

ANTIGUA AND BARBUDA



THE MERCHANT SHIPPING (MARITIME LABOUR CONVENTION, 2006) REGULATIONS, 2011
STATUTORY INSTRUMENT

2011, No.50

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ANTIGUA AND BARBUDA
THE MERCHANT SHIPPING (MARITIME LABOUR CONVENTION, 2006) REGULATIONS 2011
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The Merchant Shipping (Maritime Labour Convention, 2006) Regulations 2011, made in exercise of the powers contained in section 8 of the Antigua and Barbuda Merchant Shipping Act, 2006, No. 1 of 2006.

1. Short title

These Regulations may be cited as the Merchant Shipping (Maritime Labour Convention, 2006) Regulations 2011.

2. Interpretation

(1) In these Regulations, except where the context otherwise requires –

“Act” means the Merchant Shipping Act 2006, No. 1 of 2006 as amended;

“ADOMS” means the Antigua and Barbuda Department of Marine Services and Merchant Shipping;

“Authorized officer”, for the purpose of inspections in ports in Antigua and Barbuda, means a surveyor appointed under section 257 of the Act;

“Convention” means the Maritime Labour Convention, 2006, adopted at Geneva on 23rd February 2006, and any amendments for the time being in force;

“after consultation” means after consultation with the appropriate ship owners’ and seafarers’ organisations or, in case there are none, employers’ and workers’ organisations, concerned with the matter in question;

“the Code” means the part of the Convention which comprises Part A (mandatory Standards) and Part B (non-mandatory Guidelines) concerning implementation of the Regulations and any amendments to it for the time being in force;

“directive” means a directive issued under section 7 of the Act;

“Guideline” means a Guideline in Part B of the Code;

“Standard” means a Standard in Part A of the Code;

“the STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 as for the time being amended.

(2) Terms used in these Regulations which are also used in the Convention shall bear the meaning they have in the Convention.

(3) Any reference in these Regulations to a Code of Practice is a reference to that Code as for the time being in force.

(4) For the purposes of these Regulations and of the Convention, “competent authority” shall, in reference to Antigua and Barbuda, be a reference to the Director, appointed under section 6 of the Act.

3. Application

(1) (a) These Regulations apply to all seafarers.

(b) In the event of doubt as to whether any categories of persons are to be regarded as seafarers, the question shall be determined by ADOMS, after consultation.

(2) (a) These Regulations apply to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or similar pursuits. These Regulations do not apply to warships or naval auxiliaries.

(b) In the event of doubt as to whether these Regulations apply to a ship or a particular category of ships, the question shall be determined by ADOMS, after consultation.

(3) These Regulations apply to ships of Antigua and Barbuda wherever they are, and to other ships when in Antigua and Barbuda waters.

4. Purpose of Regulations

It is the purpose of these Regulations to implement the Maritime Labour Convention, 2006, and ensure that every seafarer has the right to –

(a) safe and secure workplace that complies with safety standards;

(b) fair terms of employment;

(c) decent working and living conditions on board ship; and

(d) health protection, medical care, welfare measures and other forms of social protection.

5. Exceptions and exclusions

(1) ADOMS may, after consultation, determine that all or any of the requirements of the Code shall not apply to ships of less than 200 gross tons not engaged on international voyages, in accordance with Article II. 6 of the Convention.

(2) ADOMS shall determine Antigua and Barbuda waters which are within or closely adjacent to sheltered waters or areas where port regulations apply.

6. Schedule to apply

The Schedule (column 2 of which implements the obligations in the Regulations and Code in the Convention, and contains ancillary provisions thereto) shall apply to all ships registered under the Shipping (Registration of Ships) Regulations, 2011.

7. General compliance duty

(1) It shall be the duty of the ship owner and the master of a ship of Antigua and Barbuda to comply with and ensure compliance with these Regulations.

(2) It shall be the duty of any person—

(a) upon whom an obligation is imposed by these Regulations; or

(b) to whom a direction is given in pursuance of these Regulations (whether under subparagraph (1) or otherwise), to comply or ensure compliance with these Regulations, as the case may be.

(3)(a) Where any natural or legal person other than the ship owner or master has control of a matter to which subregulation (1) relates because he has responsibility for that aspect of the operation of the ship, then any duty imposed by subregulation (1) shall extend to the person who has control of that matter.

(b) It shall be the duty of the owner and master to take all reasonable steps to ensure that a person referred to in sub-paragraph (a) is aware of the duty imposed by that subregulation and is capable of performing it.

(4)(a) In complying with any requirement of these Regulations the person doing so shall take into account any relevant Guideline; and it shall be a defence to a charge of non compliance with a requirement that the action taken was in accordance with a relevant provision of Part B Guidelines of the Code.

(b) Any question as to the meaning or extent of any requirement of the Schedule may be determined in accordance with a relevant Guideline.

(5) It shall be the duty of the ship owner and master of any ship which is not a ship of Antigua and Barbuda, when in Antigua and Barbuda waters, to comply with the Convention. In the case of ships flying the flag of a State which is not party to the Convention the ship owner and master shall ensure that the ships meet the standards laid down in the Convention.

8. Carriage of documents

(1) Every ship of Antigua and Barbuda shall carry a copy of the Convention and a copy of these Regulations which shall be available to all seafarers working on the ship.

9. Maritime labour certificates and document of compliance

The issue, cessation of validity, withdrawal and form of a maritime labour certificate, an interim maritime labour certificate and a declaration of maritime labour compliance, as well as the inspection in relation to these requirements, shall be in accordance with Standard A5.1.3 of the Convention

10. Detention

In any case where a ship does not comply with these Regulations, the ship shall be liable to be detained, provided that a ship shall not be unreasonably delayed or detained.

11. Penalties

(1) Where a person specified in subregulation (1), (2), (3) (a) or (5) of regulation 7 contravenes the respective subregulation that person is guilty of an offence and is liable on summary conviction to a fine not exceeding thirty thousand dollars, or to a term of imprisonment not exceeding six years, or to both such fine and term of imprisonment;

(2) In proceedings for an offence under subregulation (1), it shall be a defence for an owner or master to prove that he did not have control of the matter to which the offence relates because he did not have responsibility for that aspect of the operation of the ship and that regulation 7(3) (b) was complied with.

12. Fraud, misuse of certificates, etc.

(1) No person shall—

- (a) without valid authority intentionally alter a certificate or declaration issued for the purposes of the Convention or these Regulations;
- (b) falsely make a certificate or declaration referred to in the Convention;
- (c) knowingly or recklessly furnish false information in connection with any survey required by the Convention;
- (d) with intent to deceive, use, lend, or allow to be used by another, a certificate or declaration referred to in the Convention;
- (e) fail to surrender a certificate or declaration to be surrendered issued for the purposes of the Convention.

(2) A person who contravenes subregulation (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding thirty thousand dollars, or to a term of imprisonment not exceeding six years, or to both such fine and term of imprisonment.

13. Offences in connection with inspections

Any person who—

- (a) obstructs any inspector or authorized officer in the exercise of his powers under the Schedule; or
- (b) without reasonable excuse fails to comply with any requirement made by an inspector or authorized officer acting in exercise of his powers in the Schedule; or
- (c) knowingly gives a false answer to any question put to him by an inspector or authorized officer acting in exercise of his powers in the Schedule,

is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars, or imprisonment for a term not exceeding six months or both.

SCHEDULE**DUTIES OF SHIPOWNERS, MASTERS AND OTHERS IMPOSED PURSUANT TO THE MARITIME LABOUR CONVENTION, 2006, AND RELATED PROVISIONS****Regulation 6**

<i>Regulation or Standard of Convention relevant to duty in Column 2</i>	<i>Duty (or provision related to duty)</i>
Title 1 :	Minimum requirements for seafarer to work on a ship
A1.1.para. 1	1. No person under the age of 16 shall be employed or engaged or work on board a ship.
A1.1.para. 2	2. No seafarer under the age of 18 shall work at night. ‘Night’ means a period of at least nine hours starting no later than 2100 hours and ending no earlier than 0600 hours.
A1.1.para. 3	3. ADOMS may permit exceptions from the prohibition on night work for young seafarers in paragraph 2. – a. when the effective training of the seafarers concerned, in accordance with established programmes and schedules, would be impaired; or b. the specific nature of the duty or a recognized training programme requires that the seafarers covered by the exception perform duties at night, and ADOMS determines, after consultation, that the work will not be detrimental to their health or well being.
A1.1.para. 4	4. (a) No person under the age of 18 shall be employed or engaged or work on board a ship in the types of work listed under guideline B4.3.10 para 2, (a-i) of the Convention and below: (i) hot work, such as welding and flame-cutting; (ii) work in enclosed or confined spaces; (iii) work aloft;

	<p>(iv) work outboard;</p> <p>In addition such other types of work as ADOMS may at any time determine, after consultation, is likely to jeopardise their health or safety.</p> <p>(b) A ship owner or master shall not permit a person under the age of 18 to do any other work on board ship which is likely to jeopardize his health or safety.</p>
<p>A1.2.</p> <p>A1.2.para 2</p> <p>A1.2.para 4</p>	<p>5. Prior to beginning work on a ship, seafarers shall hold a valid medical certificate attesting they are medically fit to perform the duties they are to carry out at sea.</p> <p>6. Standards A1.2 paragraphs 3 to 10 shall apply to medical examinations and certificates.</p> <p>7.) All seafarers shall be in possession of either:</p> <p>(a) a valid medical certificate issued by Antigua and Barbuda. The medical examination and medical certificate shall comply with the provisions of the ILO / WHO publication Guidelines for conducting Pre sea and Periodic Medical Fitness examinations for Seafarers;</p> <p>Or</p> <p>(b) a valid medical certificate issued by another member State signatory to the Convention whose medical certificates are accepted by Antigua and Barbuda for seafarers on Antigua and Barbuda as evidence of compliance by the medical examination and certificate with the provisions of the ILO / WHO publication Guidelines for conducting Pre Sea and Periodic Medical Fitness examinations for Seafarers’.</p> <p>8. A medical practitioner carrying out medical examinations and issuing certificates on behalf of the Antigua and Barbuda Maritime Authority shall comply as a minimum with the following requirements:</p>

	<p>(a) be a licensed physician;</p> <p>(b) be experienced in general and occupational medicine or maritime occupational medicine;</p> <p>(c) have knowledge of the living and working conditions on board ships, gained either through special instruction or through personal experience of seafaring;</p> <p>(d) be familiar with the guidance contained in ILO / WHO publication Guidelines for conducting Pre Sea and Periodic Medical Fitness examinations for Seafarers (ILO/WHO/D.2/1997)</p> <p>(e) remain absolutely professionally independent from employers, workers and their representatives in exercising their medical judgement in terms of the medical examination procedures.</p> <p>(f) be familiar with the World Health Organisation publication, The International Medical Guide for Ships, or an equivalent national medical guide for use on ships.</p>
<p>Reg. 1.3. para.1</p> <p>Reg. 1.3. para.2</p> <p>Reg. 1.3. para.3</p> <p>A1.4 para.2</p>	<p>9. Seafarers shall not work on a ship unless –</p> <p>a. they are trained or certified as competent or otherwise qualified to perform their duties; and</p> <p>b. they have successfully completed training for personal safety on board ship.</p> <p>10. Training and certification in accordance with the STCW Convention shall be accepted as meeting the requirements of paragraph 9.</p> <p>11. The operator of every private seafarer recruitment and placement service in Antigua and Barbuda, the primary purpose of which is the recruitment and placement of seafarers or which recruit and place a significant number of seafarers, shall ensure such service is operated only in conformity with a licence issued by ADOMS.</p> <p>12. ADOMS shall establish the system of licensing after consultation, and shall only modify or change such system after consultation.</p>

A1.4 para.3	<p>13. In the event of doubt as to whether this paragraph applies to a service, the question shall be determined by ADOMS after consultation.</p> <p>14. Paragraphs 11 and 12, to the extent determined by ADOMS to be appropriate, after consultation, shall apply also to recruitment and placement services operated by a seafarers' organization in Antigua and Barbuda for the supply of seafarers who are nationals of Antigua and Barbuda to ships which fly its flag, complying with paragraph 15 below.</p> <p>15. A service referred to in paragraph 14 is –</p> <ul style="list-style-type: none"> (a) one which is operated pursuant to a collective bargaining agreement between that organization and a ship owner; (b) in relation to which both the seafarers' organization and the ship owner are based in Antigua and Barbuda; and (c) ADOMS have authorized the collective bargaining agreement permitting the operation of the recruitment and placement service.
A1.4 para.3(d)	<p>16. The operator shall ensure that a service referred to in paragraph 14 is operated in an orderly manner, and shall put in place measures to protect and promote seafarers' employment measures comparable to the protection provided by paragraphs 17 and 18.</p>
A1.4 para.5(a) and (b)	<p>17. A seafarer recruitment and placement service referred to in paragraph 11 shall not –</p> <ul style="list-style-type: none"> (a) use means, mechanisms or lists intended to prevent or deter seafarers from gaining employment for which they are qualified; (b) require that fees or other charges for seafarer recruitment or placement or for providing employment to seafarers be borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining a national statutory <p>medical certificate, the national seafarer's book and a passport or other similar personal</p>

A1.4.para. 5(c)	<p>travel documents, not including, however, the cost of visas, which shall be borne by the ship owner.</p> <p>18. A seafarer recruitment and placement service referred to in paragraph 11 shall –</p> <p>(a) maintain an up-to-date register of all seafarers recruited or placed through them, to be available for inspection by ADOMS;</p> <p>(b) make sure that seafarers are informed of their rights and duties under their employment agreements prior to or in the process of engagement and that proper arrangements are made for seafarers to examine their employment agreements before and after they are signed and for them to receive a copy of the agreements;</p> <p>(c) verify that seafarers recruited or placed by them are qualified and hold the documents necessary for the job concerned, and that the seafarers' employment agreements are in accordance with applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement;</p> <p>(d) make sure, as far as practicable, that the ship owner has the means to protect seafarers from being stranded in a foreign port;</p> <p>(e) examine and respond to any complaint concerning their activities and advise the competent authority of any unresolved complaint; and</p> <p>(f) establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the relevant ship owner under the seafarers' employment agreement to meet its obligations to them.</p>
A1.4.para. 9	<p>19. In respect of seafarers who work on ships of Antigua and Barbuda, shipowners who use seafarer recruitment and placement services that are based in countries or territories in which the Convention does not apply shall ensure, as far as practicable, that those services conform to the requirements set out in A1.4. of the Code.</p>

Title 2:	Title 2 : Conditions of employment
A2.1.para's 1 to 3	20. Ships shall comply with the requirements of sub-paragraphs (a) to (e) of Standard A2.1 paragraph 1 and with Standard A2.1 paragraphs 2 and 3.
A2.1 para. 4	21. Seafarers' employment agreements shall contain the particulars set out in sub-paragraphs (a) to (j) of Standard A2.1 paragraph 4.
A2.1 para. 5 A 2.1 para. 6	<p>22. The duration of the minimum notice periods to be given by seafarers and shipowners on ships for the early termination of a seafarer's employment agreement shall be determined by ADOMS, after consultation, but shall not be less than seven days.</p> <p>23.(i) Without prejudice to any provisions in an applicable collective agreement, a notice period shorter than seven days may be given in the following circumstances :</p> <ul style="list-style-type: none"> (a) for compassionate reasons, or (b) in the case of a serious breach of conditions of employment. <p>(ii) In any case under sub-paragraph (a) or (b) above such shorter period shall require to be authorised by ADOMS.</p>
A2.2 para.1	24. Payments to seafarers shall be made at no greater than monthly intervals and in accordance with any collective agreements.
A2.2 para. 2	25. Seafarers shall be given a monthly account of the payments due and the amounts paid, including wages, additional payments and the rate of exchange used where the payment has been made in a currency or at a rate different from the one agreed to.
A2.2 para.s 3, 4 and 5	26. Seafarers shall be provided with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries. Such means shall include the measures referred to in Standard A2.2 paragraph 4. Any charge for such service shall comply with Standard A2.2 paragraph 5.
A2.3	<p>27. Seafarers shall be entitled to minimum hours of rest of not less than:</p> <ul style="list-style-type: none"> (i) ten hours in any 24-hour period; and (ii) 77 hours in any seven-day period.

	<p>28. Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.</p> <p>29. Paragraphs 7 and 8 of Standard A2.3 shall apply to the operation of paragraph 27 above.</p> <p>30. A table of the shipboard working arrangements shall be posted in accordance with Standard A2.3 paragraph 10. The table shall be in English.</p> <p>31. Records of seafarers' daily hours of rest shall be maintained for a period of 3 years. The records shall be in a format prepared by ILO or IMO. Seafarers shall receive a copy of the records pertaining to them which shall be endorsed by the master, or a person authorized by the master, and by the seafarers.</p> <p>32. There shall be posted, in an easily accessible place on board ship, a table with the shipboard working arrangements, which shall contain for every position at least:</p> <ul style="list-style-type: none"> (i) the schedule of service at sea and service in port; and (ii) the minimum hours of rest required by national laws or regulations or applicable collective agreements. <p>33. Nothing in paragraph 27 shall be deemed to impair the right of the master of a ship to require a 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. Accordingly, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.</p>
A2.4 para. 1	34. Seafarers on ships shall be entitled to paid annual leave.
A2.4 para.2	35. The minimum amount of this entitlement is 2.5 calendar days per month of employment. Justified absences from work shall not be considered annual leave.

A2.4 para.3	36. Any agreement to forgo the minimum annual leave with pay is prohibited, except in cases permitted by ADOMS.
Reg. 2.5.para.2	37. Ships shall have financial security provided by a Protection and Indemnity Club which is a member of the International Group of P&I Clubs, or in the case that evidence of insurance originates from a P&I Club which is not a member of the International Group, by a P&I club which is authorized or accredited by ADOMS, which covers the cost of repatriation of seafarers in accordance with these Regulations.
A2.5 para. 1 A2.5 para.2	<p>38. Seafarers are entitled to repatriation at no cost to themselves in the circumstances and under the conditions specified in Standard A2.5, paragraph 1.</p> <p>39.(a) The circumstances in which seafarers are entitled to repatriation in accordance with Standard A2.5, paragraph 1(b) and (c) are:</p> <ul style="list-style-type: none"> (i) in the event of illness or injury or other medical condition which requires their repatriation when found medically fit to travel; (ii) in the event of shipwreck; (iii) in the event of the ship owner not being able to continue to fulfil their legal or contractual obligations as an employer of the seafarers 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 national laws or regulations or seafarers' employment agreements, to which the seafarer does not consent to go. <p>(b) The maximum duration of service periods on board following which a seafarer is entitled to repatriation shall be specified in his employment agreement, but in every case shall be less than 12 months.</p> <p>(c) The costs to be borne by a ship owner for repatriation under paragraph 38 shall include the following:</p> <ul style="list-style-type: none"> (i) passage to the destination selected for repatriation in accordance with sub-paragraph(d) below;

	<p>(ii) accommodation and food from the moment the seafarers leave the ship until they reach the repatriation destination;</p> <p>(iii) pay and allowances from the moment the seafarers leave the ship until they reach the repatriation destination, if provided for by national laws or regulations or collective agreements;</p> <p>(iv) transportation of 30 kg of the seafarers' personal luggage to the repatriation destination; and</p> <p>(v) medical treatment when necessary until the seafarers are medically fit to travel to the repatriation destination.</p>
A2.5 para. 3	<p>(d) The mode of transport for repatriation shall be included in the employment agreement. The proper return port for a seafarer being repatriated shall be a port in his country of residence, or as otherwise agreed between the ship owner and the seafarer.</p>
A2.5 para.4	<p>40. An owner shall not -</p> <p>(a) require seafarers to make an advance payment towards the cost of repatriation at the beginning of their employment; or</p> <p>(b) recover the cost of repatriation from the seafarers' wages or other entitlements except where the seafarer has been found, in accordance with the law of Antigua and Barbuda or applicable collective bargaining agreements, to be in serious default of the seafarer's employment obligations.</p>
A2.5 para.s 5 and 8	<p>41. Nothing in these Regulations prejudices the rights of shipowners to recover the cost of repatriation under third-party contractual arrangements.</p> <p>42. If a ship owner fails to make arrangements for or meet the cost of repatriation of seafarers who are entitled to be repatriated –</p> <p>(i) ADOMS may arrange for the repatriation of seafarers on ships of Antigua and Barbuda;</p> <p>(ii) costs incurred by ADOMS shall be recoverable from the ship owner;</p> <p>(iii) the expenses of repatriation shall in no case be a charge upon seafarers, except as provided for in paragraph 40(b);</p> <p>(iv) repatriation of a seafarer in Antigua and Barbuda shall not be refused because of the financial circumstances of the ship owner or because of his inability or unwillingness to replace a seafarer.</p>

A2.5 para. 6	43. If ADOMS has repatriated a seafarer pursuant to paragraph 42, and costs incurred under paragraph 42 (ii) have not been recovered, it may detain the ship until such costs are reimbursed, subject to any provisions in the Act relating to arrest of ships.
A2.5 para. 9	44. Without prejudice to regulation 8 (requirement to carry a copy of these Regulations and the Convention) each ship shall carry a copy of the provisions in these Regulations regarding repatriation, written in English.
A2.6	45. (a) In the case of loss or foundering of a ship, the ship owner shall indemnify the seafarers on board against the loss caused by unemployment, at the rate of the wages he would have earned up to a maximum of two months wages; (b) Nothing in paragraph (a) shall prejudice any other rights a seafarer may have for losses or injuries arising from a ship's loss or foundering.
A2.7 para.1	46. All ships shall have a sufficient number of seafarers on board to ensure that ships are operated safely, efficiently and with due regard to security. Every ship shall be manned by a crew that is adequate, in terms of size and qualifications- (i) to ensure the safety and security of the ship and its personnel, under all operating conditions, in accordance with the Minimum Safe Manning Certificate, and (ii) to comply with the Standards of the Convention.
Title 3	Title 3 : Accommodation, recreational facilities, food and catering
A3.1	47. Ships shall, subject to paragraph 53, meet such standards as ensure that any accommodation for seafarers, working or living on board, or both, is safe, decent and in accordance with Standard A3.1.
A3.1 para.5	48. The standards for on-board accommodation and recreational facilities shall be as a minimum in accordance with Standard A3.1 paragraphs 6 to 17 of the Convention.
A3.1 para.18	49. Weekly inspections shall be carried out by or under the authority of the master, to ensure that seafarer accommodation is clean, decently habitable and maintained in a good state of repair. The results of such inspections shall be recorded in the official log book.

<p>A3.1 para. 19</p> <p>A3.1 para. 20</p> <p>A3.1 para. 21</p> <p>Reg.3.1 para. 2</p>	<p>50. In the case of ships where there is need to take account, without discrimination, of the interests of seafarers having differing and distinctive religious and social practices, ADOMS may, after consultation, permit fairly applied variations in respect of paragraphs 47 to 49.</p> <p>51. ADOMS may, after consultation, exempt ships of less than 200 gross tonnage from the requirements in paragraphs 47 to 49, in accordance with Standard A3.1 paragraph 20.</p> <p>52. Any exemption permitted by paragraphs 1 to 20 of Standards A3.1 may be made by ADOMS, but shall only be made in particular circumstances in which such exemption can be clearly justified on strong grounds and subject to protecting the seafarers' health and safety.</p> <p>53. Paragraphs 47 to 52 apply to new ships. In these Regulations 'new ships' means ships constructed on or after the Convention comes into force for Antigua and Barbuda. Ships which are not new ships shall continue to be subject to the Merchant Shipping (Crew Accommodation) Directive, 01-2008.</p>
<p>A3.2</p> <p>A3.2 para.3.</p>	<p>54. (a) Ships shall carry on board and serve food and drinking water of appropriate quality, nutritional value and quantity that adequately covers the requirements of the ship and takes into account differing cultural and religious backgrounds.</p> <p>(b) Seafarers shall be provided with food free of charge during their period of engagement.</p> <p>(c) Ships shall meet at least the standards set out in Standard A3.2 paragraph 2.</p> <p>55. Ship's operating with a manning level of 10 persons or more must carry a competent and qualified ships cook.</p>

<p>A3.2 para.5</p> <p>A3.2 para. 7</p> <p>A3.2 para. 8</p>	<p>(a) a ship's cook should have attended a training course at an approved school of cookery and passed an approved examination for ship's cooks.</p> <p>(b) the training course to be at a school of cookery approved or recognised by ADOMS or the Maritime Administration of another State party to the Convention.</p> <p style="text-align: center;">OR</p> <p>(c) served at sea for five years, at least four of which in the capacity of second cook or cook assistant, and also received training in handling foods, storage of foods on board ships and hygiene in the galley and food preparation areas. Training to have been received at an establishment approved or recognised by ADOMS or the Maritime Administration of another State party to the Convention.</p> <p>(d) the minimum age of a ship's cook should be 18 years</p> <p>56. On ships operating with a prescribed manning of less than ten which is permitted by ADOMS not to carry a fully qualified cook, anyone processing food in the galley shall be trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship.</p> <p>57. Weekly documented inspections shall be carried out on board ship, by or under the authority of the master, with respect to the matters set out in Standard A3.2, paragraph 7(a)-(c).</p> <p>58. No seafarer under the age of eighteen shall be employed or engaged or work as a ship's cook.</p>
<p>Title 4 :</p>	<p>Health protection, medical care, welfare and social security protection</p>
<p>A4.1 para.1</p>	<p>59. (a) Seafarers shall have the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable, and shall, in principle, be provided at no cost to the seafarer.</p> <p>(b) Shipowners shall undertake measures of a preventive character such as health promotion and health education programmes.</p>

A4.1 para. 2	60. Ships' masters and relevant onshore and on-board medical personnel shall use a medical report form approved by ADOMS. The form, when completed and its contents shall be kept confidential by all persons and shall only be used to facilitate the treatment of seafarers.
A4.1 para. 3	<p>61. (a) In any ship of 500 or more gross tonnage, carrying 15 or more seafarers and engaged in a voyage of more than three days' duration, separate hospital accommodation shall be provided.</p> <p>(b) In any ship of between 200 and 500 gross tonnage and in tugs paragraph (a) shall be applied, as may be determined as reasonable and practicable by ADOMS.</p> <p>(c) The hospital accommodation shall be suitably situated, so that it is easy of access and so that the occupants may be comfortably housed and may receive proper attention in all weather.</p> <p>(d) The arrangement of the entrance, berths, lighting, ventilation, heating and water supply shall be designed to ensure the comfort and facilitate the treatment of the occupants.</p> <p>(e) The number of hospital berths required shall be at least one for every 50 or fraction of 50 members of crew.</p> <p>(f) Water closet accommodation shall be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity thereto.</p> <p>(g) Hospital accommodation shall not be used for other than medical purposes.</p>
A4.1 para. 4	<p>62. (a) Ships shall comply with Standard A4.1, paragraph 4, sub- paragraphs (a) to(c).</p> <p>(b) The matters prescribed in the Annex to this Schedule are mandatory.</p>
<p>A4.2.</p> <p>A4.2 para. 2</p> <p>A4.2 para. 3</p>	<p>63. (a) Shipowners shall meet the standards set out in Standard A4.2, paragraph 1, sub-paragraphs (a)-(d).</p> <p>(b) The liability of the ship owner under Standard A4.2, paragraph1(c) for the expense of medical care and board and lodging is limited to a period of 16 weeks from the day of the injury or the commencement of the sickness.</p> <p>64. Where the sickness or injury results in incapacity for work the ship owner shall be liable:</p> <p>(i) to pay full wages as long as the sick or injured seafarers remain on board or until the seafarers have been repatriated in accordance with these Regulations; and</p> <p>(ii) to pay wages in whole or in part as provided for in collective agreements from the time when the seafarers are repatriated or landed until their recovery or, if earlier, until they are entitled to cash benefits under the legislation of Antigua and Barbuda.</p>

<p>A4.2 para. 4</p> <p>A4.2 para. 5</p> <p>A4.2 para. 6</p>	<p>65. The ship owner shall not be liable to pay wages under paragraph 64 in whole or in part in respect of a seafarer no longer on board for a period longer than 16 weeks from the day of the injury or the commencement of the sickness.</p> <p>66. The ship owner is not liable in respect of:</p> <ul style="list-style-type: none"> (a) injury incurred otherwise than in the service of the ship; (b) injury or sickness due to the wilful misconduct of the sick, injured or deceased seafarer; and (c) sickness or infirmity intentionally concealed when the engagement is entered into. <p>67. The ship owner is not liable for the expense of medical care and board and lodging and burial expenses in so far as such liability is assumed by any public authority.</p>
<p>A4.2 para. 7</p>	<p>68. Shipowners shall take measures for safeguarding property left on board by sick, injured or deceased seafarers and for returning it to them or to their next of kin.</p>
<p>A4.3</p>	<p>69. The ship owner shall ensure, so far as is reasonably practicable, the health and safety of seafarers.</p> <p>70. Without prejudice to the generality of the ship owner's duty under paragraph 69, the matters which that duty extends shall include in particular –</p> <ul style="list-style-type: none"> (i) the provision and maintenance of plant, machinery and equipment and systems of work that are, so far as is reasonably practicable, safe and without risk to health; (ii) arrangements for ensuring, so far as is reasonably practicable, safety and absence of risk to health in connection with the use, handling, stowage and transport of articles and substances; (iii) the provision to his employees of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety of persons aboard ship; (iv) so far as is reasonably practicable, the maintenance of all places of work in the ship in a condition that is safe and without risk to health; and

	<p>(v) the provision and maintenance of an environment aboard ship that is, so far as is reasonably practicable, safe and without risk to health.</p> <p>71. It shall be the duty of every ship owner to prepare and, as often as may be appropriate, revise a written statement of his general policy with respect to the health and safety aboard ship and the arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of seafarers.</p> <p>72. (a) In meeting his obligations under paragraphs 69 and 71 the ship owner shall comply fully with the ILO Code of Practice entitled <i>Accident prevention on board ship at sea and in port, 1996</i>, and the <i>Code of Safe Working for Merchant Seamen</i> published by the Maritime and Coastguard Agency of the United Kingdom, or a Code of equivalent international standing.</p> <p>(b) No ship owner shall levy or permit to be levied on any seafarer any charge in respect of anything done in pursuance of paragraphs 71 or 72.</p>
A4.5	73. ADOMS shall take steps to provide the complementary social security protection, referred to in paragraph 1 of the Standard A4.5, to all seafarers ordinarily resident in its territory.
Title 5:	Title 5 : Compliance and Enforcement
A5.1.2 para.1	74. The organisations recognised under Standard A5.1.2 shall meet the criteria set out in sub-paragraphs (a) to (d) of paragraph 1.
A5.1.4	75. Without prejudice to Part XI of the Act (Surveyors and Inspectors), the appointment of inspectors for the verification that the measures relating to working and living conditions as set out in the declaration of maritime labour compliance, where applicable, are being followed, and that the requirements of this Convention are met, and the conduct of such inspections, shall be in accordance with Standard A5.1.4.

<p>Reg. 5.2.1</p> <p>A5.2.1 para.s 1 to 6</p> <p>A5.2.1 para.8</p>	<p>82. (a) Every ship which is not a ship of Antigua and Barbuda calling, in the normal course of its business or for operational reasons, in a port in Antigua and Barbuda may be the subject of inspection for the purpose of reviewing compliance with the requirements of the Convention (including seafarers' rights) relating to the working and living conditions of seafarers on the ship.</p> <p>(b) Inspections under sub-paragraph (a) shall be carried out by authorized officers. The conduct of such inspections, including action taken as a result of them, shall be in accordance with Standard A5.2.1, paragraphs 1 to 6.</p> <p>83. If the ship owner proves that the ship was unduly delayed or detained as a result of an inspection under paragraph 81 the Minister shall pay him compensation for loss or damage caused by the action.</p>
<p>Reg. 5.2.2</p> <p>A5.2.2 para.s 1 to.7</p>	<p>84. (a) Seafarers on ships calling at a port in Antigua and Barbuda who allege a breach of the requirements of the Convention (including seafarers' rights) have the right to report such a complaint in order to facilitate a prompt and practical means of redress.</p> <p>(b) Such complaints shall be made to an authorized officer. The conduct of the investigation, and any action taken as a result of the investigation, shall be in accordance with Standard A5.2.2. paragraphs 1 to .7.</p>

Annex*Paragraph 62**Standard A4.1 paragraph 4***Medical care on board ship***Medical stores*

1. Ships shall continue to comply with Directive 01-2005, The Merchant Shipping (Ship's Medical Stores) Directive 2005 (revised 2010).

Medical training

2. With regard to the level of medical training to be provided on board ships that are not required to carry a medical doctor:

(a) ships which ordinarily are capable of reaching qualified medical care and medical facilities within eight hours shall have at least one designated seafarer with the approved medical first-aid training required by STCW Convention which will enable such persons to take immediate, effective action in case of accidents or illnesses likely to occur on board a ship and to make use of medical advice by radio or satellite communication; and

(b) all other ships shall have at least one designated seafarer with approved training in medical care required by STCW Convention, including practical training and training in life-saving techniques such as intravenous therapy, which will enable the persons concerned to participate effectively in coordinated schemes for medical assistance to ships at sea, and to provide the sick or injured with a satisfactory standard of medical care during the period they are likely to remain on board.

3. The training referred to in paragraph 2 of this Annex shall be based on the contents of the most recent editions of the International Medical Guide for Ships, the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods, the Document for Guidance - An International Maritime Training Guide, and the medical section of the International Code of Signals.

4. Persons referred to in paragraph 2 of this Annex and such other seafarers as may be required by ADOMS shall undergo, at approximately five-year intervals, refresher courses to enable them to maintain and increase their knowledge and skills and to keep up-to-date with new developments.

Made the 30th day of June, 2011

The Honourable W. Baldwin Spencer,
*Prime Minister and Minister responsible
for Merchant Shipping and Registration*