

(THE REGULATION)

What You Should Know About The Merchant Shipping Regulations 2010

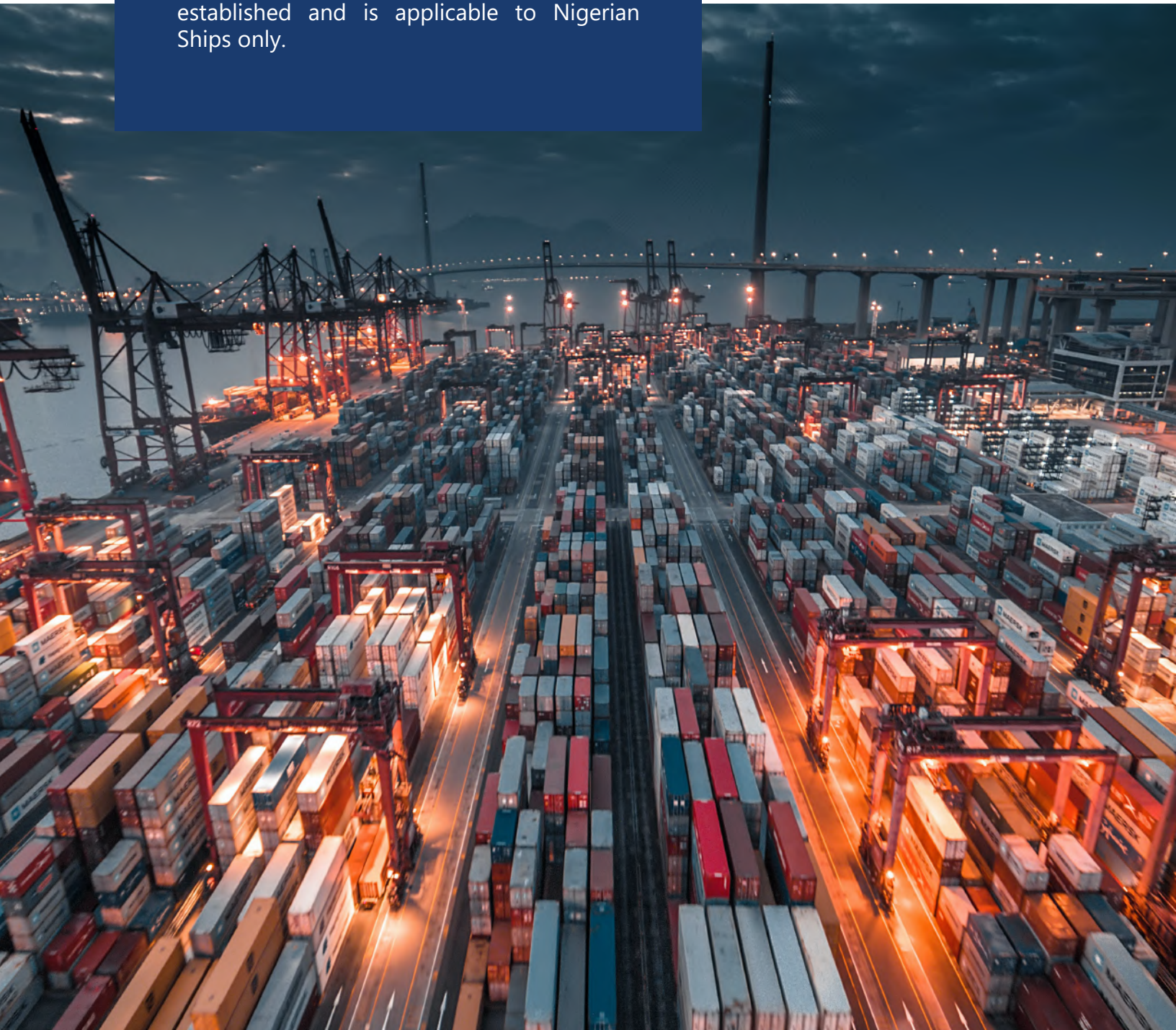
(Safe Manning, Hours Of Work And Watchkeeping)



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By virtue of Section 83 of the Merchant Shipping Act 2007, the Minister of Transportation is empowered to make such regulations as he considers necessary or expedient for the manning requirements for Nigerian ships, qualifications of officers and seamen of the ships and for matters connected with the manning and qualification.

Based on this, the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 2010 ("The Regulation") was established and is applicable to Nigerian Ships only.





Notable Points In The Regulation

Availability of Crew's Data:

By virtue of Section 1(c) of the Regulation, a shipping company shall ensure that every documentation and data relevant to a seafarer employed in the company's ship is maintained and readily available for inspection and shall include the documentation and data on the seafarer's experience, training, medical fitness and competency in assigned duties.

Ship Certifications:

Regulation 11 further mandates that the shipping company and the master of a ship shall ensure that there are carried at all times on board the ship all original certificates and other documents issued pursuant to the International Convention on Standards of Training Certification and Watchkeeping for Seafarers ("1978 STCW Convention") indicating the qualification of any member of the crew to perform functions which he is required to perform aboard a ship in the course of his designated duties.

Ship Policies and Operational Procedure

The shipping company is required to provide written instructions to the master of the ship setting out the policies and the procedures to be followed to ensure that a newly employed seafarer familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of his duties, before being assigned to those duties.

Safe Manning:

Every ship of 500 gross tonnage or more ought to have a safe manning document, which is in force in respect of the ship and the manning of the ship. The master of a ship shall ensure that the ship does not proceed to sea unless there is on board a valid safe manning document issued in respect of the ship and the manning of the ship complies with that document.

Work Hours and Schedule of Duties:

The master of a ship shall ensure, so far as is reasonably practicable, that a seafarer on board a ship does not work more hours than is safe in relation to the safety of the ship and performance of the seafarer's duties. Regulation 6(5) further mandates the company to produce a schedule of duties which shall comply the Regulation and where the shipping company is not the employer of the master of a ship or the seafarer, the seafarer shall consult any other person who is an employer of the master before producing the Schedule. The Schedule must set out the hours of work for:

(i) the master and seafarer whose work include regular watchkeeping duties or ship-handling; and

(ii) the ship's chief engineer officer and second engineer officer, so that they do not work more hours than is safe in relation to the safety of the ship and the master and seafarer's performance of duties;

Also, the Schedule must specify the maximum period of continuous watchkeeping, the minimum rest period between watches and the total daily, weekly and monthly hours of work; and provide a minimum hours of rest in any 24-hour period, which may be divided into not more than two periods, one of which shall be at least six hours in length, so that the minimum period of ten hours may be reduced to not less than six consecutive hours on the condition that reduction does not extend beyond two days and not less than seventy hours of rest is provided for in each seven day period.

Based on this regulation the minimum amount of rest in a seven-day period (a week) is seventy (70) hours.

It is important to note that by virtue of Regulation 12, a person authorized may inspect a ship which is not a Nigerian ship for the purposes of verifying that all the seafarers serving on board the ship who are required to be certificated, hold valid appropriate certificates and shall notify the master of such Ship of

(a) a failure to comply with the safe manning document or a failure of navigational

or

(b) engineering watch arrangements to conform to the requirements specified for the ship by the competent authority of the country in which the ship is registered;

By a joint reading of Regulation 14(2) and (8), a master who contravenes the responsibilities in the regulations, commits an offence and is liable on summary conviction to a fine not less than N100,000 or to imprisonment for a term not exceeding six months or both.

Conclusion

The objective of this Regulation is to ensure that a ship is sufficiently, effectively and efficiently manned to provide safety and security of that ship, safe navigation and operations at sea, safe operations in port, prevention of human injury or loss of life, the avoidance of damage to the marine environment and to property, and to ensure the welfare and health of seafarers.

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