given a record of his or her employment on-board the ship, which may be a seafarer's discharge book.

(2) The record must contain at least the following particulars —

(a) seafarer's full name, date of birth or age and birthplace;

(b) name, port of registry, gross tonnage and IMO number of the ship;

(c) description of the voyage;

(d) capacity in which the seafarer was employed;

(e) commencement date of employment; and

(f) date of discharge.

(3) The record of employment required by paragraph (1), must be provided in English and must not contain any statement as to the quality of a seafarer's work or his or her wages.

PART 5 - WAGES (MLC TITLE 2.2)

23 Payment of wages and monthly account

(1) A shipowner must ensure a seafarer is paid in full at no greater than monthly intervals and in accordance with his or her seafarer's employment agreement and any applicable collective agreement.

(2) A shipowner must ensure a seafarer is given a monthly account of the payments due and the amounts paid, including wages, additional payments and any allotments or deductions permitted in accordance with this Part.

(3) If payment has been made in a currency or at a rate different from the one agreed upon, the monthly account must also include the rate of exchange used.

24 Calculation of wages

(1) For a seafarer whose wages include separate compensation for overtime worked —

(a) for the purpose of calculating basic pay, the normal hours of work at sea and in port must not exceed 8 hours per day;

(b) for the purpose of calculating overtime, the normal hours of work covered by basic pay must not exceed 48 hours per week, except that any applicable collective agreement may provide for a different but not less favourable treatment of the seafarer; and

(c) the rate or rates of compensation for overtime must not be less than one and one-quarter times the basic pay per hour unless an applicable collective agreement provides otherwise.

(2) For a seafarer whose wages are fully or partially consolidated, if hourly overtime is payable for hours worked in excess of those covered by the partially consolidated wage, the hourly rate must not be less than one and one-quarter times the basic pay; the same principle applies to the overtime hours included in the consolidated wage.

(3) Wages must be denominated in legal tender and paid directly to the seafarer's designated bank account unless the seafarer requests otherwise in writing.

25 Records of overtime

For a seafarer whose wages include separate compensation for overtime worked, including a seafarer whose wages are partially consolidated, records of all overtime worked must be maintained by the master or a person assigned by the master and endorsed by the seafarer at no greater than monthly intervals.

26 Allotment of wages

(1) The shipowner must take measures to provide the seafarer with a means to transmit all or part of his or her earnings to family, dependants or legal beneficiaries.

(2) The measures to ensure that a seafarer is able to transmit his or her earnings must include a system enabling the seafarer, at the time of entering employment or during it, to allot if desired, a proportion or all of the wages for remittance at regular intervals to his or her family by bank transfer or similar means.

(3) Allotments must be remitted in due time and directly to the person or persons nominated by the seafarer.

(4) Any charge for allotments must be reasonable in amount and the rate of currency exchange must, unless provided otherwise in any applicable collective agreement or SEA, be at the prevailing market rate or the official published rate and not unfavourable to the seafarer.

27 Deductions from wages

(1) Subject to paragraph (2), the shipowner must not impose any limit on a seafarer's freedom to dispose of his or her wages.

(2) Except as may be provided otherwise in any applicable collective agreement, the shipowner may only make deductions from a seafarer's wage for —

(a) on-board purchases;

(b) telecommunication calls and internet access;

(c) cash advances;

(d) allotments;

(e) contributions by the seafarer to a pension fund, charity or a contribution in respect of membership of a body to any trade union or any friendly society; and

(f) any other sum authorised by law.

(3) No deductions may be made from a seafarer's wage in respect of obtaining or retaining employment.

(4) Except as may be authorised by any applicable collective agreement, a shipowner is prohibited from imposing monetary fines upon a seafarer.

28 Payments due upon termination of employment

When a seafarer's employment agreement is terminated, all wages due to the seafarer must be paid without undue delay, and in any case no later than the date on which the next payment of wages would fall if the SEA had continued in operation.

PART 6 - MINIMUM HOURS OF REST (MLC TITLE 2.3)

29 Minimum hours of rest

(1) The shipowner must ensure that a seafarer is given the minimum hours of rest in accordance with the requirements of this Part.

(2) Subject to regulations 36 and 37 —

(a) a seafarer's minimum hours of rest must not be less than —

(i) 10 hours in any 24 hour period; and

(ii) 77 hours in any 7 day period.

(b) a seafarer's hours of rest may be divided into no more than 2 periods, one of which must be at least 6 hours in length, and the interval between consecutive periods of rest must not exceed 14 hours.

(3) Taking into account the dangers posed by fatigue of seafarers, especially those whose duties involve navigational safety and the safe and secure operation of the ship, the Department may, after consulting

shipowners' and seafarers' organisations, make appropriate increases to the minimum hours of rest.

30 Musters, fire-fighting and lifeboat drills

Musters, fire-fighting and lifeboat drills, or drills prescribed by statutory provision or international instrument must be conducted in a manner that minimises the disturbance of rest periods and does not induce fatigue.

31 Compensatory rest

When a seafarer is on call, such as when a machinery space is unattended, the seafarer must have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

32 Shipboard working arrangements

(1) A table with the shipboard working arrangements must be posted in an easily accessible place and for every position contain —

(a) the schedule of service at sea and service in port; and

(b) the minimum hours of rest required in accordance with this Part or any applicable collective agreement.

(2) The table of shipboard working arrangements must be established —

(a) using the form prescribed in MLN 2.3; or

(b) in any other standardised format provided it contains the same information as MLN 2.3.

(3) The table of shipboard working arrangements must be in English.

33 Records of daily hours of rest

(1) The shipowner must ensure records of daily hours of rest are maintained, retained for a period of 3 years and made available for inspection purposes.

(2) The record of daily hours of rest must be maintained —

(a) using the form prescribed in MLN 2.3; or

(b) in any other standardised format provided it contains the same information as MLN 2.3.

(3) The record of daily hours of rest must be in English.

(4) Each seafarer must be given a copy of the records pertaining to him or her on a monthly basis which must be endorsed by the master, or a person authorised by the master, and by the seafarer.

34 Young seafarers

(1) Without limiting the general obligation on all seafarers to work during any emergency as provided for in regulation 36, while at sea and in port the following provisions apply to all young seafarers —

(a) working hours must not exceed 8 hours per day and 40 hours per week and overtime may be worked only if unavoidable for safety reasons;

(b) sufficient time must be allowed for all meals, and a break of at least one hour for the main meal of the day must be assured; and

(c) a 15-minute rest period as soon as possible following each 2 hours of continuous work must be allowed.

(2) Exceptionally the provisions in paragraph (1) need not be applied when —

(a) they are impracticable for a young seafarer on the deck, or in the engine room or catering departments who is assigned to watchkeeping duties or working on a rostered shift-work system; or

(b) the effective training of a young seafarer in accordance with established programmes and schedules would be impaired.

(3) Any exceptional situations in accordance with paragraph (2) must be recorded, with reasons, and signed by the master.

35 Prohibition on a young seafarer working at night

(1) A young seafarer must not work at night, which must include a period of at least 9 hours starting no later than midnight and ending no earlier than 5.00am.

(2) An exception to strict compliance with the night work restriction in paragraph (1) may be made when —

(a) the effective training of the young seafarer concerned in accordance with established training programmes and schedules would be impaired; or

(b) the specific nature of the duty or a recognised training programme requires that the young seafarer concerned perform duties at night and the Department determines, after consultation with the shipowners' and seafarers' organisations concerned, that the work will not be detrimental to the young person's health.

36 Special circumstances

(1) Nothing in this Part limits the right of the master of a ship to require a seafarer, including a young seafarer, to perform any hours of work

necessary for the immediate safety of the ship, persons on-board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.

(2) The master may suspend the schedule of hours of rest and require a seafarer to perform any hours of work necessary in accordance with paragraph (1), until the normal situation has been restored.

(3) The master must ensure that any seafarer who has performed work in a scheduled rest period is provided with an adequate period of rest as soon as practicable after the normal situation has been restored.

37 Exceptions

(1) The Department may authorise or register collective agreements permitting exceptions to the minimum hours of rest required by regulation 29.

(2) Any exception permitted in accordance with paragraph (1) must, as far as possible, follow the provisions of regulation 29, but may take account of more frequent or longer leave periods or the granting of compensatory leave for a watchkeeping seafarer, or a seafarer working on-board a ship on short voyages.

38 Master's responsibility

(1) In addition to the responsibility of the shipowner to ensure compliance with the requirements of this Part, it is also the responsibility of the master to ensure –

(a) each officer in charge of a watch or rating forming part of a watch is sufficiently rested before taking up any watchkeeping duties;

(b) the watchkeeping arrangements are adequate for the maintenance of a safe watch at all times; and

(c) the ship does not sail from any port unless those seafarers who will be in charge of a watch immediately after sailing have received rest sufficient to allow them to maintain a safe watch.

(2) A master who fails to comply with paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding ***£10,000***[8] or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

[8] Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

PART 7 - ENTITLEMENT TO LEAVE (MLC TITLE 2.4)

39 Entitlement to leave

(1) A seafarer must be given paid leave under appropriate conditions in accordance with the requirements of this Part.

(2) The shipowner must ensure that the seafarer is granted shore leave to benefit his or her health and well-being subject to the operational requirements of his or her position.

(3) To avoid any doubt nothing in these Regulations applies to any leave granted to a seafarer in excess of the leave entitlement prescribed by paragraph (4).

(4) Except as may be provided otherwise in any applicable collective agreement which takes account of the special needs of a seafarer in respect of calculating leave, the seafarer must be given paid —

(a) annual leave calculated on the basis of a minimum of 2.5 days per 30 days of service period; and

(b) public holiday leave calculated on the basis of a minimum of 10 days per 12 months of service period.

(5) For the purposes of paragraph (4), for any service period of less than 30 days or for any service period of less than 12 months respectively, the leave entitlement must be calculated on a pro-rata basis and expressed in days, with any fraction of a day being rounded up to the nearest half day.

40 Calculation of service period

(1) For the purpose of calculating leave entitlement in accordance with regulation 39, the service period must —

(a) include the period of time from when a seafarer commences travel to a vessel up until the time the seafarer has been repatriated in accordance with his or her SEA; and

(b) be calculated in days and any part of a day must be counted as a full day.

41 Pay during leave

The level of pay during leave for a seafarer on a non-consolidated wage must at least be paid at the rate of the seafarer's basic pay stated in the SEA and for a seafarer on a consolidated wage at least the rate of the consolidated wage stated in the SEA.

42 Taking of annual leave

(1) A seafarer is entitled to take annual leave in the place with which he or she has a substantial connection; normally the same place to which the seafarer is entitled to be repatriated.

(2) The seafarer must not be required without his or her consent to take annual leave in a place other than specified in paragraph (1), except under the provisions of a seafarer's employment agreement.

(3) The time at which annual leave is to be taken must, unless it is fixed by any applicable collective agreement or arbitration award, be determined by the shipowner after consultation and, as far as possible, be in agreement with the seafarer concerned or his or her representative.

43 Prohibition on forgoing leave

Any agreement for a seafarer to forgo leave with pay is prohibited.

44 Specified absences not to be counted as part of leave

The following must not be counted as part of leave with pay –

(a) periods of incapacity for work resulting from illness, injury or maternity;

(b) temporary shore leave granted to a seafarer while serving under an SEA;

(c) compensatory leave of any kind;

(d) travel time to and from the ship; nor

(e) time spent awaiting repatriation.

45 Recall from leave

(1) The recall of a seafarer taking annual leave is prohibited.

(2) A seafarer taking public holiday leave may be recalled only in cases of extreme emergency and with the seafarer's consent.

46 Young seafarers

A young seafarer who has served 6 months, without leave on a ship that has not returned to the young seafarer's country of residence in that time, must be offered the opportunity of repatriation, at no expense to the seafarer, to the place of original engagement in his or her country of residence for the purpose of taking any leave earned during the voyage.

PART 8 - REPATRIATION (MLC TITLE 2.5)

47 Financial security

(1) A shipowner must provide financial security sufficient to meet his or her obligations to repatriate seafarers in accordance with the requirements of this Part.

(2) A shipowner must provide evidence of the financial security under paragraph (1) and make it available on-board, in English, for inspection purposes.

48 Entitlement to repatriation

A seafarer has a right to be repatriated at no cost to him or herself in the following circumstances —

(a) if the SEA expires when the seafarer is anywhere other than the repatriation destination stated in the SEA;

(b) upon the expiry of the period of notice given in accordance with the provisions of the SEA by the seafarer or the shipowner;

(c) if the seafarer's SEA is terminated by the shipowner;

(d) if the seafarer's SEA is terminated by the seafarer when the seafarer is no longer able to carry out his or her duties under the SEA, or cannot be expected to carry them out in the following circumstances —

(i) in the event of illness or injury or other medical condition which requires the seafarer to be repatriated when found medically fit to travel;

(ii) in the event of shipwreck;

(iii) in the event of the shipowner not being able to continue to fulfil his or her legal or contractual obligations as an employer of the seafarer by reason of insolvency, sale of ship, change of ship's registration or any other similar reason;

(iv) in the event of a ship being bound for a war zone as defined by the United Kingdom Warlike Operations Committee or by the seafarer's SEA, to which the seafarer does not consent to go;

(v) in the event of termination or interruption of employment in accordance with an industrial award or any applicable collective agreement, or termination of employment for any other similar reason; or

(vi) in accordance with regulation 21(3) (Early termination of a seafarer's employment agreement) for compassionate or other urgent reasons.

49 Maximum duration of service on-board

The maximum duration of service on-board following which a seafarer is entitled to repatriation must be less than 12 months.

50 Repatriation arrangements and mode of transport

The shipowner is responsible for repatriation arrangements for each seafarer by appropriate and expeditious means, and the normal mode of transport is by air.

51 Repatriation destination

A seafarer must be repatriated to —

(a) the place at which the seafarer agreed to enter into the engagement;

(b) the place stipulated by any applicable collective agreement;

(c) the seafarer's country of residence; or

(d) another place as may be mutually agreed at the time of engagement.

52 Repatriation costs

(1) The shipowner must cover the costs of repatriation until the seafarer concerned is landed at the repatriation destination stated in his or her SEA.

(2) The costs of repatriation to be borne by the shipowner must include the costs of —

(a) passage to the repatriation destination;

(b) accommodation and food from the moment the seafarer departs the ship until he or she reaches the repatriation destination;

(c) pay from the moment the seafarer departs the ship until he or she reaches the repatriation destination;

(d) sufficient money to meet any minor ancillary costs necessarily incurred or likely to be incurred for the seafarer's relief and maintenance from the moment the seafarer departs the ship until the repatriation destination is reached;

(e) transportation of 30 kg of the seafarer's personal luggage to the repatriation destination; and

(f) medical treatment when necessary until the seafarer is medically fit to travel to the repatriation destination.

53 Prohibition on advance payment or recovering costs

A shipowner is prohibited from —

(a) requiring the seafarer to make an advance payment towards the cost of repatriation at the beginning of his or her employment; or

(b) recovering the cost of repatriation from the seafarer's wages or other entitlements except if —

(i) permitted by any applicable collective agreement; and

(ii) the seafarer has been found in accordance with any applicable collective agreement, to be in serious default of his or her employment obligations.

54 Repatriation of a young seafarer

(1) A young seafarer must be given the opportunity of being repatriated from the first suitable port of call at no expense to himself or herself if, during the first foreign-going voyage, it becomes apparent the young person is unsuited to life at sea.

(2) If a young seafarer is repatriated in accordance with paragraph (1), notification of repatriation including reasons, must be given to the authority which issued the papers enabling the young seafarer to take up seagoing employment.

55 Third-party contractual arrangements for repatriation

Nothing in these Regulations limits any right of the shipowner to recover the cost of repatriation under third-party contractual arrangements.

56 Department's responsibility in the event of shipowner default

(1) ***The Department must arrange for repatriation of a seafarer if—***

(a) the shipowner fails to make arrangements for, or to meet the cost of repatriation of a seafarer in accordance with the requirements of this Part; and

(b) the seafarer is not entitled to receive financial assistance under the abandonment financial security required by regulation 57A.

(1A) The Department may arrange for repatriation of a seafarer if —

(c) the shipowner fails to make arrangements for, or to meet the cost of repatriation of a seafarer in accordance with the requirements of this Part; and

(d) the seafarer is entitled to receive financial assistance under the abandonment financial security required by regulation 57A.

(2) The costs incurred in repatriating a seafarer in accordance with paragraph (1), are recoverable from the shipowner by the Department.

(3) If the Department has paid the costs of repatriation in accordance with this Part, the Department may detain, or request the detention of the ship or other ships of the shipowner concerned until reimbursement has been made in accordance with paragraph (2).

(4) If a Manx seafarer on a foreign ship to which the Maritime Labour Convention applies has not been repatriated in accordance with the requirements of the Maritime Labour Convention, the Department may arrange to repatriate the seafarer concerned and recover the costs from the Member whose flag the ship flies.

(5) Except as provided for in regulation 53(b), the costs of repatriation must not be a charge upon the seafarer.

(6) The Department must facilitate —

(a) the repatriation of a seafarer serving on a ship which calls at its ports or passes through its territorial or internal waters, and

(b) the placing on-board of a seafarer to replace one repatriated under this paragraph.

(7) In particular, the Department must not refuse the right of repatriation to a seafarer because of the financial circumstances of a shipowner or because of the shipowner's inability or unwillingness to replace a seafarer.

(8) In this regulation, "**Manx seafarer**" means a seafarer who is ordinarily resident in the Island.

57 Copy of regulations to be carried on-board ship

A copy of the provisions of this Part must be carried on-board the ship in English and made available to seafarers.

57A *Financial security in the event of abandonment*

(1) ***A shipowner must provide a financial security system sufficient to meet his or her obligations in the event of abandonment of a seafarer in accordance with the requirements of this regulation.***

(2) ***The financial security system may be in the form of a social security scheme, insurance or national fund.***

(3) ***The financial security scheme must not be in the form of self-insurance.***

(4) *The financial security system must provide direct access, sufficient coverage and expedited financial assistance, to any abandoned seafarer.*

(5) *A seafarer shall be deemed to have been abandoned where, in violation of the requirements of these Regulations or the terms of the seafarers' employment agreement, the shipowner —*

(a) fails to cover the cost of the seafarer's repatriation; or

(b) has left the seafarer without the necessary maintenance and support; or

(c) fails to pay contractual wages for a period of at least two months.

(6) *For the purposes of paragraph 5(b), necessary maintenance and support of a seafarer includes —*

(a) adequate food;

(b) accommodation;

(c) drinking water supplies;

(d) essential fuel for survival on-board the ship, including fuel for heating, cooking, the refrigeration of food supplies and sufficient fuel to move the ship to a safe location in the event of danger to those on-board; and

(e) necessary medical care.

(7) *(1) A ship must —*

(a) carry on-board a certificate or other documentary evidence of financial security issued by the financial security provider; and

(b) post a copy of the document specified in paragraph (a) in a conspicuous place on-board where it is available to the seafarers.

(2) *If more than one financial security provider provides cover, the document provided by each provider must be carried on- board.*

(3) *The certificate or other documentary evidence of financial security must —*

(a) contain the information specified in MLC Appendix A2-I; and

(b) be in English or accompanied by an English translation.

(8) *Assistance provided by the financial security system must be granted promptly upon request made by the seafarer or the seafarer's nominated representative.*

(9) ***If time is needed to check the validity of certain aspects of the request of the seafarer or the seafarer's nominated representative, this must not prevent the seafarer from immediately receiving such part of the assistance requested as is recognised as justified.***

(10) ***Assistance provided by the financial security system must be sufficient to cover —***

(a) ***the outstanding wages and other entitlements due from the shipowner to the seafarer under their employment agreement, the relevant collective agreement or these Regulations, limited to four months of any such outstanding wages and four months of any such outstanding entitlements;***

(b) ***all expenses reasonably incurred by the seafarer, including the cost of repatriation referred to in paragraph 11; and***

(c) ***the essential needs of the seafarer including —***

(i) ***adequate food;***

(ii) ***clothing where necessary;***

(iii) ***accommodation;***

(iv) ***drinking water supplies;***

(v) ***essential fuel for survival on-board the ship, including fuel for heating, cooking, the refrigeration of food supplies and sufficient fuel to move the ship to a safe location in the event of danger to those on-board;***

(vi) ***necessary medical care; and***

(vii) ***any other reasonable costs or charges from the act or omission constituting the abandonment until the seafarer's arrival at home.***

(11) ***The cost of repatriation must cover travel by appropriate and expeditious means, normally by air, and include —***

(a) ***provision for food and accommodation of the seafarer from the time of leaving the ship until arrival at the seafarer's home;***

(b) ***necessary medical care;***

(c) ***passage and transport of personal effects; and***

(d) ***any other reasonable costs or charges arising from the abandonment.***

(12) ***The financial security must not cease before the end of the period of validity of the financial security unless the financial security provider has given prior notification of at least 30 days to the Department.***

(13) ***If the provider of insurance or other financial security has made any payment to a seafarer in accordance with this regulation, such provider***

shall, up to the amount it has paid, acquire by subrogation, assignment or otherwise, the rights which the seafarer would have enjoyed.

(14) ***Nothing in this regulation shall prejudice any right of recourse of the insurer or provider of financial security against third parties.***

(15) ***The provisions in this regulation are not exclusive and do not prejudice any other rights, claims or remedies that may also be available to compensate seafarers who are abandoned.***

(16) ***Any amounts payable by the financial security provider to a seafarer under this regulation may be offset against amounts received from other sources arising from any rights, claims or remedies that may be the subject of compensation under this regulation.***

PART 9 - SEAFARER COMPENSATION FOR THE SHIP'S LOSS OR FOUNDERING (MLC TITLE 2.6)

58 Loss and foundering

(1) The shipowner must provide a seafarer with adequate compensation in the case of injury, loss or unemployment arising from the ship's loss or foundering.

(2) In every case of loss or foundering of a ship, the shipowner is liable to pay each seafarer on-board an indemnity against unemployment resulting from such loss or foundering, for the days during which the seafarer remains in fact unemployed.

(3) For a seafarer on a non-consolidated wage the indemnity must at least be paid at the rate of basic pay stated in the SEA and for a seafarer on a consolidated wage at least be paid at the rate of the consolidated wage stated in the SEA.

(4) Except as may be provided otherwise in any applicable collective agreement, the total indemnity payable to any one seafarer in accordance with paragraph (2), may be limited to 2 months' basic pay or consolidated wages.

(5) The indemnity against unemployment must be paid at the same frequency and date as the wages are payable under the SEA.

59 Recovering indemnity

Nothing in this Part limits any other rights the seafarer may have for losses or injuries arising from a ship's loss or foundering.

PART 10 - MANNING LEVELS (MLC TITLE 2.7)

60 Manning levels

(1) A ship must have a sufficient number of seafarers on-board to ensure it is operated safely, efficiently and with due regard to security.

(2) A ship must be manned —

(a) by a crew that is adequate, in terms of size and qualifications to ensure the safety and security of the ship and its personnel under all operating conditions; and

(b) in accordance with any safe manning document issued by the Department.

(3) Manning in accordance with the requirements of the ***Merchant Shipping (Manning and STCW) Regulations 2014*** meets the requirements of paragraphs (1) and (2).

(4) ***Omitted by SD2014/0238.***

PART 11 - ACCOMODATION AND RECREATIONAL FACILITIES (MLC TITLE 3.1)

61 Interpretation for this Part

In this Part —

"**date the Maritime Labour Convention comes into force for the Island**" means the date which is 12 months after the date the Maritime Labour Convention is extended to the Island;

"***existing large commercial yacht***" ***means a large commercial yacht constructed before 20 August 2013 which has been or is currently under survey to LY1 to LY2;***

"***Large Yacht Code***" ***means Part A of the Red Ensign Group Yacht Code January 2019 edition;***

"***LY1***" ***means the Code of Practice for the Safety of Large Commercial Sailing and Motor Vessels published by the UK's Maritime and Coastguard Agency in 1997;***

"***LY2***" ***means the Large Commercial Yacht Code published by the UK's Maritime and Coastguard Agency in 2005;***

"**LY3**" means the Large Commercial Yacht Code published by the UK's Maritime and Coastguard Agency in 2012;

"**similar stage of construction**" means the stage at which construction identifiable with a specific ship begins, and assembly of that ship has

commenced compromising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less; and

"**SOLAS**" means the International Convention for Safety of Life at Sea, 1974, as from time to time amended.

62 Application for this Part and requirement to maintain decent accommodation and recreational facilities

(1) A ship must provide and maintain decent accommodation and recreational facilities for seafarers working or living on-board, or both, consistent with promoting the seafarer's health and well-being.

(2) ***For a ship constructed before the date the Maritime Labour Convention comes into force for the Island, crew accommodation which is constructed and equipped in accordance with the requirements of the Merchant Shipping (Crew Accommodation) Regulations 1978 as applied to the Island and regulation 75 (recreational facilities) is considered as meeting the requirements of paragraph (1).***

This paragraph does not apply to a ship which is a large commercial yacht.

(3) ***For a ship which is an existing large commercial yacht, crew accommodation which is constructed and equipped in accordance with the requirements of section 21 of LY1 or LY2 as is applicable and regulation 75 (recreational facilities) and regulation 76 (open deck spaces)of these Regulations is considered as meeting the requirements of paragraph (1).***

(4) ***For a ship which is a large commercial yacht constructed on or after 20 August 2013 up to and including 31 December 2018, crew accommodation which is constructed and equipped in accordance with the requirements of chapter 21, chapter 21A or chapter 21B of LY3 as is applicable meets the requirements of paragraph (1).***

(5) ***For a ship which is a large commercial yacht constructed on or after 1 January 2019, crew accommodation which is constructed and equipped in accordance with the requirements of chapter 21, chapter 21A or chapter 21B of the Large Yacht Code as is applicable meets the requirements of paragraph (1).***

(6) ***A ship, including a ship which is a large commercial yacht, is deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction.***

63 Accommodation and recreational facilities

A ship must —

(a) meet the standards for on-board accommodation and recreational facilities in this Part including the provisions in Parts

15 to 18 on health and safety protection and accident prevention to ensure that any accommodation for seafarers, working or living on-board, or both, is safe and decent in light of the specific needs of the seafarers that both live and work on the ship; and

(b) be inspected in accordance with the requirements of Part 20 (Maritime labour certificate and declaration of maritime labour compliance) or Part 21 (Inspection of ships under 500gt and inspection of ships 500gt or over not engaged in international voyages) and regulation 79 of this Part to ensure initial and ongoing compliance with those standards.

64 Substantial alterations

(1) Prior to undertaking any substantial alterations to seafarer accommodation, the shipowner must submit plans showing the proposed alterations for approval to the Department or RO.

(2) In the event of doubt as to whether any proposed alterations to seafarer accommodation are substantial alterations for the purposes of paragraph (1), the question will be determined by the Department.

65 Exemptions

(1) The Department may, subject to the conditions set out in paragraph (2) —

(a) exempt ships of less than 3,000 gross tonnage from the requirements of regulations 70(2), 70(l4), 71(1), 72 (2) and 77;

(b) exempt special purpose ships from the requirements of regulation 70(2); and

(c) exempt ships of less than 200 gross tonnage where it is reasonable to do so, taking account of the size of the ship and the number of people on-board from the requirements of —

(i) regulations 68(2), 72(4) and 74; and

(ii) regulations 70(7) to 70(13) inclusive, with respect to floor area only.

(2) An exemption from the requirements of this Part —

(a) may only be granted by the Department if it is expressly permitted in this Part and only for particular circumstances in which the exemption can be clearly justified on strong grounds and subject to protecting the seafarer's health and safety;

(b) may only be granted by the Department after consultation with the shipowners' and seafarers' organisations concerned;

(c) may only be granted by the Department on written application from the shipowner; and

(d) must be in writing, specify the date on which it takes effect and specify the conditions, if any, on which the exemption is granted.

66 Variations

(1) If there is need to take account, without discrimination, of the interests of a seafarer having different and distinctive religious and social practices, the Department may, after consultation with the shipowners' and seafarers' organisations and subject to the conditions in paragraph (2), permit fairly applied variations in respect of the requirements in this Part on condition that the variations do not result in overall facilities less favourable than those that would result from the application of those requirements.

(2) Any variation permitted in accordance with paragraph (1) or regulations 67(2), 67(5), 69, 70(8), 72(5) and 73(2) of this Part —

(a) may only be permitted by the Department on written application from the shipowner; and

(b) must be in writing, specify the date on which it takes effect and specify the conditions, if any, subject to which the variation is permitted.

67 General requirements for accommodation

(1) There must be adequate headroom in all seafarer accommodation and the minimum headroom in all seafarer accommodation where full and free movement is necessary must be not less than 203 centimetres.

(2) Despite paragraph (1), the Department may permit a reduction in headroom in any space, or part of any space, in seafarer accommodation if satisfied that the reduction —

(a) is reasonable; and

(b) does not result in discomfort to the seafarers.

(3) The accommodation must be adequately insulated.

(4) In a ship other than a passenger ship, as defined in Regulation 2(e) and (f) of the SOLAS Convention, sleeping rooms must be situated above the load line amidships or aft, except that in exceptional cases, if the size, type or intended service of the ship renders any other location impracticable, sleeping rooms may be located in the fore part of the ship, but in no case forward of the collision bulkhead.

(5) In a passenger ship, or a special ship constructed in compliance with the IMO Code of Safety for Special Purpose Ships, 1983, and subsequent versions (hereinafter called **"special purpose ships"**), the Department

may, on condition that satisfactory arrangements are made for lighting and ventilation, permit the location of sleeping rooms below the load line, but in no case may they be located immediately beneath working alleyways.

(6) There must be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas; that part of a bulkhead separating those places from sleeping rooms and external bulkheads must be constructed of steel or other substance meeting SOLAS specifications for the construction of bulkheads and be watertight and gas-tight.

(7) The materials used to construct internal bulkheads, panelling and sheeting, floors and joinings must be conducive to ensuring a healthy environment.

(8) Proper lighting and sufficient drainage must be provided.

(9) Accommodation, recreational and catering facilities must meet the requirements in Parts 15 to 18 on health and safety protection and accident prevention with respect to preventing the risk of exposure to hazardous levels of noise, vibration and other ambient factors and chemicals on-board the ship, and to provide an acceptable occupational and on-board living environment for seafarers.

68 Ventilation and heating

(1) Sleeping rooms and mess rooms must be adequately ventilated.

(2) A ship, except if exclusively engaged in trade where temperate climatic conditions do not require this, must be equipped with air conditioning for seafarer accommodation, for any separate radio room and for any centralised machinery control room.

(3) All sanitary spaces must have ventilation to the open air, independently of any other part of the accommodation.

(4) Adequate heat through an appropriate heating system must be provided, except in a ship exclusively engaged on voyages in tropical climates.

(5) A ship of less than 200 gross tonnage may, subject to the conditions in regulations 65(1)(b) and 65(2), be exempted by the Department from the requirement in paragraph (2).

69 Lighting

Subject to special arrangements as may be permitted by the Department in respect of natural light for a passenger ship or special purpose ship, sleeping rooms and mess rooms must be lit by natural light and provided with adequate artificial light.

70 Sleeping accommodation

(1) When sleeping accommodation on-board a ship is required, the following requirements for sleeping rooms apply.

(2) In a ship other than a passenger ship, an individual sleeping room must be provided for each seafarer.

In the case of a ship of less than 3,000 gross tonnage or a special purpose ship, exemptions from this paragraph may, subject to the conditions in regulation 65(2), be granted by the Department.

(3) Separate sleeping rooms must be provided for men and women.

(4) Each sleeping room must be of adequate size and properly equipped so as to ensure reasonable comfort and to facilitate tidiness.

(5) A separate berth must be provided for each seafarer.

(6) The minimum inside dimensions of a berth must be at least 198 cm x 80 cm.

(7) In a single berth seafarer's sleeping room the floor area must not be less than —

(a) 4.5m^2 in a ship of less than 3,000 gross tonnage;

(b) 5.5 m^2 in a ship of 3,000 gross tonnage or over but less than 10,000 gross tonnage; and

(c) 7 m^2 in ships of 10,000 gross tonnage or over.

(8) But, in order to provide single berth sleeping rooms on a ship of less than 3,000 gross tonnage, a passenger ship or special purpose ship, the Department may permit a floor area below that specified in paragraph (7).

(9) In a ship of less than 3,000 gross tonnage other than a passenger ship or special purpose ship, sleeping rooms may be occupied by a maximum of 2 seafarers.

The floor area of a sleeping room occupied by 2 persons must not be less than 7m^2.

(10) On a passenger ship or a special purpose ship the floor area of a sleeping room for seafarers not performing the duties of ships' officers must not be less than —

(a) 7.5m^2 in a room accommodating 2 people;

(b) 11.5m^2 in a room accommodating 3 people; and

(c) 14.5m^2 in a room accommodating 4 people.

(11) On a special purpose ship sleeping rooms may accommodate more than 4 people; the floor area of these sleeping rooms must not be less than 3.6m^2 per person.

(12) On a ship other than a passenger ship or special purpose ship, for sleeping rooms for seafarers who perform the duties of ships'' officers, if no private sitting room or day room is provided, the floor area per person must not be less than —

(a) 7.5m2 in a ship of less than 3,000 gross tonnage;

(b) 8.5m² in a ship of 3,000 gross tonnage or over but less than 10,000 gross tonnage; and

(c) 10m² in a ship of 10,000 gross tonnage or over.

(13) On a passenger ship or special purpose ship for seafarers performing the duties of ships' officers if no private sitting room or day room is provided, the floor area per person for junior officers must not be less than 7.5m² and for senior officers not less than 8.5m².

For the purposes of this paragraph junior officers are those at the operational level, and senior officers at the management level.

(14) The master, the chief engineer and the chief navigating officer must have, in addition to a sleeping room, an adjoining sitting room, day room or equivalent additional space.

But the Department may exempt a ship of less than 3,000 gross tonnage from this requirement subject to the conditions in regulation 65(2).

(15) For each occupant, the furniture must include a clothes locker of ample space (minimum 475 litres) and a drawer or equivalent space of not less than 56 litres.

If the drawer is incorporated in the clothes locker then the combined minimum volume of the clothes locker must be 500 litres; the locker must be fitted with a shelf and be able to be locked by the occupant so as to ensure privacy.

(16) Each sleeping room must be provided with a table or desk, which may be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation as necessary.

(17) Subject to the conditions in regulations 65(1)(b) and 65(2), the Department may exempt a ship of less than 200 gross tonnage from the requirements in paragraphs (7) to (13) inclusive.

71 Mess rooms

(1) Mess rooms must be located apart from the sleeping rooms and as close as practicable to the galley.

Subject to the conditions in regulation 65(2) the Department may exempt ships of less than 3,000 gross tonnage from this requirement.

(2) Mess rooms must be of adequate size, comfort, properly furnished and equipped (including ongoing facilities for refreshment), taking account

of the number of seafarers likely to use them at any one time; provision must be made for separate or common mess room facilities as appropriate.

72 Sanitary facilities

(1) Each seafarer must have convenient access on the ship to sanitary facilities meeting standards of health and hygiene and reasonable standards of comfort, with separate sanitary facilities being provided for men and women.

(2) There must be sanitary facilities within easy access of the navigating bridge and the machinery space or near the engine room control centre.

However, a ship of less than 3,000 gross tonnage may, subject to the conditions in regulation 65(2), be exempted by the Department from this requirement.

(3) A ship must have at least one toilet, one wash basin and one tub or shower or both which must be provided at a convenient location for every 6 persons or less who do not have personal facilities.

(4) With the exception of passenger ships, each sleeping room must be furnished with a washbasin having hot and cold running fresh water, except if the washbasin is situated in the private bathroom provided.

The Department may exempt a ship of less than 200 gross tonnage from this requirement subject to the conditions in regulations 65(1)(b) and 65(2).

(5) For a passenger ship normally engaged on voyages of not more than 4 hours' duration, the Department may agree to other arrangements.

(6) Hot and cold running fresh water must be available in all wash places.

73 Hospital accommodation

(1) A ship carrying 15 or more seafarers and engaged in a voyage of more than 3 days' duration must provide separate hospital accommodation to be used exclusively for medical purposes.

(2) The Department may relax the requirement in paragraph (1) for a ship engaged in coastal trade.

(3) Hospital accommodation must, in all weathers, be easy to access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention.

74 Laundry facilities

Appropriately situated and furnished laundry facilities must be available.

But the Department may exempt a ship of less than 200 gross tonnage from this requirement, subject to the conditions in regulations 65(1)(b) and 65(2).

75 Recreational facilities

(1) Appropriate seafarers' recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who must live and work on ships, must be provided on-board for the benefit of all seafarers, taking into account the requirements of regulation 67(9) relating to health and safety protection and accident prevention.

(2) Furnishings for recreational facilities must include at least a bookcase and facilities for reading, writing and, if practicable, games.

76 Open deck spaces

A ship must have a space or spaces on open deck to which the seafarers can have access when off duty, which are of adequate area having regard to the size of the ship and the number of seafarers on-board.

77 Offices

A ship must be provided with separate offices or a common ship's office for use by deck and engine departments.

But the Department may exempt a ship of less than 3,000 gross tonnage, subject to the conditions in regulation 65(2).

78 Mosquito control

A ship regularly trading to mosquito-infested ports must be fitted with appropriate screening to protect against the admission of mosquitoes.

79 Accommodation inspections

(1) Frequent inspections must be carried out on-board a ship by, or under the authority of, the master, at intervals not exceeding 7 days to ensure the seafarer accommodation is clean, decently habitable and maintained in a good state of repair.

(2) The inspecting officer is to be accompanied by at least one other seafarer.

(3) The results of each inspection must be recorded in the Official Log Book, be available for review and must at least contain the following information —

(a) the time and date of inspection;

(b) the name and rank of persons making the inspection; and

(c) any findings.

PART 12 — FOOD AND CATERING (MLC TITLE 3.2)

80 Food and catering

(1) A seafarer must have access to good quality food and drinking water provided under hygienic conditions in accordance with the requirements of this Part.

(2) A ship must carry on-board and serve food and drinking water of appropriate quality, nutritional value, variety and quantity which adequately covers the requirements of the ship, having regard to the number of seafarers on-board, religious requirements and cultural practices as they pertain to food and the duration and nature of the voyage.

81 Food to be provided free of charge

A seafarer on-board ship must be provided with food free of charge during the period of engagement.

82 Catering

(1) The organisation and equipment of the catering department must permit the provision to seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions.

(2) Catering staff must be properly trained or instructed for their positions.

83 Ships' cooks

(1) A ship operating with a prescribed manning of 6 or more seafarers, and which is engaged in voyages of more than 3 days, or more than 36 hours from a safe port, must carry a fully qualified cook.

(2) No person may be employed as a fully qualified cook unless he or she has been trained and qualified and found competent for his or her position on-board ship and has completed training related to practical cookery, food and personal hygiene, food storage, stock control, environmental protection and catering health and safety.

(3) For the purposes of paragraph (2), "**trained and qualified**" means the successful completion of a training course recognised by the Department.

(4) For a ship that is not required to carry a fully qualified cook in accordance with paragraph (1), anyone processing food in the galley must be trained or instructed in areas including food and personal hygiene as well as handling and storage of food on-board ship.

(5) In circumstances of exceptional necessity, the Department may issue a dispensation permitting a non-fully qualified cook to serve in a specified ship for a specified limited period, until the next convenient port of call or for a period not exceeding 30 days, provided that the person to whom the dispensation is issued is trained or instructed in areas including food and personal hygiene as well as handling and storage of food on-board ship.

(6) No seafarer under the age of 18 may be employed, engaged or work as a ship's cook.

84 Inspections

(1) Frequent documented inspections at intervals not exceeding 7 days must be carried out on-board ship by or under the authority of the master, with respect to —

(a) supplies of food and drinking water;

(b) all spaces and equipment used for the storage and handling of food and drinking water; and

(c) galley and other equipment for the preparation and service of meals.

(2) The seafarer conducting the inspection must be accompanied by at least one other seafarer involved in catering.

(3) Records of the inspections must be kept in the Official Log Book and must at least contain the following information —

(a) time and date of inspection;

(b) name and rank of persons making the inspection; and

(c) any findings.

PART 13 - MEDICAL CARE ON-BOARD SHIP AND ASHORE (MLC TITLE 4.1)

85 Medical care on-board ship and ashore

(1) A seafarer working on-board a ship must be —

(a) covered by adequate measures for the protection of his or her health including essential dental care and must have access to prompt and adequate medical care on-board and ashore; and

(b) given health protection and medical care as comparable as possible to that which is generally available to workers ashore, including prompt access to the necessary medicines, medical equipment and facilities for diagnosis and treatment and to medical information and expertise.

(2) The protection and care in accordance with paragraph (1) —

(a) must be provided at no cost to the seafarer; and

(b) is not limited to treatment of the sick or injured seafarer but includes measures of a preventive character such as health promotion and health education programmes.

86 Access to medical care ashore

(1) A seafarer must have the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable.

(2) Medical care and health protection services while a seafarer is on-board a ship or landed in a foreign port must be provided free of charge.

(3) In addition to the responsibility of the shipowner, it is the responsibility of the master to ensure a seafarer has the right to visit a qualified medical doctor or dentist in accordance with paragraph (1).

(4) A master who fails to comply with paragraph (3) commits an offence and is liable on summary conviction to a fine not exceeding ***£10,000***[9] or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

87 Qualified medical doctor and medically trained personnel on-board

(1) A ship carrying 100 or more persons and ordinarily engaged on international voyages of more than 3 days' duration must carry a qualified medical doctor who is responsible for providing medical care.

(2) A ship not required to carry a medical doctor and which ordinarily is capable of reaching qualified medical care and medical facilities within 8 hours, must have at least one designated seafarer on-board competent to provide medical first-aid.

(3) If the seafarer designated to provide medical first-aid is not a medical doctor, he or she must have satisfactorily completed approved training in medical first-aid that meets the requirements of STCW.

(4) A ship other than those in paragraphs (1) and (2) must have at least one designated seafarer on-board who is in charge of medical care and administering medicine as part of his or her regular duties.

(5) If the seafarer designated to be in charge of medical care in paragraph (4) is not a medical doctor, he or she must have satisfactorily completed approved training in medical care that meets the requirements of STCW.

[9] Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

88 Access to medical advice

(1) A ship must carry a complete and up-to-date list of radio stations relevant to the ship's area of operation, through which medical advice can be obtained, and if equipped with a system of satellite communication, carry an up-to-date and complete list of coast earth stations through which medical advice can be obtained.

(2) A seafarer with responsibility for medical care or medical first-aid on-board, must be instructed in the use of the ship's medical guide and the medical section of the most recent edition of the International Code of Signals so as to enable him or her to understand the type of information needed by the advising doctor as well as the advice received.

(3) In this regulation **"International Code of Signals"** means the International Code of Signals published by the International Maritime Organization, as from time to time amended.

89 Medical report form

(1) The master and relevant on-shore and on-board medical personnel must use either —

(a) the Isle of Man Ship Registry form MR001 as set out in MLN 4.1; or

(b) a different medical report form containing at least the information required by form MR001.

(2) When completed, the medical report form and its contents must be kept confidential and must only be used to facilitate the treatment of a seafarer.

90 Medical care facilities

(1) A ship must carry a medicine chest, medical equipment and a medical guide all of which are subject to inspection by the Department ***or RO.***

(2) ***Compliance with the requirements of the Merchant Shipping (Medical Stores) Regulations 2015[10] meets the requirements of paragraph (1).***

PART 14 — SHIPOWNERS' LIABILITY (MLC TITLE 4.2)

91 Interpretation for this Part

In this Part —

"**contractual claims**" *means any claim which relates to death or long-term disability of a seafarer due to an occupational injury, illness or hazard*

[10] SD2015/0055

as set out in this Part, the seafarers' employment agreement or collective agreement.

"**full wages**" means consolidated wages at the rate stated in the SEA for a seafarer on a consolidated wage or for a seafarer on a non-consolidated wage means pay, however composed for the normal hours of work plus any guaranteed overtime, allowances and paid leave at the rate stated in the SEA; it does not include bonuses;

"**service period**" means the period of time from when a seafarer commences travel to a vessel up until the time the seafarer has been repatriated in accordance with his or her SEA and;

92 Shipowner's liability

A seafarer working on-board ship has a right to material assistance and support with respect to the financial consequences of sickness, injury or death occurring while he or she is serving under an SEA, or arising from employment under that agreement.

93 Financial security

(1) A shipowner must provide ***a financial security system*** to assure compensation in the event of death or long-term disability of a seafarer due to an occupational injury, illness or hazard.

(2) ***The financial security system may be in the form of a social security scheme, insurance or national fund.***

(3) ***The financial security system must not be in the form of self-insurance.***

93A Contractual claims

(1) ***The system of financial security required by regulation 93 to assure compensation for contractual claims, must meet the following minimum requirements –***

(a) ***the contractual compensation, where set out in the seafarer's employment agreement and without prejudice to subparagraph (c) of this paragraph, must be paid in full and without delay;***

(b) ***there must be no pressure to accept a payment less than the contractual amount;***

(c) ***where the nature of the long-term disability of a seafarer makes it difficult to assess the full compensation to which the seafarer may be entitled, an interim payment or payments must be made to the seafarer so as to avoid undue hardship;***

(d) ***in accordance with regulation 98, the seafarer must receive payment without prejudice to other legal rights, but the payment may be offset by the shipowner against any damages***

resulting from any other claim made by the seafarer against the shipowner and arising from the same incident; and

(e) the claim for contractual compensation may be brought directly by the seafarer concerned, their next of kin, a representative of the seafarer or designated beneficiary.

(2) The shipowner must give seafarers prior notification if the shipowner's financial security is to be cancelled or terminated, as soon as reasonably practicable after the shipowner becomes aware that the financial security is to be terminated.

(3) The financial security provider must notify the Department if a shipowner's financial security is cancelled or terminated.

(4) A ship must —

(a) carry on-board a certificate or other documentary evidence of financial security issued by the financial security provider; and

(b) post a copy of the document specified in paragraph (a) in a conspicuous place on-board where it is available to the seafarers.

(5) ***If more than one financial security provider provides cover, the document provided by each provider must be carried on-board.***

(6) ***The certificate or other documentary evidence of financial security must —***

(a) contain the information required in Appendix A4-1 of MLC; and

(b) be in English or accompanied by an English translation.

(7) ***The financial security must not cease before the end of the period of validity of the financial security unless the financial security provider has given prior notification of at least 30 days to the Department.***

(8) The financial security must provide for the payment of all contractual claims covered by it which arise during the period for which the document is valid.

93B Treatment of contractual claims - Standard A4.2.2

A shipowner must ensure effective arrangements are in place to receive, deal with and impartially settle contractual claims relating to compensation referred to in regulation 93A(1), through expeditious and fair procedures.

94 Health protection and medical care

(1) Subject to regulation 96, the shipowner is responsible for the health protection and medical care of all seafarers working on-board and must —

(a) bear the costs for a seafarer working on a ship in accordance with the requirements of this Part, in respect of sickness and injury of

the seafarer occurring during the service period, or arising from his or her employment between those dates; and

(b) defray the expense of medical care, including medical treatment, the supply of the necessary medicines, therapeutic appliances and board and lodging away from home until the sick or injured seafarer has recovered or until the sickness or incapacity has been declared of a permanent character.

(2) The shipowner's liability to defray the expense of medical care and board and lodging in accordance with paragraph (1)(b), is limited to a period which must not be less than 16 weeks from the day of the injury or the commencement of the sickness.

(3) A shipowner or his or her representative must safeguard property left on-board by a sick, injured or deceased seafarer and return it to the seafarer or to his or her next of kin.

95 Payment of wages

(1) Subject to regulation 96, where the sickness or injury results in incapacity for work the shipowner is liable —

(a) to pay full wages at the rate stated in the SEA, as long as the sick or injured seafarer remains on-board or until the seafarer has been repatriated in accordance with Part 8 (Repatriation); and

(b) except as may be provided otherwise in any applicable collective agreement, to pay the seafarer from the time when the seafarer is repatriated or until his or her recovery at the rate of basic pay stated in the SEA for a seafarer on a non-consolidated wage and for a seafarer on a consolidated wage at the rate of the consolidated wage stated in the SEA.

(2) The amount which the shipowner must pay to the seafarer in accordance with paragraph (1)(b) may be reduced by an amount equal to any sums that the seafarer is entitled to receive in respect of that period in accordance with —

(a) any statutory provision having effect in the Island in respect of sickness or incapacity for work; or

(b) any laws or arrangements in the country to which the seafarer is repatriated which the seafarer is entitled to similar financial support.

(3) The shipowner's liability to pay basic pay and consolidated wages under paragraph (1) for a seafarer no longer on-board is limited to a period of 16 weeks from the day of the injury or the commencement of the sickness.

96 Limitation of shipowner's liability

(1) A shipowner is not liable to bear the costs of a sick, injured or deceased seafarer if the —

(a) injury or sickness is due to the wilful misconduct of the sick, injured or deceased seafarer; or

(b) sickness or infirmity has been intentionally concealed when entering into the engagement.

(2) Nor is the shipowner liable to defray the expense of medical care, board and lodging and burial expenses in so far as that liability is assumed by public authorities.

(3) The shipowner ceases to be liable to bear the costs of a sick or injured seafarer from the time that seafarer can claim equivalent medical benefits under a scheme of compulsory sickness insurance, compulsory accident insurance or worker's compensation for accidents.

97 Burial costs

Subject to regulation 96(2), a shipowner must pay the cost of burial expenses in the case of death occurring on-board or ashore during the service period.

98 Seafarer's legal remedies

Nothing in this Part affects any other legal remedies that a seafarer may seek.

PART 15 — HEALTH AND SAFETY POLICIES AND PROGRAMMES (MLC TITLE 4.3)

99 Interpretation for this Part

In this Part only —

"**accident**" means an event, or a sequence of events that have resulted in any injury to a person or any damage to the ship which has occurred directly in connection with the operations of the ship;

"**damage to the ship**" includes but is not limited to any of the following which have not resulted in material damage to the ship —

(a) any fire or explosion;

(b) the collapse or bursting of any pressure vessel, pipeline or valve, or the accidental ignition of anything in a pipeline;

(c) the collapse or failure of any lifting equipment, access equipment, hatchcover, staging or bosun's chair or any associated load-bearing parts;

(d) the uncontrolled release or escape of any harmful substance or agent; or

(e) any collapse of cargo or unintended movement of cargo sufficient to cause a list or loss of cargo overboard;

"**health surveillance**" means the monitoring of a seafarer's health, at any point in time over an ongoing period, to effectively manage the risks to the seafarer's health associated with work on-board the ship;

"**marine incident**" means an event or sequence of events other than an accident which has occurred directly in connection with the ship's operations that endangered, or if not corrected would endanger the safety of the ship, its occupants or any other person or the environment; a marine incident does not include a deliberate act or omission with the intention to cause harm to the ship, its occupants or any other persons or the environment;

"**material damage**" means damage that —

(a) significantly affects the structural integrity, performance or operational characteristics of marine infrastructure or the ship which requires major repair or replacement of a major component or components; or

(b) causes the destruction of the marine infrastructure or ship;

"**personal protective equipment**" means any clothing or equipment designed to be worn, held or used by a person for protection against one or more hazards likely to endanger a person's health or safety at work and any addition or accessory designed for this purpose, excluding —

(a) ordinary working clothes and uniforms not specifically designed to protect a person's health and safety; or

(b) equipment provided for the purposes of fire fighting or lifesaving; and

"**tanker**" means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature.

100 Occupational health protection

(1) The shipowner must ensure a seafarer is provided with occupational health protection and that he or she lives, works and trains on-board in a safe and hygienic environment in accordance with the requirements of Parts 15 to 18.

(2) Occupational health protection in accordance with the requirements of Parts 15 to 18 must be provided at no cost to the seafarer.

(3) In carrying out responsibilities in accordance with paragraph (1), a shipowner must —

(a) ensure reasonable precautions are taken to prevent occupational accidents, injuries and diseases on-board ship, including measures

to reduce and prevent the risk of exposure to harmful levels of ambient factors, including noise, vibration and chemicals as well as the risk of injury or disease that may arise from the use of equipment and machinery on-board the ship;

(b) apply the following principles —

(i) give precedence to the safety of life and of the ship;

(ii) avoid risks;

(iii) evaluate and act to minimise unavoidable risks;

(iv) adopt work practices and procedures which minimise any adverse effects on a seafarer's health;

(v) adopt procedures to take account of new technology, changes in working practices, equipment and other factors which may affect a seafarer's health and safety; and

(vi) adoption a coherent approach to vessel management taking into account health and safety at every level of the management;

(c) maintain and revise as appropriate a written statement of general policy with respect to health and safety and make that statement and any revisions available to seafarers;

(d) make appropriate arrangements, having regard to the nature of the activities, for the effective planning, organisation, control, monitoring and review of preventative and protective measures;

(e) provide the seafarer with any information, instructions, training and supervision as is necessary to ensure as far as is reasonably practicable his or her health and safety;

(f) provide appropriate health surveillance having regard to any risk identified by the risk assessments required by regulations 101 and 112;

(g) ensure no seafarer has access to any area of the ship to which it may be necessary to restrict access on grounds of health and safety, unless that seafarer has received adequate training or instruction appropriate to entry into that area;

(h) maintain so far as is reasonably practicable an environment for persons on-board the ship that is safe and without risk to health; and

(i) collaborate so far as is reasonably practicable with others who employ persons on-board the ship at any time who are engaged in loading or unloading activities, to protect the health and safety of all persons on-board.

101 Risk assessments and risk evaluation

(1) A shipowner must make a sufficient assessment of risks to the health and safety of a seafarer arising from the normal course of his or her duties or in connection with any shipboard activities for the purpose of identifying —

(a) a seafarer at particular risk in the performance of his or her duties; and

(b) the measures required to be taken to comply with the shipowner's responsibilities in this Part.

(2) A risk assessment required in accordance with Parts 15 to 18 must be reviewed if —

(a) there is a reason to suspect that it is no longer valid; or

(b) there has been a significant change in the matters to which it relates,

and if the review identifies a need for any change to procedures or practices, that change must be made.

(3) A record must be kept of any significant findings from a risk assessment required in accordance with Parts 15 to 18 and the record must be made available to seafarers.

(4) The shipowner must conduct a risk evaluation in relation to management of occupational health and safety and in doing so refer to any appropriate statistical information from the ships and any general statistics provided by the Department.

102 Consultation

(1) If there is a self-employed seafarer or other person working in any capacity on-board a ship, who is not employed by the shipowner or the shipowner's representative then the shipowner must —

(a) consult with any other employer or the self-employed person regarding the arrangements for complying with regulations 100 and 101;

(b) co-ordinate arrangements for protection of all persons working on-board, and the prevention of risk to their health and safety; and

(c) ensure that all persons working on-board are informed so far as is practicable, of the risks to health arising on-board ship and of the arrangements for co-ordination referred to in sub-paragraph (b).

(2) Every employer of a person working in any capacity on-board a ship who is not the shipowner or the shipowner's representative and every

self-employed person must inform the shipowner of any risks to health and safety arising out of or in connection with the conduct of his or her undertaking.

103 Responsibilities of persons working on-board

(1) It is the responsibility of every person who is employed or engaged or works in any capacity on-board a ship to —

(a) take care for the health and safety of him or herself and of any other persons on-board the ship who may be affected by his or her action or omission;

(b) co-operate with the shipowner or employer so far as is necessary to ensure the responsibilities and requirements laid on the shipowner or employer with regard to health and safety can be complied with;

(c) make proper use of any personal protective equipment provided;

(d) use machinery, equipment, dangerous substances, safety devices or other equipment in accordance with the instructions provided for its use and follow the training and instruction provided by the shipowner or employer; and

(e) inform the master or safety officer of any matter or work situation that may be considered to be a risk to health and safety.

(2) A person who fails to comply with paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding ***£10,000***[11] or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

(3) No person may intentionally or recklessly interfere with or misuse anything provided on-board for the health and safety of a person on-board a ship.

(4) A person who intentionally or recklessly interferes with or misuses anything provided on-board for the health and safety of a person on-board commits an offence and is liable on summary conviction to a fine not exceeding ***£10,000***[12] or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

104 Safety officer

(1) A ship must have a safety officer who may be the master or a person designated by the master to take specific responsibility for

[11] Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

[12] Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

implementation and compliance with the ship's occupational health and safety policies and programmes.

(2) The safety officer must have at least 2 years' sea service since attaining the age of 18 and in the case of a safety officer for a tanker this must include at least 6 months' service on a tanker.

(3) It is the responsibility of the safety officer to —

(a) use his or her best endeavours to ensure the shipowner's occupational health and safety policies and programmes are implemented and complied with;

(b) use his or her best endeavours to improve the standard of safety consciousness among seafarers;

(c) investigate every accident or marine incident occurring on-board, provided that the requirement to investigate does not extend to investigating the loss of a person from the ship, the abandonment of the ship or any accident which results in the death of a person;

(d) investigate all complaints by seafarers about occupational health and safety unless the safety officer has reason to believe the complaint is of a frivolous or vexatious nature;

(e) carry out occupational health and safety inspections of each accessible part of the ship at least once every 3 months or more frequently if there have been substantial changes in the conditions of work;

(f) make representations and if appropriate, recommendations to the master and through the master to the shipowner about any deficiency in the ship relating to the ship's occupational health and safety policies and programmes;

(g) ensure as far as is reasonably practicable that safety instructions and guidance are complied with;

(h) maintain a record of all accidents and incidents which must at least contain —

(i) the date, the persons involved and the nature of the injuries suffered;

(ii) statements from any witnesses; and

(iii) details of any recommendations made to prevent future similar accidents or incidents;

(i) maintain a record of —

(i) investigations, complaints or inspections made in accordance with paragraph (3)(d); and

(ii) representations or recommendations made in accordance with paragraph (3)(f), together with the outcome;

(j) make the records kept in accordance with paragraph (3)(h) or (i) available on request to a safety representative, the safety committee, the master or the Department ***or RO;***

(k) stop work which the safety officer reasonably believes may cause an accident and immediately inform the master who is responsible for deciding when work can be safely resumed.

(4) Nothing in this regulation requires a safety officer to take any action at a time when emergency action to safeguard life or the ship is being taken.

(5) A safety officer who fails to comply with paragraph (3) commits an offence and is liable on summary conviction to a fine not exceeding ***£10,000***[13] or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

105 Additional responsibilities of a safety officer on ships with safety committees

(1) On a ship that is required to have a safety committee in accordance with regulation 108, it is the responsibility of the safety officer to —

(a) carry out any occupational health and safety investigation or inspection required by the safety committee; and

(b) ensure the records of each safety committee meeting are accessible to all seafarers on the ship.

(2) A safety officer who fails to comply with paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding ***£10,000***[14] or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

106 Safety representatives

(1) A ship with 5 or more seafarers must elect or appoint a safety representative.

(2) A ship with 16 or more seafarers must elect or appoint a safety representative from each department and must at least include a safety representative from the deck and engine departments.

(3) The master must not be a safety representative.

(4) The safety representative must have at least 2 years' sea service since attaining the age of 18 and in the case of a safety representative for a tanker this must include at least 6 months' service on a tanker.

[13] Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

[14] Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

107 Powers of safety representatives

A safety representative may —

(a) participate, subject to the agreement of the safety officer, in any investigation or inspection carried out by the safety officer in accordance with regulations 104 or 105;

(b) undertake similar investigations or inspections whether or not such investigations or inspections have already been carried out by the safety officer;

(c) on matters affecting the occupational health and safety of the seafarers represented by the safety representative —

(i) consult with the master or the safety officer and make recommendations to them, including recommendations to the master that any work which the safety representative believes may cause an accident should be suspended; and

(ii) request through the safety committee an investigation by the safety officer of any such matter;

(d) inspect any records the safety officer is required to make in accordance with this Part; and

(e) attach any comments to any records made in accordance with regulations 104(3)(h) or (i) or to any accident report which is required to be submitted to the Department.

108 Safety committees

(1) On a ship with 5 or more seafarers the master must appoint a safety committee.

(2) The master must be the chairman of the safety committee.

(3) The safety committee must include the safety officer (if the master is not the safety officer) and every safety representative.

(4) The appointment of every member of a safety committee must be recorded by the master in the Official Log Book.

(5) Safety committee meetings must be held at intervals not exceeding 6 weeks and a record of the meetings must be kept including a record of any representations made to the committee, replies to representations and any resulting action.

109 Responsibilities of the shipowner and the master

The shipowner and the master must facilitate the work of the safety officer, safety representatives and the safety committee in carrying out their occupational health and safety functions, and in particular —

(a) provide access to any necessary information, documents and similar material including any relevant legislation, relevant Manx Shipping Notices or MLNs and the Isle of Man Ship Registry Health and Safety Guidelines;

(b) inform the safety officer, safety representatives and safety committee of any hazards on-board the ship known to them which may endanger the ship or a seafarer;

(c) ensure that information concerning the hazards, locations and necessary safety precautions applicable to any hazardous cargoes on-board is readily available to all seafarers and displayed prominently in easily accessible locations;

(d) provide, so far as is practicable, any reasonably necessary accommodation, office equipment supplies and similar materials;

(e) permit occupational health and safety inspections of any accessible part of the ship;

(f) allow the safety officer and safety representatives any absence from ship duties without loss of pay that may be necessary to enable them to fulfil their functions, or to undertake any necessary training on-board in the exercise of their functions as safety officer or safety representative;

(g) display, in an easily accessible place to seafarers, a notice listing the names of the safety officer and safety representative on-board;

(h) receive, at any reasonable time, representations about occupational health and safety from the safety officer, the safety representative or the safety committee, including recommendations made in accordance with regulation 107(d) by a safety representative that certain work should be suspended, discuss the representations with him or her, and implement any agreed measures as soon as is reasonable and practicable;

(i) specify in writing the reasons for refusing to implement any recommended occupational health and safety measures made by the safety officer, safety representative or the safety committee; and

(j) provide upon request to the safety officer or the safety representatives any information or plans necessary to enable them to undertake the investigations and inspections specified in regulations 104, 105 or 107.

110 Provision of personal protective equipment

(1) A shipowner must provide seafarers with suitable personal protective equipment when risks cannot be avoided or sufficiently limited by means of organisation of work procedures or collective protection measures.

(2) Personal protective equipment must be —

(a) appropriate for the risks and task for which they are to be used;

(b) of a suitable size for the person who is to use it;

(c) manufactured to an appropriate international standard;

(d) practical and effective, taking into account any constraints imposed by the place of work; and

(e) compatible with any other equipment that the person must use at the same time.

(3) Personal protective equipment must be properly stored, kept in a hygienic condition, maintained in accordance with the manufacturer's instructions and inspected and its operation checked at the intervals recommended by the manufacturer.

(4) Respiratory protection equipment designed to protect against hazards including dust, toxic materials and atmospheres, and lack of oxygen must be inspected and its operation confirmed both before and after use.

(5) The shipowner must provide appropriate training and instructions for the use of personal protective equipment and must take all reasonable steps to ensure that personal protective equipment provided to seafarers is correctly used.

(6) A seafarer provided with personal protective equipment must use it in accordance with the requirements of this Part and in accordance with any training, instruction or operating instructions provided.

(7) This regulation does not apply to self-employed seafarers or any other person working in any capacity on-board the ship, who is not employed by the shipowner or the shipowner's representative.

But this exception does not limit the shipowner's responsibilities in regulations 100 and 101.

111 Capabilities and health and safety training

(1) The shipowner must, in entrusting tasks to a seafarer, take into account the seafarer's capabilities as regards health and safety.

(2) The shipowner must ensure the seafarer is provided with adequate and appropriate safety training and instruction —

(a) before being assigned to shipboard duties; and

(b) on being exposed to new or increased risks due to —

(i) being transferred or given a change of responsibilities;

(ii) the introduction of new equipment or a change to equipment already in use;

(iii) the introduction of new technology; or

(iv) the introduction of new shipboard practices, a new system of work or a change to a system of work already in use.

(3) The training and instruction must —

(a) be repeated periodically if appropriate;

(b) be adapted to take account of any new or changed risks to the health or safety of the seafarer concerned; and

(c) take place during the working hours of the seafarer concerned.

(4) This regulation does not apply to a self-employed seafarer or any other person working in any capacity on-board the ship, who is not employed by the shipowner or the shipowner's representative.

But this exception does not limit the shipowner's responsibilities in regulations 100 and 101.

112 Young seafarers

(1) In addition to the requirement to carry out a risk assessment in accordance with regulation 101, a shipowner must carry out risk assessments to assess the health and safety risk to any young seafarer working on-board the ship.

(2) The risk assessment for a young seafarer must take into account that young people are likely to be inexperienced, unaware of health and safety risks and be physically or mentally immature.

(3) The risk assessment must be completed before the young seafarer begins work and must pay particular attention to the —

(a) fitting out and layout of working areas;

(b) nature, degree and duration of exposure to physical, biological or chemical agents;

(c) form, range and use of work equipment and the way in which it is handled;

(d) organisation of processes and activities;

(e) extent of the health and safety training provided or to be provided to the young seafarer concerned; and

(f) risks from the agents, processes or work listed in Schedule 1.

113 Health assessments for young seafarers

(1) The shipowner must conduct a health assessment for a young seafarer if —

(a) the risk assessment required by regulation 112 finds there is a risk to the young seafarer's safety, physical or mental health; or

(b) the young seafarer is likely to be required to work at night.

(2) The health assessment must include an assessment of the young seafarer's health and capacities and must be —

(a) made before he or she starts work; and

(b) carried out at regular intervals while the task is being carried out to ensure the task is still being carried out safely and the young seafarer remains physically and mentally able to perform the task.

114 Restricted tasks for young seafarers

(1) ***Subject to paragraphs (2) and (3), no young seafarer may carry out any restricted task unless —***

(a) he or she has been instructed in the task;

(b) he or she is appropriately supervised by a competent person; and

(c) the task is carried out so that a young seafarer's health and safety is ensured as far as reasonably practicable.

(2) ***The supervision and instruction of a young seafarer in carrying out any of the restricted tasks specified in paragraphs 4(a) or (b) in accordance with paragraph (1) is not required if the young seafarer is recognised as fully competent to perform that task.***

(3) ***No young seafarer may carry out any of the restricted tasks specified in paragraphs 4(c) to (e) unless the task is an indispensable part of his or her training programme.***

(4) ***For the purposes of this regulation, a restricted task is any task —***

(a) involving any agents, processes or work specified in Schedule 1;

(b) identified by the risk assessment required for the young seafarer by regulation 112 as presenting a special risk of accident or of detrimental effect on his or her health or physical development;

(c) involving the risk of accidents that may be assumed cannot be recognised or avoided by the young seafarer owing to his or her insufficient attention to safety or lack of experience or training;

(d) in which there is a risk to health from extreme cold, heat, noise or vibration; or

(e) ***requiring entry into an enclosed space (including boilers, tanks and cofferdam).***

115 Prohibited tasks for young seafarers

A young seafarer is prohibited from carrying out any work —

(a) which is objectively beyond the young seafarer's physical or psychological capacity;

(b) involving harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage or harm to the unborn child or that in any other way chronically affect human health; or

(c) involving harmful exposure to radiation.

116 Health education for young seafarers

A shipowner must provide a young seafarer with guidance on the detrimental effects to his or her health and well-being from the abuse of alcohol, drugs and other potentially harmful substances, the risk and concerns relating to HIV/AIDS and of other health risk-related activities.

PART 16 — HEALTH AND SAFETY – VIBRATION (MLC TITLE 4.3)

117 Interpretation for this Part

In this Part —

"acceleration" means the quantity used to represent vibration magnitude in units of metres per second (m/s^2);

"**BS EN ISO standard 5349-1**" means the British Standard publication "Mechanical vibration — Measurement and evaluation of human exposure to hand-transmitted vibration Part I: General Requirements" first edition dated 10 May 2001;

"**daily exposure**" means the quantity of mechanical vibration to which a seafarer is exposed during a working day, which takes account of the magnitude and duration of the vibration;

"**frequency weighted acceleration**" means vibration magnitude corrected for varying human sensitivity to vibration at different frequencies;

"**hand-arm vibration**" means mechanical vibration which is transmitted into the hands during a work activity;

"**ISO standard 2631-1**" means the International Organisation for Standardisation publication "Mechanical vibration and shock – Evaluation of human exposure to whole-body vibration – Part 1: General Requirements" second edition dated 15 July 1997;

"**mechanical vibration**" means vibration occurring in a piece of machinery or equipment, or in a ship as a result of its operation;

"mechanical vibration health surveillance" means assessment of the state of health of a seafarer, as related to exposure to mechanical vibration, which is intended to prevent and diagnose rapidly any disorder linked with exposure to mechanical vibration;

"**orthogonal axes**" means the 3 directions of vibration which are at right angles to one another; and

"**whole-body vibration**" means mechanical vibration which is transmitted into the body, when seated or standing, through the supporting surface, during a work activity.

118 Risk assessment of mechanical vibration

(1) In addition to the requirement to carry out a risk assessment in accordance with regulation 101, the shipowner must carry out a risk assessment to assess the level of mechanical vibration to which a seafarer is likely to be exposed.

(2) The risk assessment must record the measures the shipowner has taken to comply with regulations 120 and 121.

(3) The risk assessment must be based on —

(a) observation of specific working practices;

(b) any relevant information provided by the manufacturer of the equipment and any other relevant information on the probable magnitude of vibration in the particular conditions of use; and

(c) if necessary, measurement of the level of mechanical vibration to which seafarers are likely to be exposed.

(4) If the shipowner determines it is not necessary for the purposes of paragraph (3)(c) to measure the level of mechanical vibration to which seafarers are likely to be exposed, the risk assessment must record the reasons why it is not considered necessary.

(5) The risk assessment must be reviewed at suitable intervals or if the results of any mechanical vibration health surveillance indicate that a further risk assessment is necessary.

(6) A copy of the risk assessment must be retained on-board and made available for inspection purposes.

119 Measurement of mechanical vibration

The measurement of mechanical vibration for the purposes of regulation 118(3)(c) —

(a) must take account of —

(i) the particular characteristics of the mechanical vibration to be measured;

(ii) ambient factors; and

(iii) the characteristics of the measuring apparatus;

(b) may include sampling, which must be representative of the personal exposure of a seafarer to the mechanical vibration under assessment; and

(c) for hand-arm vibration devices which need to be held with both hands —

(i) the measurements must be made and recorded for each hand; and

(ii) the exposure value is the higher of the 2 values.

120 Exposure limit values and exposure action values

(1) Subject to regulation 124, a seafarer must not be subject to mechanical vibration exceeding the following daily exposure limit values —

(a) 5 m/s^2 for hand-arm vibration standardised to an 8 hour reference period; and

(b) 1.15 m/s^2 for whole-body vibration standardised to an 8 hour reference period.

(2) For the purposes of this Part, the daily exposure action value for —

(a) hand-arm vibration standardised to an 8 hour reference period is 2.5 m/s^2; and

(b) whole-body vibration standardised to an 8 hour reference period is 0.5 m/s^2.

(3) For the purposes of paragraphs (1) and (2), the level of exposure for hand-arm vibration must be assessed based on the calculation of the daily exposure value normalised to an 8 hour reference period A(8), expressed as the square root of the sum of the squares (rms) (total value) of the frequency weighted acceleration values, determined on the orthogonal axes a_{hwx}, a_{hwy}, and a_{hwz}, as defined in Chapters 4 and 5 and Annex A to BS EN ISO standard 5349-1.

(4) For the purposes of paragraphs (1) and (2), the level of exposure to whole- body vibration —

(a) must be assessed based on the calculation of the daily exposure expressed as equivalent continuous acceleration over an 8 hour period, calculated as the highest (rms) value, determined on three orthogonal axes ($1{,}4a_{wx}$, $1{,}4a_{wy}$, a_{wz}, for a seated or standing seafarer) in accordance with Chapters 5 to 7 and Annexes A and Annex B to ISO standard 2631-1; and

(b) need only include vibrations of a frequency exceeding 1 hz.

121 Elimination or control of exposure to vibration

(1) Risks arising from exposure to mechanical vibration identified by the risk assessment must be —

(a) eliminated at source; or

(b) if this is not reasonably practicable, reduced to a level that is as low as is reasonably practicable.

(2) If it is not reasonably practicable to eliminate a risk at source and an exposure action value or an exposure limit value is likely to be exceeded, the shipowner must reduce exposure to as low as is reasonably practicable by establishing and implementing a programme of organisational or technical measures (or both) appropriate to the activity.

(3) Following the implementation of the organisational or technical measures specified in paragraph (2), the effectiveness of the measures must be assessed and —

(a) if the exposure action value is still exceeded the shipowner must provide suitable and sufficient information, instruction and training to the seafarer to minimise as far as reasonably practicable the effects of the vibration; and

(b) if the daily exposure limit value is still exceeded the shipowner must —

(i) identify the reasons why the limit has been exceeded;

(ii) take action as is necessary to reduce the exposure to vibration below the exposure limit value; and

(iii) amend the organisational or technical measures (or both) taken to ensure the exposure limit value is not exceeded again.

122 Accommodation and rest spaces

Except in an emergency, vibration in accommodation or rest spaces must be reduced to a level compatible with their purpose.

123 Mechanical vibration health surveillance

If the risk assessment indicates there is a risk to the health of a seafarer who is, or is likely to be exposed to mechanical vibration the seafarer is entitled to mechanical vibration health surveillance provided by the shipowner.

124 Exemption from exposure limit values

(1) The Department may grant an exemption from the requirements of regulations 120(1)(b) and 121(3)(b) in relation to whole-body vibration if it is satisfied the specific characteristics of the ship do not make it possible to comply with the whole-body exposure limit value whatever technical or organisational measures are adopted.

This is subject to paragraphs (2) and (5).

(2) An exemption in accordance with paragraph (1), may only be granted —

(a) if the risk is reduced to as low as reasonably practicable; and

(b) if mechanical vibration health surveillance has been increased to a level considered appropriate by the Department.

(3) The Department may grant an exemption from the requirements of regulations 120(1) and 121(3)(b) in relation to whole-body vibration or hand-arm vibration if the seafarer is exposed to mechanical vibration that is usually below the exposure action value but which varies significantly from time to time and sometimes exceeds the exposure limit value.

This is subject to paragraphs (4) and (5).

(4) An exemption in accordance with paragraph (3) may only be granted —

(a) if the exposure value averaged over 40 hours is less than the exposure limit value;

(b) if there is evidence to show the risks from the pattern of exposure are lower than those from exposure at the exposure limit value; and

(c) if mechanical vibration health surveillance has been increased to a level considered appropriate by the Department.

(5) An exemption granted by the Department in accordance with this Regulation —

(a) must be in writing;

(b) must specify the date on which it takes effect;

(c) must specify the conditions (if any) on which the exemption is granted; and

(d) may, be altered or cancelled by the Department on reasonable notice.

PART 17 - HEALTH AND SAFETY – NOISE (MLC TITLE 4.3)

125 Interpretation for this Part

In this Part —

"**daily noise exposure level**" means the time-weighted average of the noise exposure levels for a nominal 8 hour working day as defined by international standard "ISO 1999: 1990 Acoustics; Determination of occupational noise exposure and estimation of noise-induced hearing impairment", point 3.6, and it covers all noise at work, including impulsive noise;

"**impulsive noise**" means all non steady noise usually characterised as impact or impulse noise;

"noise health surveillance" means assessment of the state of health of a seafarer so as to provide early diagnosis of any loss of hearing due to noise and to preserve the hearing function;

"**peak sound pressure**" is the greatest instantaneous sound pressure that has passed through a 'C' filter that allows passage of frequencies between 20 Hz and 20KHz during a stated time interval, regardless of sign (positive or negative pressure excursion); and

"**weekly noise exposure level**" means the time-weighted average of the daily noise exposure levels of a nominal week of five 8 hour working days as defined by international standard "ISO 1999: 1990 Acoustics; Determination of occupational noise exposure and estimation of noise-induced hearing impairment", point 3.6.

126 Risk assessment of noise

(1) In addition to the requirement to carry out a risk assessment in accordance with regulation 101 a shipowner must carry out a risk assessment to assess the level of noise to which seafarers are exposed.

(2) The risk assessment must —

(a) record the measures the shipowner has taken to comply with regulations 128, 130 and 131;

(b) determine whether the exposure action values and the exposure limit values specified in regulations 128 and 129 are likely to be exceeded; and

(c) if necessary, be based on the measurement of the level of noise to which seafarers are likely to be exposed.

(3) If the shipowner determines it is not necessary for the purposes of paragraph (2)(c) to measure the level of noise to which seafarers are likely to be exposed, the risk assessment must record the reasons why it is not considered necessary.

(4) The risk assessment must be reviewed at suitable intervals or if the results of any noise health surveillance indicate that a further risk assessment is necessary.

(5) A copy of the risk assessment must be retained on-board and made available for inspection purposes.

127 Measurement of noise

The measurement of noise for the purposes of regulation 126(2)(c) must use methods adapted to the prevailing conditions and —

(a) must take account of —

(i) the particular characteristics of the noise to be measured;

(ii) the length of exposure;

(iii) ambient factors; and

(iv) the characteristics of the measuring apparatus, including the accuracy of the measuring equipment determined in accordance with metrological practice.

(b) may include sampling, which must be representative of the personal exposure of a seafarer under assessment to noise.

128 Exposure limit values

(1) Subject to regulation 134, a seafarer must not be subject to noise exceeding the following exposure limit values —

(a) a daily or weekly noise exposure level of 87dB (A-weighted); or

(b) a peak sound pressure of 140dB (C-weighted).

(2) In applying the exposure limit values for the purposes of paragraph (1), account may be taken of attenuation provided by individual hearing protection that is provided by the shipowner.

129 Exposure action values

(1) For the purposes of this Part —

(a) the lower exposure action values are —

(i) a daily or weekly noise exposure level of 80dB (A-weighted); and

(ii) a peak sound pressure of 135 dB (C-weighted);

(b) the upper exposure action values are —

(i) a daily or weekly noise exposure level of 85dB (A-weighted); and

(ii) a peak sound pressure of 137 dB (C-weighted).

(2) In applying the lower and upper exposure action values no account may be taken of attenuation provided by individual hearing protectors.

(3) If as a result of activities, the exposure of a seafarer to noise varies markedly from day to day, a shipowner may use weekly noise exposure levels in place of daily noise exposure levels for the purpose of paragraph (1) and regulation 128.

(4) If weekly noise exposure levels are used in accordance with paragraph (3), measures must be taken in order to reduce the risk associated with the relevant activities to as low as reasonably practicable.

130 Elimination or control of exposure to noise

(1) Risks arising from exposure to noise identified by the risk assessment must be —

(a) eliminated at source; or

(b) if this is not reasonably practicable, reduced to a level which is as low as is reasonably practicable.

(2) If it is not reasonably practicable to eliminate a risk at source and the risk assessment shows the —

(a) lower exposure action value is likely to be exceeded, the shipowner must provide suitable and sufficient information, instruction and training to the seafarer to minimise as far as reasonably practicable the effects of the vibration; or

(b) upper exposure action value or exposure limit value are likely to be exceeded, the shipowner must reduce exposure to as low as is reasonably practicable by establishing and implementing a programme of organisational or technical measures (or both) appropriate to the activity.

(3) Following the implementation of the organisational or technical measures specified in paragraph (2), the effectiveness of the measures must be assessed and —

(a) if the lower exposure action value or the upper exposure action value are still likely to be exceeded the shipowner must provide suitable and sufficient information, instruction and training to the seafarer to minimise as far as reasonably practicable the effects of the vibration; and

(b) if exposures above the exposure limit value are detected the shipowner must —

(i) identify the reasons why the limit has been exceeded;

(ii) take such action as is necessary to reduce the exposure to noise below the exposure limit value; and

(iii) amend the organisational or technical measures (or both) taken to ensure the exposure limit value is not exceeded again.

131 Hearing protection

(1) Personal hearing protectors must be made available to a seafarer who is or is likely to be exposed to noise which is at or above a lower exposure action value.

(2) The shipowner must ensure, as far as is reasonably practicable, that a seafarer who is exposed to noise which is above an upper exposure action value uses personal hearing protectors.

(3) If in any area of the ship a seafarer is likely to be exposed to noise at or above an upper exposure action value —

(a) the area must be demarcated and identified by means of the sign specified in MLN 4.3(c) for the purpose of indicating that ear protection must be worn; and

(b) access to the area must be restricted as far as is practicable.

132 Accommodation and rest spaces

Except in an emergency, noise in accommodation or rest spaces must be reduced to a level compatible with their purpose.

133 Noise health surveillance

If the risk assessment indicates there is a risk to the health of a seafarer who is, or is likely to be exposed to noise, the seafarer is entitled to noise health surveillance provided by the shipowner.

134 Exemption

(1) The Department may grant an exemption from the requirements of regulations 128(1), 130(3), 131(1) and 131(2) if, due to the nature of the work, the full and proper use of personal hearing protectors would be likely to cause a greater risk to health and safety than not using hearing protectors.

This is subject to paragraphs (2) and (3).

(2) An exemption in accordance with paragraph (1) may only be granted —

(a) if the risk is reduced to as low as reasonably practicable; and

(b) if noise health surveillance has been increased to a level considered appropriate by the Department.

(3) An exemption granted by the Department in accordance with paragraph (1) —

(a) must be in writing;

(b) must specify the date on which it takes effect;

(c) must specify the conditions (if any) on which the exemption is granted; and

(d) may be altered or cancelled by the Department on reasonable notice.

PART 18 - HEALTH AND SAFETY – HAZARDOUS CHEMICAL AGENTS (MLC TITLE 4.3)

135 Interpretation for this Part

In this Part —

"**binding biological limit value**" in relation to a hazardous chemical agent means the binding biological limit value established for the agent under Annex II to Council Directive 98/24/EC;

"chemical health surveillance" means assessment of the state of health of a seafarer as related to exposure to specific chemical agents at work;

"**Council Directive 98/24/EC**" means the Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC);

"**hazardous chemical agent**" has the meaning assigned to it in Schedule 2;

"IBC Code" has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015;

"IGC Code" has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015;

"IMDG Code" has the meaning given by regulation 4 of the Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015;

"**work**" or "**used at work**" in relation to hazardous chemical agents means any work activity that may expose a seafarer to a chemical agent, including the —

(a) production of chemicals;

(b) handling of chemicals;

(c) storage of chemicals;

(d) transport of chemicals;

(e) disposal and treatment of waste chemicals; or

(f) release of chemicals resulting from work activities; and

"**supplier**" means the person responsible for placing the substance on the market, whether it be the manufacturer, importer or distributer.

136 Related codes

This Part applies without limiting any more stringent or specific provisions relating to the transport by ship of hazardous chemical agents contained in the following publications —

(a) the IBC Code;

(b) the IGC Code; and

(c) the IMDG Code.

137 Risk assessment of hazardous chemical agents

(1) In addition to the requirement to carry out a risk assessment in accordance with regulation 101, if hazardous chemical agents are present on-board the ship, the shipowner must carry out a risk assessment to assess any risk to the health and safety of seafarers.

(2) The risk assessment referred to in paragraph (1) must —

(a) take account of —

(i) the hazardous properties of the chemical agents;

(ii) any information on health and safety provided by the supplier;

(iii) the level, type and duration of exposure;

(iv) the circumstances of work involving the chemical agents, including their amount;

(v) the occupational exposure limit values and binding biological limit values of the chemical agents; and

(vi) if available, any conclusions from chemical health surveillance already undertaken;

(b) cover activities such as maintenance, in respect of which it is foreseeable that there is a potential for significant exposure, or which may result in deleterious effects to health and safety for other reasons; and

(c) in the case of activities involving exposure to several hazardous chemical agents, include an assessment on the basis of the risk presented by all such chemical agents in combination.

(3) The risk assessment must record —

(a) the measures taken to comply with regulation 139; or

(b) the reasons why the risk assessment concludes there is no risk to the health and safety of seafarers from hazardous chemical agents for the purposes of regulation 139.

(4) The risk assessment must be reviewed at suitable intervals or if the results of any chemical health surveillance indicate that a further risk assessment is necessary.

(5) A copy of the risk assessment must be retained on-board and made available for inspection purposes.

138 Occupational exposure limit values

A seafarer must not be exposed to hazardous chemical agents to an extent that exceeds the occupational exposure limit values specified in Schedule 2.

139 General principles for prevention of risks

(1) If the risk assessment required in accordance with regulation 137 concludes there is a risk to the health and safety of seafarers from hazardous chemical agents, the risks must —

(a) be eliminated at source; or

(b) if this is not reasonably practicable, reduced to a level that is as low as is reasonably practicable.

(2) First aid facilities appropriate to the hazardous chemical agents on-board the ship must be provided to protect the health of seafarers from an accident, incident or emergency related to the presence of hazardous chemical agents.

140 Chemical health surveillance

If the risk assessment indicates there is a risk to the health of a seafarer who is, or is likely to be exposed to hazardous chemical agents the seafarer is entitled to chemical health surveillance provided by the shipowner.

141 Labelling and chemical safety data sheets

(1) No hazardous chemical agents may be used at work unless they have been labelled in accordance with paragraph (2) and have a chemical data sheet provided by the supplier which must be in English.

(2) All hazardous chemical agents used at work must be labelled, in a way easily understandable to the seafarer, so as to provide information regarding their identity, classification, the hazards they present and any safety precautions to be observed.

(3) No hazardous chemical agents may be used at work unless the chemical data sheet provided by the supplier contains at least the following information —

(a) identity of the chemical agent;

(b) supplier;

(c) classification of the chemical agent;

(d) hazard identification;

(e) safety precautions;

(f) first aid measures;

(g) fire-fighting measures (if applicable); and

(h) accidental release measures.

(4) A central record of all hazardous chemical agents and their chemical safety data sheets must be maintained on-board and made available to all seafarers in a language understood by the seafarers.

142 Transfer of chemicals

If hazardous chemical agents are transferred into other containers or equipment for storage, the contents must be indicated on the container or equipment so as to provide information regarding their identity, classification, the hazards they present and any safety precautions to be observed.

143 Disposal of chemicals

Hazardous chemical agents which are no longer required and containers that have been emptied but which may contain residues of hazardous chemical agents must be handled or disposed of in accordance with the manufacturer's instructions and in any case in a manner which eliminates or minimises the risk to health and safety and to the environment.

144 Information and training

(1) A seafarer must be —

(a) informed of the hazards associated with exposure to hazardous chemical agents used at work;

(b) instructed on how to obtain and use the information provided on labels and chemical safety data sheets; and

(c) trained in the practices and procedures to be followed for safety in the use of hazardous chemical agents at work.

(2) Chemical safety data sheets and any information specific to the workplace must be used as the basis for the preparation of safety instructions and training for the seafarer in accordance with paragraph (1), which may be written if appropriate.

PART 19 - HEALTH AND SAFETY – REPORTING OF ACCIDENTS, INJURIES AND OCCUPATIONAL DISEASES (MLC TITLE 4.3)

145 Reporting of occupational diseases

(1) Occupational diseases must be reported in accordance with the requirements of this Part.

(2) If a seafarer on a ship suffers from any of the occupational diseases specified in column 1 of schedule 3 and his or her work involves one of

the activities specified in the corresponding entry in column 2 of Schedule 3 a report must be sent to the Department.

(3) Paragraph 2 only applies if the shipowner or the master has received a written statement prepared by a registered medical practitioner diagnosing the disease as one of those specified in Schedule 3.

(4) The report in paragraph (2) must be made within 7 working days of the master or the shipowner receiving the written statement —

(a) using the form specified for the reporting of occupational diseases in MLN 4.3(e); or

(b) in any other format provided it contains at least the information required by the form specified for the reporting of occupational diseases in MLN 4.3(e).

146 Reporting of accidents and injuries

(1) Accidents and injuries must be reported to the Department.

(2) The reporting of accidents and injuries in accordance with the requirements of Merchant Shipping (Accident Reporting and Investigation) Regulations 2001[15] is considered as meeting the requirements of paragraph (1).

PART 20 – MARITIME LABOUR CERTIFICATE AND DECLARATION OF MARITIME LABOUR COMPLIANCE (TITLE 5.1.3)

147 Application of this Part

(1) This Part only applies to ships of 500 gross tonnage or over —

(a) engaged in international voyages; or

(b) operating from a port, or between ports in another country.

(2) This Part also applies to any ship not covered by paragraph (1), at the request of the shipowner to the Department.

148 General requirement

Every ship to which this Part applies must carry and maintain —

(a) a current valid maritime labour certificate issued to the ship by the Department or RO, certifying that the working and living conditions of seafarers on the ship, including measures for ongoing compliance to be included in the declaration of maritime

[15] SD 815/01

labour compliance, have been inspected and meet the requirements of these Regulations; and

(b) a declaration of maritime labour compliance stating the Isle of Man requirements implementing the Maritime Labour Convention for the working and living conditions for seafarers and setting out the measures adopted by the shipowner to ensure compliance with the requirements on the ship.

149 Maritime labour certificate

(1) A maritime labour certificate, complemented by a declaration of maritime labour compliance, constitutes prima facie evidence that the ship has been duly inspected and that the requirements of the Maritime Labour Convention relating to working and living conditions of the seafarer have been met to the extent so certified.

(2) The maritime labour certificate may be issued only if the Department or RO, has ascertained through inspection of the matters specified in regulation 150, that the ship meets or continues to meet the requirements of these Regulations**.**

(3) A maritime labour certificate is valid for the period stated in it, which must not exceed 5 years.

150 Matters to be inspected

The matters which must be inspected and found to meet the requirements of these Regulations regarding the working and living conditions of seafarers on a ship before a maritime labour certificate can be issued, renewed or endorsed are —

(a) minimum age;

(b) medical certification;

(c) qualifications of seafarers;

(d) seafarers' employment agreements;

(e) use of any licensed or certified or regulated private recruitment and placement services;

(f) hours of rest;

(g) manning levels for the ship;

(h) accommodation;

(i) on-board recreational facilities;

(j) food and catering;

(k) health and safety and accident prevention;

(l) on-board medical care;

(m) on-board complaint procedures;

(n) payment of wages;

(o) ***financial security for repatriation; and***

(p) ***financial security relating to shipowners' liability.***

151 Intermediate inspection

(1) The validity of the maritime labour certificate is subject to at least one intermediate inspection by the Department or RO, to ensure continuing compliance with the requirements of these Regulations**.**

(2) If a certificate is valid for 5 years and only one intermediate inspection is carried out, it must take place between the second and third anniversary dates of the certificate.

(3) The scope and depth of the intermediate inspection must be equal to an inspection for renewal of the certificate.

(4) The certificate must be endorsed by the Department or RO, following satisfactory intermediate inspection of the matters specified in regulation 150.

152 Renewal inspection

(1) A maritime labour certificate may be renewed subject to an inspection, conducted in accordance with the following provisions of this regulation, of the matters specified in regulation 150 to ascertain the ship continues to meet the requirements of these Regulations.

(2) If the renewal inspection has been completed —

(a) no earlier than 3 months before the expiry of the existing maritime labour certificate, the new certificate is valid from the date of completion of the renewal inspection for a period not exceeding 5 years from the date of expiry of the existing certificate; or

(b) more than 3 months before the expiry date of the existing maritime labour certificate, the new certificate is valid for a period not exceeding 5 years starting from the date of completion of the renewal inspection.

153 Interim inspection and certificate

(1) Subject to paragraph (2), the Department or RO may issue a maritime labour certificate on an interim basis for a period not exceeding 6 months —

(a) to new ships on delivery;

(b) when a ship changes flag; or

(c) when a shipowner assumes responsibility for the operation of a ship which is new to that shipowner.

(2) An interim certificate may only be issued following verification that the ship has been inspected as far as reasonable and practicable for the matters specified in regulation 150, taking into account verification that —

(a) the shipowner has demonstrated to the Department or RO, that the ship has adequate procedures to comply with the requirements of the Articles, Regulations and Part A of the Maritime Labour Convention;

(b) the master is familiar with the requirements of the Articles, Regulations and Part A of the Maritime Labour Convention and the responsibilities for implementation; and

(c) relevant information has been submitted to the Department or RO, to produce a declaration of maritime labour compliance, although a declaration of maritime labour compliance need not be issued for the period of validity of the interim certificate.

(3) Only one interim certificate may be issued.

(4) A full inspection of the matters specified in regulation 150 must be carried out prior to expiry of the interim certificate to enable issue of the full-term maritime labour certificate.

154 Declaration of maritime labour compliance

(1) A declaration of maritime labour compliance, which consists of 2 parts, must be attached to the maritime labour certificate.

(2) Part I summarises, in accordance with standard A5.1.3 paragraph 10(a) of the Maritime Labour Convention, the requirements of these Regulations regarding the working and living conditions of seafarers on ships.

It is drawn up by the Department and must —

(a) identify the list of matters to be inspected in accordance with regulation 150;

(b) identify and provide a reference to the relevant Part of these Regulations as well as, to the extent necessary, concise information on the main content of Isle of Man requirements;

(c) refer to ship-type specific requirements in accordance with these Regulations;

(d) record any substantially equivalent provisions adopted in accordance with paragraph 3 of Article VI of the Maritime Labour Convention; and

(e) clearly indicate any exemption granted by the Department in accordance with Part 11 (Accommodation and recreational facilities).

(3) Part II of the declaration of maritime labour compliance identifies the measures adopted by the shipowner to ensure ongoing compliance on the ship with these Regulations; it must be drawn up in English by the shipowner, based on the form contained in Appendix A5-II of the Maritime Labour Convention and submitted to the Department or RO.

(4) Part II must identify the measures adopted to ensure ongoing compliance with the requirements of these Regulations between inspections and the measures proposed to ensure that there is continuous improvement.

(5) The measures drawn up by the shipowner must in particular indicate the occasions on which ongoing compliance with the requirements of these Regulations will be verified, the persons responsible for verification and the records to be taken, as well as the procedures to be followed where non-compliance is noted.

(6) Part II may take a number of forms and may make reference to other more comprehensive documentation detailing policies and procedures but must, above all be drafted in clear terms designed to help each person concerned, including authorised persons in port states and seafarers to check that the requirements are being properly implemented.

(7) The Department or RO must review the information provided by the shipowner for Part II and following inspection of the ship, if satisfied with the measures adopted to ensure initial and ongoing compliance with requirements set out in Part I of the declaration of maritime labour compliance, it must certify Part II and issue the declaration of maritime labour compliance.

155 Certificates and records to be made available

(1) A current maritime labour certificate, declaration of maritime labour compliance and the record of any inspections or other verifications must be carried on the ship.

(2) A copy of the documents referred to in paragraph (1) must also be —

(a) posted on-board in a conspicuous place that is accessible to seafarers, authorised persons in port States and shipowners' and seafarers' representatives; and

(b) provided upon request to seafarers, authorised persons in port States, and shipowners' and seafarers' representatives.

156 Maritime labour certificate ceases to be valid

(1) A maritime labour certificate or interim maritime labour certificate ceases to be valid —

(a) if the relevant inspections are not completed within the periods specified in regulations 151 to 153;

(b) if the maritime labour certificate is not endorsed in accordance with regulation 151;

(c) when a ship changes flag;

(d) when a shipowner ceases to assume responsibility for the operation of the ship; and

(e) when the structure or equipment covered in Part 11 (Accommodation and recreational facilities) has been substantially altered.

(2) A new maritime labour certificate may only be issued in the cases referred to in paragraphs (1)(c),(d) or (e) when the Department or RO has inspected the ship for the matters specified in regulation 150 and is fully satisfied the ship is in compliance with the requirements of these Regulations.

157 Maritime labour certificate or interim maritime labour certificate may be withdrawn

(1) The Department or RO may withdraw a maritime labour certificate if there is evidence that the ship is not in compliance with the requirements of these Regulations and any corrective action has not been taken.

(2) The Department or RO may withdraw a interim maritime labour certificate if there is evidence that the ship is not in compliance with the relevant requirements of the Articles, Regulations and Part A of the Code to the Maritime Labour Convention and any corrective action has not been taken.

(3) When considering whether to withdraw a maritime labour certificate or interim maritime labour certificate the Department or RO must take into account the seriousness or the frequency of the deficiencies.

158 Prohibition on going to sea without a valid maritime labour certificate

(1) Proceeding to sea or attempting to proceed to sea without a valid maritime labour certificate or valid interim maritime labour certificate is prohibited.

(2) If a ship proceeds or attempts to proceed to sea without a valid maritime labour certificate or a valid interim maritime labour certificate, the master commits an offence and is liable on summary

conviction to a fine not exceeding ***£10,000***[16] or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

PART 21 - INSPECTION OF SHIPS UNDER 500GT AND INSPECTION OF SHIPS 500GT OR OVER NOT ENGAGED IN INTERNATIONAL VOYAGES (MLC TITLE 5.1.4)

159 Application

(1) This Part applies to ships —

(a) under 500 gross tonnage engaged on any voyage; or

(b) 500 gross tonnage or over not engaged in international voyages.

(2) This Part does not apply to any ship specified in paragraph (1) to which Part 20 (Maritime labour certificate and declaration of maritime labour compliance) is applied at the request of the shipowner to the Department in accordance with regulation 147(2).

160 Requirement to maintain a declaration of maritime labour compliance

(1) Every ship to which this Part applies must carry and maintain a current valid declaration of maritime labour compliance issued by the Department or RO stating the Isle of Man requirements implementing the Maritime Labour Convention for the working and living conditions for seafarers and setting out the measures adopted by the shipowner to ensure compliance with the requirements on the ship.

(2) The declaration of maritime labour compliance may be issued only if the Department or RO has ascertained through inspection of the matters specified in regulation 162, that the ship meets or continues to meet the requirements of these Regulations.

(3) ***A declaration of maritime labour compliance is valid for a period which must not exceed 5 years.***

161 Declaration of maritime labour compliance

(1) The declaration of maritime labour compliance must consist of 2 parts.

(2) Part I summarises, in accordance with standard A5.1.3 paragraph 10(a) of the Maritime Labour Convention, the requirements of these Regulations regarding the working and living conditions of seafarers on ships.

[16] Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

It is drawn up by the Department and must —

(a) identify the list of matters to be inspected in accordance with regulation 162;

(b) identify and provide a reference to the relevant Part of these Regulations as well as, to the extent necessary, concise information on the main content of Isle of Man requirements;

(c) refer to ship-type specific requirements in accordance with these Regulations;

(d) record any substantially equivalent provisions adopted in accordance with paragraph 3 of Article VI of the Maritime Labour Convention; and

(e) clearly indicate any exemption granted by the Department in accordance with Part 11 (Accommodation and recreational facilities).

(3) Part II of the declaration of maritime labour compliance identifies the measures adopted by the shipowner to ensure ongoing compliance on the ship with these Regulations; it must be drawn up in English by the shipowner, based on the form contained in Appendix A5-II of the Maritime Labour Convention and submitted to the Department or RO.

(4) Part II must identify the measures adopted to ensure ongoing compliance with the requirements of these Regulations, between inspections and the measures proposed to ensure that there is continuous improvement.

(5) The measures drawn up by the shipowner must in particular indicate the occasions on which ongoing compliance with the requirements of these Regulations will be verified, the persons responsible for verification and the records to be taken, as well as the procedures to be followed where non-compliance is noted.

(6) Part II may take a number of forms and may make reference to other more comprehensive documentation detailing policies and procedures but must, above all be drafted in clear terms designed to help each person concerned, including seafarers, to check that the requirements are being properly implemented.

(7) The Department or RO must review the information provided by the shipowner for Part II and following inspection of the ship, if satisfied with the measures adopted to ensure initial and ongoing compliance with requirements set out in Part I of the declaration of maritime labour compliance, it must certify Part II and issue the declaration of maritime labour compliance.

162 Matters to be inspected

(1) The matters which must be inspected and found to meet the requirements of these Regulations regarding the working and living conditions on a ship before a declaration of maritime labour compliance can be issued, renewed or endorsed are —

(a) minimum age;

(b) medical certification;

(c) qualifications of seafarers;

(d) seafarers' employment agreements;

(e) use of any licensed or certified or regulated private recruitment and placement services;

(f) hours of rest;

(g) manning levels for the ship;

(h) accommodation;

(i) on-board recreational facilities;

(j) food and catering;

(k) health and safety and accident prevention;

(l) on-board medical care;

(m) on-board complaint procedures;

(n) payment of wages;

(o) financial security for repatriation; and

(p) financial security relating to shipowners' liability.

163 Intermediate inspection

(1) The validity of the declaration of maritime labour compliance is subject to at least one intermediate inspection by the Department or RO, to ensure continuing compliance with the requirements of these Regulations.

(2) If a certificate is valid for 5 years and only one intermediate inspection is carried out, it must take place between the second and third anniversary dates of the declaration.

(3) The scope and depth of the intermediate inspection must be equal to an inspection for renewal of the declaration.

(4) The declaration of maritime labour compliance must be endorsed by the Department or RO, following satisfactory intermediate inspection of the matters specified in regulation 162.

164 Renewal inspection

(1) A declaration of maritime labour compliance may be renewed subject to an inspection, conducted in accordance with the following provisions of this regulation, of the matters specified in regulation 162 to ascertain the ship continues to meet the requirements of these Regulations.

(2) If the renewal inspection has been completed —

(a) no earlier than 3 months before the expiry of the existing declaration of maritime labour compliance, the new declaration of maritime labour compliance is valid from the date of completion of the renewal inspection for a period not exceeding 5 years from the date of expiry of the existing declaration; or

(b) more than 3 months before the expiry date of the existing declaration of maritime labour compliance, the new declaration of maritime labour compliance is valid for a period not exceeding 5 years starting from the date of completion of the renewal inspection.

165 Interim inspection

(1) When a ship changes flag, for a new ship on delivery or when a shipowner assumes responsibility for the operation of a ship which is new to that shipowner, the ship is subject to an interim inspection that includes as far as reasonable and practicable, inspection of the matters specified in regulation 162, taking into account verification that —

(a) the shipowner has demonstrated to the Department or RO that the ship has adequate procedures to comply with the requirements of the Articles, Regulations and Part A of the Maritime Labour Convention;

(b) the master is familiar with the requirements of the Articles, Regulations and Part A of the Maritime Labour Convention and the responsibilities for implementation; and

(c) relevant information has been submitted to the Department or RO, to produce a declaration of maritime labour compliance, although a declaration of maritime labour compliance need not be issued for a period not exceeding 6 months from the date of the interim inspection.

(2) A full inspection of the matters specified in regulation 162 must be carried out within 6 months of the date of the interim inspection to enable the issue of the declaration of maritime labour compliance.

166 Declarations and records to be made available

(1) A current declaration of maritime labour compliance and the record of any inspections or other verifications must be carried on the ship.

(2) A copy of the documents referred to in paragraph (1) must also be —

(a) posted on-board in a conspicuous place that is accessible to seafarers, authorised persons in port States and shipowners' and seafarers' representatives; and

(b) provided upon request to seafarers, authorised persons in port States, and shipowners' and seafarers' representatives.

167 Declaration of maritime labour compliance ceases to be valid

(1) A declaration of maritime labour compliance ceases to be valid —

(a) if the relevant inspections are not completed within the periods specified in regulations 163 to 165;

(b) if the declaration of maritime labour compliance is not endorsed in accordance with regulation 163;

(c) when a ship changes flag;

(d) when a shipowner ceases to assume responsibility for the operation of the ship; and

(e) when the structure or equipment covered in Part 11 (Accommodation and recreational facilities) has been substantially altered.

(2) A new declaration of maritime labour compliance may only be issued in the cases referred to in paragraphs (1)(c), (d) or (e) when the Department or RO has inspected the ship for the matters specified in regulation 162 and is fully satisfied the ship is in compliance with the requirements of these Regulations.

168 Declaration of maritime labour compliance may be withdrawn

(1) The Department or RO may withdraw a declaration of maritime labour compliance if there is evidence that the ship is not in compliance with the requirements of these Regulations and any corrective action has not been taken.

(2) When considering whether to withdraw a declaration of maritime labour compliance, the Department or RO must take into account the seriousness or frequency of the deficiencies.

169 Prohibition on going to sea without a valid declaration of maritime labour compliance

(1) Proceeding to sea or attempting to proceed to sea without a valid declaration of maritime labour compliance is prohibited.

(2) If a ship proceeds or attempts to proceed to sea without a valid declaration of maritime labour compliance, the master commits an offence and is liable on summary conviction to a fine not exceeding ***£10,000***[17] or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

PART 22 – INSPECTION AND ENFORCEMENT (MLC TITLE 5.1.4)

170 Inspection and enforcement

(1) The Department will maintain a system of inspection of the conditions for seafarers on ships, including verification that the measures relating to working and living conditions as set out in the declaration of maritime labour compliance are being followed.

(2) Inspections will take place at the intervals required in accordance with Part 20 (Maritime labour certificate and declaration of maritime labour compliance) and Part 21 (Inspection of ships under 500gt and inspection of ships 500gt or over not engaged in international voyages.)

(3) If the Department or RO —

(a) receives a complaint that it does not consider manifestly unfounded;

(b) obtains evidence that a ship does not conform to the requirements of these Regulations; or

(c) obtains evidence that there are serious deficiencies in the implementation of the measures set out in the declaration of maritime labour compliance,

the Department or RO will take the necessary steps to investigate the matter, which may include, but is not limited to an additional inspection, and ensure that action is taken to remedy any deficiency found.

171 Inspectors

(1) The Department will appoint a sufficient number of inspectors to fulfil the responsibilities in regulation 170(1).

[17] Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

(2) Without limiting any wider powers that may be granted to an inspector under any other statutory provision, an inspector has the following powers —

(a) to board a ship;

(b) to carry out any examination, test or inquiry that he or she may consider necessary in order to be satisfied that the standards are being strictly observed; and

(c) to require that any deficiency is remedied and, if the inspector has grounds to believe that deficiencies constitute a serious breach of the requirements of these Regulations (including seafarers' rights), or represent a significant danger to seafarers' safety, health or security, to detain a ship until necessary actions are taken.

(3) An appeal lies against a requirement under paragraph (2)(c) to the High Bailiff.

(4) A person who wilfully obstructs an inspector in the exercise of a power conferred by paragraph (2), commits an offence and is liable on summary conviction to a fine not exceeding ***£10,000***[18] or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

(5) An inspector must treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to a seafarer's working and living conditions or a violation of these Regulations and give no intimation to the shipowner, the shipowner's representative or the operator of the ship that an inspection was made as a consequence of a grievance or complaint.

172 No unreasonable detention or delay

If an inspection is conducted or when measures are taken in accordance with this Part, all reasonable efforts must be made to avoid a ship being unreasonably detained or delayed.

173 Provisions relating to detention of ships and offences

(1) If a ship is detained by an inspector in accordance with regulation 171(2)(c), section 74 of the Merchant Shipping (Registration) Act 1991 (which relates to detention of a ship) has effect, subject to the following modifications —

(a) in sub-sections (1) and (2), after "any officer of the Department" insert "any inspector";

[18] Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

(b) in sub-section (3), for "this Act" (wherever occurring) substitute "the MLC Regulations"; and

(c) after sub-section (3) add —

"(4) In this section —

"inspector" has the meaning given by regulation 4 of the MLC Regulations; and

"MLC Regulations" means the Merchant Shipping (Maritime Labour Convention) Regulations 2013."

(2) It is a defence for a person charged under these Regulations to show that he or she took all reasonable steps to avoid the commission of the offence.

(3) If the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person is guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

174 Offences by officers of bodies corporate

(1) If a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he or she, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if the member is a director of the body corporate.

(3) For the purposes of this regulation, **"body corporate"** includes a limited liability company constituted under the Limited Liability Companies Act 1996[19] and, in relation to such a company, any reference to a director or other officer of a body corporate is a reference to a member and to the company's manager and registered agent.

[19] 1996 c.19

PART 23 - ON-BOARD COMPLAINT PROCEDURES (MLC TITLE 5.1.5)

175 On-board complaint procedures

A ship must have on-board complaint procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of these Regulations.

176 Complaints - victimisation of seafarers prohibited

(1) A person must not take any adverse action with respect to a seafarer for lodging a complaint that is not manifestly vexatious or maliciously made.

(2) Any person who fails to comply with paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding ***£10,000***[20] or, on conviction on information, to imprisonment for a term not exceeding 2 years and a fine.

177 Copy of on-board complaint procedures

A shipowner must provide all seafarers working on a ship with a copy of the on-board complaint procedures applicable on that ship.

178 On-board complaint procedures

Without limiting any wider scope that may be given in any applicable collective agreement or statutory provision, the ship's on-board complaint procedures must at least —

(a) enable a seafarer to lodge complaints relating to any matter that is alleged to constitute a breach of the requirements of these Regulations;

(b) seek to resolve complaints at the lowest level possible, however in all cases, the seafarer must have a right to complain directly to the master and, if the seafarer considers it necessary, to the Department and other appropriate external authorities;

(c) include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimisation of the seafarer for filing a complaint;

(d) include contact information for the Department, and for a seafarer who is not resident in the Island, contact information for

[20] Increased to a fine not exceeding £10,000 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

the competent authority in the seafarer's country of residence; and

(e) include the name of a person or persons on-board the ship who can, on a confidential basis, provide the seafarer with impartial advice on the complaint and otherwise provide assistance in following the complaint procedures available on-board the ship.

179 Seafarer's right to seek redress

The provisions of this Part do not limit a seafarer's right to seek redress through whatever legal means the seafarer considers appropriate.

PART 24 - INSPECTIONS IN PORT (MLC TITLE 5.2.1)

180 Inspection of foreign ships

A foreign ship, calling in the normal course of its business or for operational reasons to a port in the Island, may be subject to inspection by an authorised officer to review compliance with the relevant requirements of the Articles, Regulations and Part A of the Code to the Maritime Labour Convention (including seafarers' rights) relating to the working and living conditions of seafarers on the ship

181 Maritime labour certificate to be accepted as prima facie evidence of compliance

A valid maritime labour certificate and declaration of maritime labour compliance issued in accordance with Regulation 5.1.3 of the Maritime Labour Convention must be accepted as prima facie evidence of compliance with the relevant requirements of the Articles, Regulations and Part A of the Code to the Maritime Labour Convention (including seafarers' rights) and the inspection, except in the circumstances specified in regulation 182, is limited to a review of the certificate and declaration.

182 Grounds for a more detailed inspection

(1) If the Maritime Labour Convention is not in force in the ship's flag State, a more detailed inspection may be carried out to ascertain the working and living conditions on-board the ship.

(2) If an authorised officer comes on-board to carry out an inspection in accordance with regulation 180, and if applicable requests the maritime labour certificate and the declaration of maritime labour compliance, finds that —

(a) the required documents are not produced or maintained or are falsely maintained, or that the documents produced do not

contain the information required by the Maritime Labour Convention or are otherwise invalid;

(b) there are clear grounds for believing that the working and living conditions on the ship do not conform to the relevant requirements of the Articles, Regulations and Part A of the Code to the Maritime Labour Convention;

(c) there are reasonable grounds to believe that the ship has changed flag for the purpose of avoiding compliance with the Maritime Labour Convention; or

(d) there is a complaint alleging that specific working and living conditions on the ship do not conform to the requirements of the Maritime Labour Convention,

a more detailed inspection may be carried out to ascertain the working and living conditions on-board the ship.

(3) A more detailed inspection may be carried out in any case where the working and living conditions believed or alleged to be defective could constitute a clear hazard to the safety, health or security of a seafarer or if the authorised officer has grounds to believe that any deficiencies constitute a serious breach of the relevant requirements of the Articles, Regulations and Part A of the Code to the Maritime Labour Convention (including seafarers' rights).

(4) For the purposes of paragraph (2)(d), **"complaint"** means information submitted by a seafarer, a professional body, an association, a trade union or generally any person with an interest in the safety of the ship, including an interest in safety or health hazards on-board.

183 Matters to be included in a more detailed inspection

(1) If a more detailed inspection is carried out in the circumstances set out in regulations 182(1), 182(2)(a), (b) and (c) or 182(3) the inspection must be primarily concerned with the matters listed in Appendix A5 – III to the Maritime Labour Convention.

(2) In the case of a complaint in accordance with regulation 182(2)(d), the inspection is generally limited to matters within the scope of the complaint, although the complaint, or its investigation, may provide clear grounds for a more detailed inspection in accordance with regulation 182(2)(b).

(3) Nothing in paragraphs (1) or (2), shall be taken to prevent an authorised officer from taking action in accordance with regulation 184, in the case of non compliance with any of the relevant requirements of the Articles, Regulations and Part A of the Code to the Maritime Labour Convention relating to the working and living conditions of a seafarer.

184 Enforcement

(1) If, following a more detailed inspection, the working and living conditions on the ship are found not to conform to the relevant requirements of the Articles, Regulations and Part A of the Code to the Maritime Labour Convention —

(a) the authorised officer must bring the deficiencies to the attention of the master of the ship with required deadlines for their rectification; and

(b) if the deficiencies are considered by the authorised officer to be significant, or if they relate to a complaint made in accordance with regulation 182(2)(d), the authorised officer must bring the deficiencies to the attention of the appropriate seafarers' and shipowners' organisations and may —

(i) notify a representative of the flag State; and

(ii) provide the competent authorities of the next port of call with the relevant information.

(2) A copy of the authorised officer's report, which must be accompanied by any reply received from the competent authorities of the flag State within the prescribed deadline, may be transmitted to the Director-General of the International Labour Office with a view to any action as may be considered appropriate and expedient in order to ensure that a record is kept of such information and that it is brought to the attention of parties which might be interested in availing themselves of relevant recourse procedures.

(3) If, following a more detailed inspection, the ship is found not to conform to the relevant requirements of the Articles, Regulations and Part A of the Code to the Maritime Labour Convention and —

(a) the conditions on-board are clearly hazardous to the safety, health or security of a seafarer; or

(b) the deficiency constitutes a serious or repeated breach of the requirements (including seafarers' rights),

an authorised officer may detain the ship until any deficiencies that fall within sub-paragraph (a) or (b) have been rectified or until the authorised officer has accepted a plan of action to rectify the deficiency and is satisfied the plan will be implemented in an expeditious manner.

(4) If a ship is detained in accordance with paragraph 3, the authorised officer must notify the flag State accordingly and invite a representative of the flag State to be present if possible, requesting the flag State to reply with in a prescribed deadline.

The authorised officer must also inform the shipowners' and seafarers' organisations.

(5) If an inspection is conducted or if measures are taken in accordance with this Part, all reasonable efforts must be made to avoid a ship being unreasonably detained or delayed.

(6) If a shipowner considers a ship has been unreasonably detained or delayed the shipowner may apply to the High Bailiff for a declaration to that effect.

(7) An application under paragraph (6) —

(a) may not be made more than 7 days after the detention or delay has ceased;

(b) must be made in writing; and

(c) must be served on the Department as well as the High Bailiff.

(8) On an application under paragraph (6) it is for the applicant to show, on the balance of probabilities, that —

(a) the ship's detention or delay was unreasonable in all the circumstances; and

(b) the shipowner has suffered loss in consequence of that detention or delay.

(9) If it appears to the High Bailiff that both sub-paragraphs of paragraph (8) are met the High Bailiff may order the Department to pay such compensation as appears appropriate.

(10) If a ship is detained by an inspector in accordance with paragraph (3)(c), section 74 of the Merchant Shipping (Registration) Act 1991 (which relates to detention of a ship) has effect, subject to the following modifications —

(a) in sub-sections (1) and (2), after "any officer of the Department" insert "any inspector";

(b) in sub-section (3), for "this Act" (wherever occurring) substitute "the MLC Regulations"; and

(c) after subsection (3) add —

"(4) In this section —

"inspector" has the meaning given by regulation 4 of the MLC Regulations; and

"MLC Regulations" means the Merchant Shipping (Maritime Labour Convention) Regulations 2013."

PART 25 - ONSHORE SEAFARER COMPLAINT HANDLING PROCEDURES (MLC TITLE 5.2.2)

185 Right to report a complaint

A seafarer on a foreign ship that the Maritime Labour Convention applies to calling at a port in the Island who alleges a breach of the requirements of the Maritime Labour Convention, including seafarers' rights, has the right to report such a complaint in order to facilitate a prompt means of redress.

186 Initial investigation

(1) A complaint by a seafarer alleging a breach of the requirements of the Maritime Labour Convention (including seafarers' rights) may be reported to an authorised officer in the port at which the seafarer's ship has called.

In such cases, the authorised officer must undertake an initial investigation.

(2) An initial investigation is generally limited to matters within the scope of the complaint, although a complaint or its investigation may provide clear grounds for a more detailed inspection in accordance with regulation 187.

(3) The initial investigation must consider whether the on-board complaint procedures required in accordance with Regulation 5.1.5 of the Maritime Labour Convention have been explored, and examine the results of any on-board complaint procedures for the resolution of the complaint concerned.

(4) If on-board complaint procedures have not been explored the authorised officer must suggest that the complainant take advantage of any such procedures available; there must be good reasons for considering a complaint before any on-board complaints procedures have been explored including inadequacy of, or undue delay in the internal procedures or the complainant's fear of reprisal for lodging a complaint.

(5) In any investigation of a complaint the authorised officer must —

(a) give the master, the shipowner and any other person involved in the complaint a proper opportunity to make known their views; and

(b) if appropriate, seek to promote a resolution of the complaint at the ship-board level.

187 Detailed inspection

(1) If, following an initial investigation, the authorised officer has clear grounds for believing that the working and living conditions on the ship do not comply with the relevant requirements of the Articles, Regulations and Part A of the Code to the Maritime Labour Convention, the authorised officer may conduct a more detailed inspection to ascertain the working and living conditions on-board the ship.

(2) If a more detailed inspection is carried out in accordance with paragraph (1) or regulation 186(2), the inspection must be primarily concerned with the matters listed in Appendix A5 – III to the Maritime Labour Convention.

188 Enforcement and detention

(1) If following an initial investigation or detailed inspection the ship is found not to conform to the relevant requirements of the Articles, Regulations and Part A of the Code to the Maritime Labour Convention and —

(a) the conditions on-board are clearly hazardous to the safety, health or security of a seafarer; or

(b) the deficiency constitutes a serious or repeated breach of the requirements (including seafarers' rights),

the authorised officer may detain the ship until any deficiencies that fall within the scope of sub-paragraph (a) or (b) of this paragraph have been rectified or until the authorised officer has accepted a plan of action to rectify the deficiency and is satisfied the plan will be implemented in an expeditious manner.

(2) If a ship is detained in accordance with paragraph 1, the authorised officer must notify the flag State and invite a representative of the flag State to be present, if possible, requesting the flag State to reply within a prescribed deadline.

(3) If the provisions of paragraph (1) do not apply and the complaint has not been resolved at shipboard level, the authorised officer must notify the flag State, seeking, within a prescribed deadline, advice and a corrective plan of action.

(4) If the flag State demonstrates in response to the notification in accordance with paragraph (3) that it will handle the matter and that it has in place effective procedures for this purpose and has submitted an acceptable plan of action, the authorised officer may refrain from any further involvement with the complaint.

(5) If the complaint has not been resolved following action taken in accordance with paragraph (3), the Department must transmit a copy of

the authorised officer's report to the Director-General of the International Labour Organization accompanied by any reply received within the prescribed deadline from the competent authority of the flag State.

The seafarers' and shipowners' organisations must be similarly informed.

(6) Appropriate steps must be taken to safeguard to confidentiality of a complaint made by a seafarer.

PART 26 - TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS

189 Transitional application of Regulations to Manx ships

(1) These Regulations apply to a Manx ship —

(a) after the coming into operation date of these Regulations from the first date on which that ship has, or is required to have an ISM audit; or

(b) if sooner, the date which falls 12 months after the date the Maritime Labour Convention is extended to the Island.

(2) These Regulations apply to a Manx ship that is not required to have an ISM audit —

(a) from the first date after the coming into operation date of these Regulations on which that ship has, or is required to have a statutory survey; or

(b) if sooner, the date which falls 12 months after the date the Maritime Labour Convention is extended to the Island.

190 Transitional provision for certification of Manx ships

If these Regulations apply to a ship before the date the Maritime Labour Convention is extended to the Island, they apply with the following modifications that in Part 20 (Maritime labour certificate and declaration of maritime labour compliance) and Part 22 (Inspection and enforcement) for the words "Maritime labour certificate" and "certificate" wherever they appear there are substituted "statement of compliance".

191 Voluntary inspection and enforcement

These Regulations apply and are enforceable on a Manx ship, if before the date on which the Regulations would otherwise apply, the ship is inspected and —

(a) the ship is issued with a maritime labour certificate or statement of compliance; or

(b) for a ship to which Part 21 (Inspection of ships under 500gt and inspection of ships 500gt or over not engaged in international voyages) applies, the ship is issued with a declaration of maritime labour compliance.

192 Consequential Amendments

Schedule 4 Consequential Amendments has effect.

MADE 11 JUNE 2013

JOHN SHIMMIN
Minister for Economic Development

SCHEDULE 1

PART 15 - HEALTH AND SAFETY POLICIES AND PROGRAMMES

REGULATION 112(3)(F) AND 114(2)(A)

AGENTS, PROCESSES AND WORK

AGENTS

1 Physical agents

(a) ionising radiation;

(b) non-ionising electromagnetic radiation; and

(c) work in a high pressure atmosphere, for example, in pressurised containers or diving.

2 Biological agents

Biological agents classified as group 2, 3 or 4 of Directive 2000/54/EC of the European Parliament and of the council of 18 September 2000, on the protection of workers from risks related to exposure to biological agents at work (7th individual directive within the meaning of Article 16(1) of Directive 89/391/EEC).

3 Chemical agents

(a) Hazardous chemical agents;

(b) substances and preparations referred to as carcinogens in Article 2 (a) of Directive 2004/37/EC of the European Parliament and of the council of 29 April 2004, on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (6th individual directive within the meaning of Article 16(1) of Council Directive 89/391/EEC);

(c) lead and compounds thereof, in as much as the agents in question are absorbable by the human organism; and

(d) asbestos.

For the purposes of this Schedule —

1 Up until the 1 June 2015, "**hazardous chemical agent**" means —

(a) any chemical agent which meets the criteria for classification as a dangerous substance according to the criteria in Annex VI to Directive 67/548/EEC, on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances, whether or not that substance is

classified under that Directive, other than those substances which only meet the criteria for classification as dangerous for the environment;

(b) any chemical agent which meets the criteria for classification as a dangerous preparation within the meaning of Directive 88/379/EEC on the approximation of laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations, whether or not that preparation is classified under that Directive, other than those preparations which only meet the criteria for classification as dangerous for the environment;

(c) any chemical agent which, whilst not meeting the criteria for classification as dangerous in accordance with (a) and (b), may, because of its physico-chemical, chemical or toxicological properties and the way it is used or is present on a ship, present a risk to the safety and health of seafarers, including any chemical agent assigned an occupational exposure limit value under Article 3 of the directive (see above definition).

2 From the 1 June 2015 "**hazardous chemical agent**" means —

(a) any chemical agent which meets the criteria for classification as a hazardous substance or hazardous mixture within the meaning of Regulation (EC) No 1272/2008 of the European Parliament and of the council of 16 December 2008, on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) no 1907/2006, whether or not that substance or mixture is classified under that Regulation, other than those substances or mixtures which only meet the criteria for classification as hazardous for the environment;

(b) any chemical agent which, whilst not meeting the criteria for classification as hazardous in accordance with (a) may, because of its physico-chemical, chemical or toxicological properties and the way it is used or is present on a ship, present a risk to the safety and health of seafarers, including any chemical agent assigned an occupational exposure limit value under Article 3 of the Directive (see above definition).

(Note: On 01/06/15 Directive 67/548/EEC & 88/379/EEC will both be fully repealed and (EC) No 1272/2008 takes effect)

PROCESSES AND WORK

1 Work involving exposure to polycyclic aromatic hydrocarbons present in coal soot, coal tar or coal pitch.

2 Work involving exposure to hardwood dusts.

3 Handling of devices, pyrotechnics or other objects containing explosives.

4 Working with animals.

5 Work with vats, tanks, reservoirs or carboys containing or having contained hazardous chemical agents.

6 Work involving the handling of equipment for the production, storage or application of compressed, liquefied or dissolved gases.

7 Work involving a risk of structural collapse.

8 Work involving electrical hazards.

9 Work involving the operation of hoisting or other power machinery and tools, or acting as signallers to operators of such equipment.

10 Handling mooring, tow lines or anchoring equipment.

11 Working aloft.

12 Working on deck in heavy weather.

13 Working with flammable liquids and flammable gases.

14 Work which involves exposure to extremes of cold or heat.

15 Work which involves exposure to a high level of noise.

16 Work involving hand-arm vibration.

17 Work involving whole-body vibration.

18 The cleaning of catering machinery.

19 The handling or taking charge of ships' boats.

20 The lifting, moving or carrying of heavy loads or objects.

SCHEDULE 2

PART 18 - HEALTH AND SAFETY – HAZARDOUS CHEMICAL AGENTS

REGULATION 138

Occupational exposure limit values —

(1) Any indicative occupational exposure limit value established for that agent in the Annex to Commission Directive 91/322/EEC on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work;

(2) any indicative occupational exposure limit value established for that agent in the Annex to Commission Directive 2000/39/EC establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work;

(3) any indicative occupational exposure limit value established for that agent in Commission Directive 2006/15/EC establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000/39/EC;

(4) any indicative occupational exposure limit value established for that agent in the Annex to Commission Directive 2009/161/EU establishing a third list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Commission Directive 2000/39/EC; or

(5) where more stringent, any workplace exposure limit established for that agent in Table 1 (list of approved workplace exposure limits) of publication "EH40 – Workplace exposure limits" (as consolidated with amendments December 2011) and published by the UK Health and Safety Executive.

SCHEDULE 3

PART 19 - HEALTH AND SAFETY – REPORTING OF OCCUPATIONAL DISEASES

REGULATION 145

Column 1 – Occupational diseases	Column 2 - Activity
1. Inflammation, ulceration or malignant disease of the skin due to ionising radiation. 2. Malignant disease of the bones due to ionising radiation. 3. Blood dyscrasia due to ionising radiation.	Work with ionising radiation.
4. Cataract due to electromagnetic radiation.	Work involving exposure to electromagnetic radiation (including radiant heat).
5. Decompression illness. 6. Barotrauma resulting in lung or other organ damage. 7. Dysbaric osteonecrosis.	Work involving breathing gases at increased pressure (including diving).
8. Cramp of the hand or forearm due to repetitive movements.	Work involving prolonged periods of handwriting, typing or other repetitive movements of the fingers, hand or arm.
9. Subcutaneous cellulitis of the hand (beat hand).	Physically demanding work causing severe or prolonged friction or pressure on the hand.
10. Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee (beat knee).	Physically demanding work causing severe or prolonged friction or pressure at or about the knee.
11. Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe or prolonged external friction or pressure at or about the elbow (beat elbow).	Physically demanding work causing severe or prolonged friction or pressure at or about the elbow.
12. Traumatic inflammation of the tendons of the hand or forearm or of the associated tendon sheaths.	Physically demanding work, frequent or repeated movements, constrained postures or extremes of extension or flexion of the

Column 1 – Occupational diseases	Column 2 - Activity
	hand or wrist.
13. Carpal tunnel syndrome.	Work involving the use of hand-held vibrating tools.
14. Hand-arm vibration syndrome.	Work involving: (a) the use of chain saws, brush cutters or hand-held or hand-fed circular saws; (b) the use of hand-held rotary tools in grinding material or in sanding or polishing metal; c) the holding of material being ground or metal being sanded or polished by rotary tools; (d) the use of hand-held percussive metal-working tools or the holding of metal being worked upon by percussive tools in connection with riveting, caulking, chipping, hammering, fettling or swaging; or (e) the use of hand-held powered percussive drills or hand-held powered percussive hammers.
Infections due to biological agents	
15. Anthrax	(a) Work involving handling infected animals, their products or packaging containing infected material; or (b) work on infected sites.
16. Brucellosis.	Work involving contact with: (a) animals or their carcasses (including any parts thereof) infected by brucella or the untreated products of same; or (b) laboratory specimens or vaccines of or containing brucella.
17. (a) Avian chlamydiosis.	Work involving contact with birds infected with chlamydia psittaci, or the remains or untreated products of such birds.
17. (b) Ovine chlamydiosis.	Work involving contact with sheep infected

Column 1 – Occupational diseases	Column 2 - Activity
	with chlamydia psittaci or the remains or untreated products of such sheep.
18. Hepatitis.	Work involving contact with - (a) human blood or human blood products; or (b) any source of viral hepatitis.
19. Legionellosis.	Work on or near cooling systems which are located in the workplace and use water; or work on hot water service systems located in the workplace which are likely to be a source of contamination.
20. Leptospirosis.	(a) Work in places which are or are liable to be infested by rats, fieldmice, voles or other small mammals; (b) work involving the care or handling of dogs; or (c) work involving contact with bovine animals or their meat products or pigs or their meat products.
21. Lyme disease.	Work involving exposure to ticks.
22. Q fever.	Work involving contact with animals, their remains or their untreated products.
23. Rabies.	Work involving handling or contact with infected animals.
24. Streptococcus suis.	Work involving contact with pigs infected with streptococcus suis, or with the carcasses, products or residues of pigs so affected.
25. Tetanus.	Work involving contact with soil likely to be contaminated by animals.
26. Tuberculosis.	Work with persons, animals, human or animal remains or any other material which

Column 1 – Occupational diseases	Column 2 - Activity
	might be a source of infection.
27. Any infection reliably attributable to the performance of the work specified in the entry opposite.	Work with micro-organisms; work with live or dead human beings in the course of providing any treatment or service or in conducting any investigation involving exposure to blood or body fluids; work with animals or any potentially infected material derived from any of the above.
Conditions due to substances	
28. Poisonings by any of the following - (a) acrylamide monomer; (b) arsenic or one of its compounds; (c) benzene or a homologue of benzene; (d) beryllium or one of its compounds; (e) cadmium or one of its compounds; (f) carbon disulphide; (g) diethylene dioxide (dioxan); (h) ethylene oxide; (i) lead or one of its compounds; (j) manganese or one of its compounds; (k) mercury or one of its compounds; (l) methyl bromide; (m) nitrochlorobenzene, or a nitroor aminoor chloro-derivative of benzene or of a homologue of benzene; (n) oxides of nitrogen; or (o) phosphorus or one of its compounds.	Any activity.
29. Cancer of a bronchus or lung.	(a) Work in or about a ship where nickel is produced by decomposition of a gaseous nickel compound or where any industrial process which is ancillary or incidental to that process is carried on; or (b) work involving exposure to bis(chloromethyl) ether or any electrolytic

Column 1 – Occupational diseases	Column 2 - Activity
	chromium processes (excluding passivation) which involve hexavalent chromium compounds, chromate production or zinc chromate pigment manufacture.
30. Primary carcinoma of the lung where there is accompanying evidence of silicosis.	Any work involving - (a) glass manufacture; (b) metal ore mining; (c) clay mining; (d) the use of siliceous materials as abrasives; (e) foundry work; or (f) stone cutting or masonry.
31. Cancer of the urinary tract.	1. Work involving exposure to any of the following substances - (a) beta-naphthylamine or methylene-bis-orthochloroaniline; (b) diphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group (including benzidine); (c) any of the substances mentioned in sub-paragraph (b) above if further ring substituted by halogeno, methyl or methoxy groups, but not by other groups; or (d) the salts of any of the substances mentioned in sub-paragraphs (a) to (c) above. 2.The manufacture of auramine or magenta.
32. Bladder cancer.	Work involving exposure to aluminium smelting using the Soderberg process.
33. Angiosarcoma of the liver.	(a) Work in or about machinery or apparatus used for the polymerisation of

Column 1 – Occupational diseases	Column 2 - Activity
	vinyl chloride monomer, a process which, for the purposes of this sub-paragraph, comprises all operations up to and including the drying of the slurry produced by the polymerisation and the packaging of the dried product; or (b) work in a building or structure in which any part of the process referred to in the foregoing sub-paragraph takes place.
34. Peripheral neuropathy.	Work involving the use or handling of or exposure to the fumes of or vapour containing n-hexane or methyl n-butyl ketone.
35. Chrome ulceration of - (a)the nose or throat; or (b)the skin of the hands or forearm.	Work involving exposure to chromic acid or to any other chromium compound.
36. Folliculitis. 37. Acne. 38. Skin cancer.	Work involving exposure to mineral oil, tar, pitch or arsenic.
39. Pneumoconiosis (excluding asbestosis).	1.(a)The mining, quarrying or working of silica rock or the working of dried quartzose sand, any dry deposit or residue of silica or any dry admixture containing such materials (including any activity in which any of the aforesaid operations are carried out incidentally to the mining or quarrying of other minerals or to the manufacture of articles containing crushed or ground silica rock); or (b) The handling of any of the materials specified in paragraph (a) in or incidentally to any of the operations mentioned therein or substantial exposure to the dust arising from such operations. 2. The breaking, crushing or grinding of flint, the working or handling of broken,

Column 1 – Occupational diseases	Column 2 - Activity
	crushed or ground flint or materials containing such flint or substantial exposure to the dust arising from any of such operations. 3.Sand blasting by means of compressed air with the use of quartzose sand or crushed silica rock or flint or substantial exposure to the dust arising from such sand blasting. 4.Work in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations - (a) the freeing of steel castings from adherent siliceous substance; or (b) the freeing of metal castings from adherent siliceous substance - (i) by blasting with an abrasive propelled by compressed air, steam or a wheel; or (ii) by the use of power-driven tools. 5.The grinding of mineral graphite or substantial exposure to the dust arising from such grinding. 6.The dressing of granite or any igneous rock by masons, the crushing of such materials or substantial exposure to the dust arising from such operations. 7.The use or preparation for use of an abrasive wheel or substantial exposure to the dust arising from this. 8. The trimming of coal in any ship, barge, lighter, dock or harbour or at any wharf or quay. 9. The sawing, splitting or dressing of slate or any incidental operation. 10. The manufacture or work incidental to the manufacture of carbon electrodes by an industrial undertaking for use in the electrolytic extraction of aluminium from aluminium oxide and any activity involving substantial exposure to the dust from this.

Column 1 – Occupational diseases	Column 2 - Activity
	11. Boiler scaling or substantial exposure to the dust arising from this.
40. Byssinosis.	The spinning or manipulation of raw or waste cotton or flax or the weaving of cotton or flax.
41. Mesothelioma. 42. Lung cancer. 43. Asbestosis.	(a) The working or handling of asbestos or any admixture of asbestos; (b) The manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; (c) The cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; or (d) Substantial exposure to the dust arising from any of these operations.
44. Cancer of the nasal cavity or associated air sinuses.	Work where nickel is produced by decomposition of a gaseous nickel compound or in any process which is ancillary or incidental to this.
45. Occupational dermatitis.	Work involving exposure to any of the following agents: (a) epoxy resin systems; (b) formaldehyde and its resins; (c) metalworking fluids; (d) chromate (hexavalent and derived from trivalent chromium); (e) cement, plaster or concrete; (f) acrylates and methacrylates; (g) colophony (rosin) and its modified products; (h) glutaraldehyde; (i) mercaptobenzothiazole, thiurams, substituted paraphenylene-diamines and

Column 1 – Occupational diseases	Column 2 - Activity
	related rubber processing chemicals; (j)biocides, anti-bacterials, preservatives or disinfectants; (k) organic solvents; (l) antibiotics and other pharmaceuticals and therapeutic agents; (m) strong acids, strong alkalis, strong solutions (e.g. brine) and oxidising agents including domestic bleach or reducing agents; (n) hairdressing products including in particular dyes, shampoos, bleaches and permanent waving solutions; (o) soaps and detergents; (p) plants and plant-derived material including in particular the daffodil, tulip and chrysanthemum families, the parsley family (carrots, parsnips, parsley and celery), garlic and onion, hardwoods and the pine family; (q) fish, shell-fish or meat; (r) sugar or flour; or (s) any other known irritant or sensitising agent including in particular any chemical bearing the warning "may cause sensitisation by skin contact" or "irritating to the skin".
46. Extrinsic alveolitis (including farmer's lung).	Exposure to moulds, fungal spores or heterologous proteins during work in - (a) loading, unloading or handling mouldy vegetable matter or edible fungi whilst same is being stored; (b) caring for or handling birds; or (c) handling bagasse.
47. Occupational asthma.	Work involving exposure to any of the following agents -

Column 1 – Occupational diseases	Column 2 - Activity
	(a) isocyanates; (b) platinum salts; (c) fumes or dust arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic anhydride, tetrachlorophthalic anhydride, trimellitic anhydride or triethylene-tetramine; (d) fumes arising from the use of rosin as a soldering flux; (e) proteolytic enzymes; (f) animals including insects and other arthropods used for the purposes of research or education or in laboratories; (g) dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize or the handling, milling, transport or storage of meal or flour made therefrom; (h) antibiotics; (i) cimetidine; (j) wood dust; (k) ispaghula; (l) castor bean dust; (m) ipecacuanha; (n) azodicarbonamide; (o) animals including insects and other arthropods (whether in their larval forms or not) used for the purposes of pest control or fruit cultivation or the larval forms of animals used for the purposes of research or education or in laboratories; (p) glutaraldehyde; (q) persulphate salts or henna; (r) crustaceans or fish or products arising from these in the food processing industry;

Column 1 – Occupational diseases	Column 2 - Activity
	(s) reactive dyes; (t) soya bean; (u) tea dust; (v) green coffee bean dust; (w) fumes from stainless steel welding; or (x) any other sensitising agent, including in particular any chemical bearing the warning "may cause sensitisation by inhalation".

SCHEDULE 4

CONSEQUENTIAL AMENDMENTS

REGULATION 192

1. The Merchant Shipping (Maintenance of Seamen's Dependents) Regulations 1972 (SI 1972 No. 1635), as they apply to the Island by virtue of the Merchant Shipping (Masters and Seamen) (Application) Order 1980 (GC168/80), are amended as follows.

In regulation 5 —

(a) omit "(whether he is employed under a crew agreement or not)";

(b) omit "at the time of his discharge";

(c) after "wages due to him" insert "in accordance with Part 5 of the Merchant Shipping (Maritime Labour Convention) Regulations 2013";

(d) for paragraph (e) substitute —

"(e) sums allotted by a seafarer in accordance with Part 5 of the Merchant Shipping (Maritime Labour Convention) Regulations 2013 to —";

(e) in paragraph (f) omit "and";

(f) in paragraph (g) after "expenses" insert "; and"; and

(g) after paragraph (g) add —

"(h) deductions permitted in accordance with Part 5 of the Merchant Shipping (Maritime Labour Convention) Regulations 2013.".

2. The Merchant Shipping (Crew Accommodation) Regulations 1978 (SI 1978 No. 795), as they apply to the Island by virtue of the Merchant Shipping (Masters and Seamen) (Application) Order 1980 (GC168/80), are amended as follows.

(1) In regulation 2 after the definition of "foreign going ship" insert —

"Maritime Labour Convention" means the Convention adopted on the 23rd February 2006 by the General Conference of the International Labour Organization;".

(2) After regulation 3(3)(d) add —

"(e) a ship constructed on or after the date which falls 12 months after the date the Maritime Labour Convention is extended to the Island."

3. (1) The Merchant Shipping (Masters and Seamen) Act 1979 (c.14) is amended as follows.

(2) In section 2 —

(a) renumber the existing text as sub-section (1); and

(b) after sub-section (1) (as renumbered by paragraph (a)) insert —

"(2) This section does not apply to a ship to which the Merchant Shipping (Maritime Labour Convention) Regulations 2013 apply."

(3) In section 6 —

(a) for the title substitute —

"Power of superintendent or proper officer to decide disputes about wages or indemnities arising from the ship's loss or foundering"; and

(b) for section 6(1) substitute —

"6. (1) Any dispute relating to the amount payable —

(a) to a seaman employed under a crew agreement;

(b) to a seafarer employed under a Seafarer's Employment Agreement —

(i) in respect of remuneration; or

(ii) in respect of indemnities in the case of injury, loss or employment arising from the ship's loss or foundering,

may be submitted by the parties to a superintendent or proper officer for decision.

But the superintendent or proper officer shall not be bound to accept the submission or, if he or she has accepted it, to decide the dispute, if of the opinion that the dispute, whether by reason of the amount involved or for any other reason, ought not to be decided in that way."

(4) In section 8 after "crew agreement" insert "or Seafarer's Employment Agreement".

(5) Section 9 is repealed.

(6) In section 10 —

(a) in sub-section (1) -

(i) for "seaman's" substitute "seafarer's"; and

(ii) for "by an allotment note issued in accordance with regulations" substitute —

"in accordance with the Merchant Shipping (Maritime Labour Convention) Regulations 2013"; and

(b) in sub-section (2) omit "named in such an allotment note as the person".

(7) After section 11(4) insert —

"(5) This section does not apply to a ship to which the Merchant Shipping (Maritime Labour Convention) Regulations 2013 apply.".

(8) In section 20 —

(a) renumber the existing text as sub-section (1); and

(b) after sub-section (1) (as renumbered by paragraph (a)) insert —

"(2) This section does not apply to a ship to which the Merchant Shipping (Maritime Labour Convention) Regulations 2013 apply.".

(9) In section 21 —

(a) renumber the existing text as sub-section (1); and

(b) after sub-section (1) (as renumbered by paragraph (a)) insert —

"(2) This section does not apply to a ship to which the Merchant Shipping (Maritime Labour Convention) Regulations 2013 apply.".

(10) After section 46(3) insert —

"(4) This section does not apply to a ship to which the Merchant Shipping (Maritime Labour Convention) Regulations 2013 apply.".

(11) In section 47 –

(a) renumber the existing text as sub-section (1); and

(b) after sub-section (1) (as renumbered by paragraph (a)) insert –

"(2) This section does not apply to a ship to which the Merchant Shipping (Maritime Labour Convention) Regulations 2013 apply.".

(11) In section 56(1) –

(a) in sub-section (a) after "crew agreements," (where first occurring) insert "Seafarers' Employment Agreements,"; and

(b) in sub-section (d) for "sections 1 and 2" substitute "sections 1, 2 and 2B"".

(12) In section 68(1) after the definition of "relief and maintenance" insert -

"**"seafarer"** means any person who is employed or engaged or works in any capacity on-board a ship to which the Merchant Shipping (Maritime Labour Convention) Regulations 2013 apply;

"**Seafarer's Employment Agreement**" means a clear, written legally enforceable agreement required in accordance with Part 4 of the Merchant Shipping (Maritime Labour Convention) Regulations 2013;".

4. The Merchant Shipping (Repatriation) Regulations 1979 (SI 1979 No. 97), as they apply to the Island by virtue of the Merchant Shipping (Masters and Seamen) (Application) Order 1980 (GC168/80), are amended as follows.

In regulation 2 –

(a) in paragraph (1), for "paragraph (2)" substitute "paragraphs (2) and (3)"; and

(b) after paragraph (2) add -

"(3) Except for regulation 3(5)(d), these Regulations do not apply to a seaman on a ship to which the Merchant Shipping (Maritime Labour Convention) Regulations 2013 apply.".

5. The Merchant Shipping (Masters and Seamen)(Application) Order 1980 (GC168/80) is amended as follows.

(1) In Schedule 1, Part II, omit –

(a) "The Merchant Shipping (Seamen's Wages and Accounts) Regulations 1972 (SI 1972 No. 1700);"; and

(b) "The Merchant Shipping (Seamen's Wages and Accounts) (Amendment) Regulations. (SI 1978 No. 1757)".

(2) Part III which applies the Merchant Shipping (Seamen's Allotments) Regulations 1972 (SI 1972 No. 1698) is revoked.

6. The Merchant Shipping (Provisions and Water) Regulations 1990 (GC34/90) are amended as follows.

In regulation 3 -

(a) in paragraph (2)(d) after "working stations" insert "; and"; and

(b) after paragraph (2)(d) add -

"(e) ships to which the Merchant Shipping (Maritime Labour Convention) Regulations 2013 apply.".

7. The Merchant Shipping Act 1970 (Unregistered Fishing Vessels) Regulations 1991 (SI 1991 No.1365), as they apply to the Island by virtue of the Merchant Shipping (Masters and Seamen) (Unregistered Ships) (Application) Order 1991 (GC388/91) are amended as follows.

In Part II to the Schedule omit "The Merchant Shipping (Seamen's Allotments) Regulations 1972".

8. The Merchant Shipping Act 1970 (Unregistered Ships) Regulations 1991 (SI 1991 No. 1366), as they apply to the Island by virtue of the Merchant Shipping (Masters and Seamen) (Unregistered Ships) (Application) Order 1991 (GC388/91), are amended as follows.

In Schedule 1 -

(a) in Part I column 1, for "10" substitute "8"; and

(b) in Part II omit -

(i) "The Merchant Shipping (Seamen's Wages and Accounts) Regulations 1972"; and

(ii) "The Merchant Shipping (Seamen's Allotments) Regulations 1972".

9. The Merchant Shipping (Crew Agreements, List of Crew and Discharge of Seamen) Regulations 1991 (SI 1991 No. 2144), as they apply to the Island by virtue of the Merchant Shipping (Masters and Seamen) (Application) Order 1992 (GC215/92) are amended as follows.

(1) In regulation 4 –

(a) in paragraph (1)(d) after "equipment" insert "; and"; and

(b) after paragraph 1(d) add-

"(e) a ship to which the Merchant Shipping (Maritime Labour Convention) Regulations 2013 apply."

(2) Omit regulations 5 to 10.

(3) Omit regulation 13.

(4) In regulation 14 –

(a) in paragraph (1) for "and (3)" substitute "to (5)";

(b) in sub-paragraph (1)(a)(ii) omit the "and" at the end of the sub-paragraph;

(c) omit sub-paragraph (1)(a)(iii);

(d) in paragraph (1)(b) omit "whether or not he is employed under a crew agreement";

(e) omit paragraph (3); and

(f) after paragraph (4) add -

"(5) A list of crew which relates to a ship to which the Merchant Shipping (Maritime Labour Convention) Regulations 2013 apply need contain only the particulars referred to in paragraph 1(a)(i) and in (i), (ii), (vii), (viii), and (x) of paragraph 1(b) of this regulation.".

(5) In regulation 19 –

(a) in paragraph (b) after "list" insert "; and"; and

(b) in paragraph (c) for "until the ship first calls at a port more than 6" substitute "for 12".

(6) Omit Part III.

10. The Merchant Shipping (Official Log Books) Regulations 1992 (GC363/92) are amended as follows.

(1) In regulation 1(2) after the definition of "the Safe Manning Document Regulations" insert —

"Seafarer's Employment Agreement" means a clear, written legally enforceable agreement required in accordance with Part 4 of the Merchant Shipping (Maritime Labour Convention) Regulations 2013".

(2) In Schedule 1, column 1 —

(a) in entry 14 after "crew agreement" insert —

"or a seafarer under a Seafarer's Employment Agreement"; and

(b) in entry 20 after "Crew Accommodation Regulations" insert —

"or regulation 79 of the Merchant Shipping (Maritime Labour Convention) Regulations 2013,".

11. The Merchant Shipping (Masters and Seamen) (Application) Order 1994 (SD244/94) which applies the Merchant Shipping (Seamen's Wages and Accounts) (Amendment) Regulations 1994 (SI 1994 No. 791) is revoked.

12. The Merchant Shipping (Manning and Training) Regulations 1996 (SD723/96) are amended as follows.

(1) In regulation 3 omit the definition of —

(a) "qualified doctor";

(b) "qualified cook"; and

(c) "rest".

(2) Part 3 is revoked.

(3) Regulations 52 and 53 are revoked.

(4) Part 9 is revoked.

(5) Part 10 is revoked.

(6) Part 10 Schedules 1 and 2 are revoked.

13. The Merchant Shipping (Masters and Seamen) (Application and Amendment) Order 1999 (SD299/99) is amended as follows.

In Schedule 5 omit —

(a) the title "Merchant Shipping (Masters and Seamen)(Application) Order 1980"; and

(b) entry 1.

14. The Merchant Shipping (Safety Officials, General Duties and Protective Equipment) Regulations 2001 (SD816/01) are amended as follows.

(1) In regulation 2 —

(a) omit ", except as may be otherwise specified,"; and

(b) after "Manx ships" insert —

"except for those to which the Merchant Shipping (Maritime Labour Convention) Regulations 2013 apply.".

(2) Part II is revoked.

(3) Omit regulation 20(1) to (3).

15. The Merchant Shipping (Inspection of Seafarers' Working and Living Conditions) Regulations 2002 (SD603/02) are amended as follows.

In regulation 3 —

(a) in paragraph (2) after "length" insert "; and"; and

(b) after paragraph (2) add —

"(3) ships to which the Merchant Shipping (Maritime Labour Convention) Regulations 2013 apply.".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to the Maritime Labour Convention 2006 (MLC) adopted by the International Labour Organization on 23rd February 2006.

The Regulations mainly follow the order and structure of the MLC Convention and come into operation on the 20th August 2013 in line with the international coming into force date of the Convention. These Regulations also replace existing Regulations governing the same subject for ships to which the Maritime Labour Convention applies.

These Regulations apply to all Manx commercial ships trading internationally except for fishing vessels. In addition, Part 24 (Inspections in port) and Part 25 (Onshore seafarer complaint handling procedures) apply to a foreign ship calling in the normal course of its business or for operational reasons to a port in the Island.

In accordance with the provisions of the MLC Convention, the Regulations modernise labour standards for seafarers by prescribing -

- minimum requirements for seafarers to work on a ship including minimum age, training and qualifications, medical certificates and recruitment and placement;

- conditions of employment including wages, seafarers' employment agreements, hours of work and rest, entitlement to leave, repatriation, compensation for loss and foundering and manning levels;

- standards of accommodation, recreational facilities, food and catering; and

- levels of health protection including health and safety policies and programmes, shipowners' liability and medical care.

Shipowners must ensure ships are constructed, equipped and operated in accordance with the requirements of these Regulations and that each seafarer enjoys all the rights conferred. Ships are also subject to an inspection and certification regime and a shipowner who fails to comply with the requirements of any of these Regulations commits an offence.

In addition to the requirements on shipowners, Part 3 (Recruitment and placement for providers) of these Regulations applies to any private seafarer recruitment and placement service operating on the Island. Providers of recruitment and placement services must operate in accordance with the requirements of Part 3 and are subject to inspection and certification for compliance. Failure to maintain a valid certificate and comply with the requirements of Part 3 is an offence.

Where these Regulations set out a standard to be achieved but no specific method of compliance, further guidance on how to achieve compliance with that standard can be found in the associated Maritime Labour Notice (MLN). If a standard is implemented in accordance with the provisions of the MLN, this is accepted as evidence of compliance with the regulation. Alternative methods of compliance to those set out in the MLN will be considered on a case by case basis by the Ship Registry.

Copies of this document, MLNs and Manx Shipping Notices are obtainable from the Isle of Man Ship Registry, Department of Economic Development, St Georges Court, Upper Church Street, Douglas, Isle of Man, IM1 1EX and can be accessed via the website - www.iomshipregistry.com

Copies of the Maritime Labour Convention 2006 can be obtained from the International Labour Organisation. www.ilo.org/mlc

This document is marked with amendments made to these Regulations by:
SD2014/0238 Merchant Shipping (Manning and STCW) Regulations 2014;
SD2014/0415 Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 2014;
SD2015/0055 Merchant Shipping (Medical Stores) Regulations 2015;
SD2015/0230 Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015;
SD2016/0328 Merchant Shipping (Maritime Labour Convention)(Amendment) Regulations 2016l; and
SD2018/0312 Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 2018.

These Regulations are marked with amendments (in bold italics) made to these Regulations by section 55 of the Interpretation Act 2015 which increase the fines with effect from 1 January 2018.

The functions in these Regulations have been transferred from the Department of Economic Development to the Department for Enterprise by the Transfer of Functions (Economic Development and Education) Order 2017 (SD2017/0325) with effect from 24 November 2017.