

**REGISTRATION
OF
MERCHANT SHIPS**

*Statutory Instrument
(No. 99 of 1999)*



**IMMARBE
INTERNATIONAL
MERCHANT MARINE
REGISTRY OF
B E L I Z E**

BELIZE:

REGISTRATION OF MERCHANT SHIPS
(SAFE MANNING, HOURS OR WORK
AND WATCHKEEPING)
REGULATIONS, 1999

S.I. No. 99 of 1999

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BELIZE:

STATUTORY INSTRUMENT

No. 99 of 1999

REGULATIONS made by the Attorney General in exercise of the powers conferred upon him by Section 24 of the Registration of Merchant Ships Act, Chapter 196C of the Laws of Belize, Revised Edition 1980-90, and all other powers, thereunto him enabling.

**(Gazetted 18th September,
1999)**

WHEREAS, it is required by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 that all signatories should submit for the approval of the International Maritime Organization, the procedures and policies for the issuance of documents to all seafarers working on board their flagged vessels;

AND WHEREAS, it is desirable in order to the vessels registered with the International Merchant Marine Registry of Belize to be properly manned, that the crew be appropriately trained, tested, certified, well rested and free of fatigue for watchkeeping so as to attain the highest level of safety of life and property at sea and the protection of the marine environment.

NOW, THEREFORE, IT IS HEREBY PROVIDED AS FOLLOWS:-

1. These Regulations may be cited as the

REGISTRATION OF MERCHANT SHIPS (SAFE MANNING, HOURS OF WORK AND WATCHKEEPING) REGULATIONS, 1999

2. INTERPRETATIONS

(1) In these Regulations, unless the context otherwise requires,

“Administration” means the International Merchant Marine Registry of Belize.

“Appropriate certificate” means an appropriate certificate as defined in the STCW Convention;

“Authorized person”, means a person authorized by the Registrar of Merchant Ships or any other competent authority in Belize for the purpose of these Regulations;

“Company” includes an individual, and in relation to a ship means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who on assuming such responsibilities imposed on the company by the Regulations annexed to the STCW Convention;

“Dollar or \$” means a dollar in the currency of the United State of America;

“GT” means gross tons and gross tonnage of a ship having alternative gross tonnage shall be larger of those tonnages;

“Hazardous Cargo” means cargo, which is or may be explosive, flammable, toxic, health threatening or environment polluting;

“Merchant Shipping Notice” means a notice described as such and issued by the Administration;

“Near coastal” means ocean waters not more than 100 miles offshore;

“Safe manning document” means a document, described as such, instead, in the case of a Belize registered ship by the Administration and in the case of any other ship by or on behalf of the government of the Sate whose flag the ship is entitled to fly;

“STCW Code” means the Seafarers’ Training, Certification and Watchkeeping Code adopted by the 195 Conference of Parties to the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978;

“STCW Convention” means the International Convention on Standards of Training and Watchkeeping for Seafarers, 1978, as amended on the 7th July 1995,;

(2) Any reference to the STCW Code , the STCW Convention or particular Circular Note includes any amendment to that Convention or Note, which the Administration considers relevant from time-to-time and specified in a Circular Note.

(3) In these Regulations, unless the context otherwise requires:-

(a) a reference to a numbered regulation is a reference to the regulation of that number in these Regulations; and

(b) a reference to a numbered paragraph is a reference to the paragraph of that number in that Regulation.

3. APPLICATION OF REGULATION

These Regulations apply to the sea-going ships, which are:

(a) Belize ships wherever they are; and

(b) Other Ships when in Belize waters, except for in either case:-

(i) fishing vessels:

(ii) pleasure craft as defined in Regulation 3 of the Registration of Merchant ships (pleasure vessels) Regulation 1991;

(iii) non-propelled vessels.

4. RESPONSIBILITIES OF COMPANIES, MASTERS AND OTHERS

(1) This Regulation applies only to Belize Ships.

(2) Every Company shall ensure that:

(a) every seaman assigned to any of its ships holds an Endorsement certificate in respect of any function he to perform on that ship.

(b) every seaman on any of its ships has had training specified in the STCW Code in respect of any function he is to perform on that ship; and

(c) documents and data relevant to all seamen on its ships are maintained and readily available for inspection and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties.

(3) Nothing in paragraph (2) shall prohibit the allocation of the tasks for training supervision or in case of “force majeure”.

(4) The company shall provide written instruction to the master of each ship setting out the policies and the procedures to be followed to ensure that all seamen who are newly employed on board the ship are given reasonable opportunity to become familiar with shipboard equipment, operating procedures and other arrangements needed for the proper performance of their duties, before being assigned to those duties.

(5) The policies and procedures referred to in paragraph (4) shall include:-

(a) allocation of a reasonable period of time during which each newly employed seaman will have an opportunity to become acquainted with:-

- (i) the specific equipment the seaman will be using or operating; and
- (ii) ship-specific watchkeeping, safety environmental protection emergency procedures and arrangements the seafarer needs to know to perform the assigned duties properly and

(b) designation of a knowledgeable crewmember who will be responsible for ensuring that an opportunity is provided to each newly employed seaman to receive essential information in a language the seaman understands.

(6) It shall be the duty of every master and every member of a crew designated with an obligation under paragraph (4) to carry out that obligation.

5. SAFE MANNING DOCUMENT

(1) It shall be the duty of the company to ensure that in relation to every ship of 150 GT or more;

(a) a safe manning document is in force in respect of the ship and the manning of the ship;

(b) the safe manning document is kept on board the ship at all time; and

(c) the manning of the ship is maintained at all times to at least the levels specified in the manning document.

(2) The master of any ship to which this regulation applies 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.

(3) (a) It shall be the duty of the company applying for safe manning document in respect of any Belize registered ship to submit to the Administration

proposals as to the numbers and grade of personnel it considers should be carried so that the ship would be safely manned if it proceeded to sea on any intended voyages.

(b) In preparing such proposals the company shall take into account any guidance by the Administration

(c) It shall be the duty of the company after the issue of a safe manning document to inform the Administration as soon as any of the manning documents change for the purpose of enabling the Administration to review the document's continuing validity or approve fresh proposals from the company.

6. REGULATIONS 7 TO 10 APPLY ONLY TO BELIZE SHIPS.

7. GENERAL DUTY OF COMPANY, EMPLOYERS AND MASTERS

- (1) Subject to Regulation 10, it shall be the duty of every company in respect of a ship, and of every employer, to ensure, so far as is reasonably practicable, that the master and the seamen do not work more hours than is safe in relation to the safety of the ship and the master's and the seaman's performance of their duties.
- (2) Subject to regulation 10, it shall be the duty of every master to ensure, so far as is reasonably practicable, that seamen do not work more hours than is safe in relation to the safety of the ship and seamen's performance of their duties.

8. DUTIES OF MASTER AND SEAMAN

Every master and seaman shall, so far as is reasonably practicable, ensure that he is properly rested when commencing duty on a ship and that he obtains adequate rest during periods when he is off duty.

9. SCHEDULE OF DUTIES AND NEED TO RECORD

- (1) It shall be the duty of the company to produce a schedule of duties complying with regulations.
- (2) Where the company is not also the employer of the master and all the seamen, it shall consult with other person who is an employer of the master or of any of the seamen before production of the schedule.
- (3) The company may arrange with any such employer is to produce a schedule of duties complying with this regulation. In such a case that employer shall also be subject to the duties of the company under this regulation.

- (4) Before producing a schedule the company shall seek the views of the master, and the master shall seek, and convey to the company, the view of the seamen or their representatives.
- (5) A schedule complies with this regulation if:-
- (a) it sets out the hours of work for:-
 - (i) masters and seamen whose work includes regular watchkeeping duties or ship handling; and
 - (ii) the ship's chief engineer, chief officer and second officer so as to provide that they do not work more than is safe in relation to the safety of the ship and the master's and seamen's performance of their duties;
 - (b) it specifies the maximum period of continuous watchkeeping, the minimum rest period between watches and the total daily, weekly and monthly hours of work; and
 - (c) it provides a minimum of ten hours of rest in any 24 hour period, which may be divided into no more than two periods, one of which shall be at least six hours in length; provided that the minimum period of ten hours may be reduced to not less than six consecutive hours on condition that any such reduction shall not extend beyond two days and not less than seventy hours of rest are provided in a seven day period.
- (6) The company shall give consideration to the category of shipping operation undertaken in arranging the hours of work
- (7) The schedule may be changed by the company or by the employer who by virtue of paragraph (3) is subject to the duties of the company, on condition that:-
- (a) other employers and the company (as the case may be) have been consulted;
 - (b) the company or the employer has sought the views of the master on the proposed changes; and
 - (c) the schedule as changed complies with paragraph (5)
- (8) The company shall ensure that the schedule is displayed prominently in the crew accommodation for the information of all the seamen.
- (9) It shall be the duty of the master to ensure, as far as reasonably practicable, that hours of work specified in the schedule are not exceeded.

- (10) The company and the master shall maintain on the ship a copy of the schedule and a record of all deviations from are requirements.

10.EXCEPTIONS FOR EMERGENCY

(1). The requirements for rest periods specified in regulation (9)(5)(c) need not be maintained in the case of any emergency or drill or in other overriding operational conditions.

(2) Without prejudice to the generality of paragraph (1), a master of ship or seaman may participate in a navigational, engine room machinery watch although he has not had the rest period provided by the schedule produced in pursuance of regulation 9, and the master may exceed, and a seaman may be required to exceed, the schedule work or duty periods, when in the opinion of the master it is necessary to meet an emergency threatening the safety of the ship or the life of any person or threatening damage to the environment.

11. WATCHKEEPING ARRANGEMENTS

(1) The master of any ship shall ensure that the watchkeeping arrangements for the ship are at all time adequate for maintaining safe navigational and engineering watched having regard to Chapter VII of the STCW Code.

(2). Without prejudice to the duties of the master provided by paragraph (1) the master shall give directions to the deck watchkeeping officers responsible for navigating the ship safely during periods of duty, in accordance with Part 3-1 of section A VII/2 of the STCW Code and any requirements specified by the Administration.

(3) The chief engineer officer of any ship shall ensure that the engineering watchkeeping arrangements for the ship are at all times adequate for maintaining a safe watch, in accordance with Part 3-2 of section A-VIII/2 of the STCW Code and when deciding the composition of the watch the chief engineer officer shall observe the principles set out in Part 3-2 of that section and the requirement specified by the Administration.

12. WATCHKEEPING ARRANGEMENTS IN PORT

The master of any ship, which is safely moored, or safely at anchor under normal circumstances in port shall arrange for appropriate and effective watch to be maintained for the purpose of safety. Such arrangements shall be in accordance with Part 4 of Section A-VIII/2 of the STCW Code.

13. WATCHKEEPING ARRANGEMENT IN PORT FOR SHIPS CARRYING HAZARDOUS CARGO.

The master of any ship which is carrying hazardous cargo and which is in port, even when safely moored or safely at anchor, shall in addition to any watchkeeping arrangements required under Regulation 12, in the case of:-

- (a) a ship carrying hazardous cargo in bulk ensure that a safe deck watch and safe engineering watch are maintained by the ready availability on board of a duly qualified officer or officers, and where appropriate ratings; and
- (b) a ship carrying hazardous cargo other than in bulk, ensure that in organizing safe watchkeeping arrangements he takes account of the nature, quality, packing and stowage of the hazardous cargo and of any special conditions on board, afloat and ashore.

14. CARRIAGE OF DOCUMENTS

Without prejudice to regulation 4, the company and the master shall ensure that there are carried at all time on board the ship all original certificates and other documents issued pursuant to the STCW Conventions indicating the qualification of any member of the crew to perform functions which they are required to perform aboard the ship in the course of their designated duties.

15. INSPECTION OF NON-BELIZE SHIPS

(1) An authorized person may inspect any ship, which is not a Belize ship for the purpose of:-

- (a) verify that all seamen serving on board who are required to be certified hold a valid appropriate certificate; and
- (b) assessing the ability of the seamen in the ship to maintain the watchkeeping standards required by these Regulations where there are grounds for believing that such standards are not being maintained because, while in Belize or in the approaches to that part, any of the following have occurred:-
 - (i) the ship has been involved in a collision grounding or standing;
 - (ii) there has been an unlawful discharge of substance from the ship when underway, at anchor or at berth
 - (iii) the ship has been maneuvered in an erratic or unsafe manner; or

- (iv) the ship has otherwise been operated in such a manner as to pose a danger to persons, property or the environment.

(2) If an authorized person finds on inspecting any deficiency of a kind specified in paragraph (3) he shall notify in writing the master of the ship and in the case of a ship registered outside Belize, the nearest maritime, consular or diplomatic representative of the flag state.

(3) Deficiencies referred to in paragraph (2) are:-

- (a) a failure of any seaman required to hold an appropriate certificate, to have a valid certificate or a valid exemption from the requirement;
- (b) a failure to comply with the safe manning document
- (c) a failure or navigation or 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;
- (d) an absence on a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications or the prevention of marine pollution;
- (e) an inability of the master to provide adequately rested person for the first watch at the commencement of a voyage and for subsequent relieving watches.

16. POWER TO DETAIN

A ship may be detained under the provisions of this regulation in any case where it is found:-

- (a) In relation to a ship which is a Belize ship, that there is any contravention of these regulations; or
- (b) In relation to a ship which is not a Belize ship, that there is:-
 - (i) any contravention or regulation 5, 11,12 or 13 or
 - (ii) a failure to correct a deficiency or a kind specified in regulation 15(2) after notification to the master pursuant to Regulation 15(2) and there is in Consequence a danger to persons, property or the environment. The Flag State of such vessel shall be so notified accordingly.

17. PENALTIES

(1) Any company which contravenes regulation 4(2) or 4(4), 5(1) or (3), 9(1), (2), (8) or (10) or 14 shall be guilty of an offence punishable on summary conviction by a fine not exceeding fifty thousand dollars.

(2) Any master who contravenes regulation 4(6), 5(2), 7(2), 11(1) or (2), 12, 13 or 14 shall be guilty of an offence punishable on summary conviction by a fine not exceeding fifty thousand dollars.

(3) Any member of the crew who contravenes regulation 4(6) shall be guilty of an offence punishable on summary conviction by a fine not exceeding \$500.00

(4) chief engineer who contravenes regulation 11(3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$250.00

(5) Any company, which contravenes regulation 7(1), shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$10,000.00

(6) Any employer who contravenes regulation 7(1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$10,000.00

(7) any master who contravenes regulation 8,9(9) or (10) shall be guilty of an offence and liable on summary conviction to fine not exceeding \$500.00

(8) Any seaman who contravenes regulation 8 shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$500.00

(9) It shall be a defense for a person charged with an offence under these Regulations to prove that he took all reasonable steps to avoid commission of the offence.

(10) In any proceedings for an offence under these Regulations consisting of a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it shall be for the accused to prove that it was not reasonably practicable to do more than what was in fact done to satisfy the duty or requirement.

18. EXEMPTIONS

The Administration may grant, on such terms, as it may specify, exemptions from all of any of the provisions of these Regulations for any classes or cases or individual cases.

19. COMMENCEMENT

These Regulations shall come into force on the 1st day of September 1999.

MADE by the Attorney General this 1st day of September, 1999

(DICKIE BRADLEY)
Attorney General