



DEPARTMENT OF ECONOMIC DEVELOPMENT

Nairobi International Convention on the Removal of Wrecks

This notice provides information on the requirements for Isle of Man registered ships to comply with the provisions of the Nairobi International Convention on the Removal of Wrecks.

Documents referred to in this notice:

Merchant Shipping Act 1995 (Application) Order 2014 (SD 2014/0384); and

The Nairobi International Convention on the Removal of Wrecks 2007.

Most regulations and notices are available on the Isle of Man Government website:

www.iomshipregistry.com or by contacting marine.survey@gov.im

Introduction

The Nairobi International Convention on the Removal of Wrecks (Wreck Removal Convention) will enter into force internationally on 14th April 2015. The Convention has been extended to the Isle of Man and implemented by the Merchant Shipping Act 1995 (Application) Order 2014. This Convention applies to Manx-registered ships regardless of their location and foreign ships visiting an Isle of Man port.

The Convention requires the registered owner of a ship of 300 gross tonnage (GT) or above to maintain insurance or other financial security to cover the costs of locating, marking and removing a wreck. Ships of 300GT and above will be required to carry a certificate, known in the UK and IOM as a Wreck Removal Insurance Certificate, which has been issued by a State party to the Convention attesting that the necessary insurance is in place.

The Wreck Removal Convention provides the legal basis for a Convention country to remove or have removed, from its exclusive economic zone, a wreck which has the potential to adversely affect the safety of lives, goods and property at sea, as well as the marine environment. The definition of "wreck" includes any object that is or has been on board a ship which is stranded, sunken or adrift at sea. The Convention also includes provision for a country to extend provisions of the Convention to its territorial sea.

1. What type of ships does the Convention apply to?

"Ship" is defined in the Convention as:

"A seagoing vessel of any type whatsoever and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and floating platforms, except when such platforms are on location engaged in the exploration, exploitation or production of seabed mineral resources." Please note this definition includes commercial and pleasure yachts.

2. Certification and proof of insurance or other financial security

For ships of 300GT and above the ship's owner is required to maintain insurance or other financial security to cover the cost of locating, marking and removing a wreck up to the limits established in article 6(1)(b) of the Convention on Limitation of Liability for Maritime Claims, 1976, as amended.

Those ships must carry evidence of the insurance in the form of a Wreck Removal Insurance Certificate confirming that the required insurance of financial security is in place. The Isle of Man can also issue certificates to non-Manx ships.

Certificates will be issued according to the commencement and expiry date stipulated on the Blue Card or financial guarantee provided by the insurer or other provider of financial security. Certificates will be issued for a maximum period of 12 months commencing at any point in the calendar year.

3. What are owners of Manx-registered ships required to do?

Owners of Manx-registered ships must apply for a Wreck Removal Insurance Certificate before 14th April 2015 (the date the Convention enters into force). Certificates will be issued for a maximum period of 12 months and an application must be made to renew the certificate prior to its expiry.

4. How to apply for a Wreck Removal Insurance Certificate

Owners of ships of 300GT and above can apply to the IOM Ship Registry for a Wreck Removal Insurance Certificate by contacting the Registrar of Ships with a request accompanied by the following:

- the names of the ship(s) which require certification;
- a Blue Card from a P&I Club providing suitable evidence of insurance meeting the requirements of the Wreck Removal Convention; and
- the appropriate fee – the cost of each certificate is £90 for a Manx-registered ship and £130 for a foreign (non-Manx) ship.

Applications for a certificate can be emailed to registry.marine@gov.im and accompanied by a scanned copy of the evidence of insurance as detailed above.

Alternatively an application can be sent by post or courier to the following address:

Registrar of Ships,
Isle of Man Ship Registry,
Department of Economic Development,
St Georges Court,
Upper Church Street,
Douglas, Isle of Man, British Isles, IM1 1EX.

5. Reporting of wrecks

If a maritime casualty resulting in a wreck takes place in a Convention country's exclusive economic zone (or its territorial waters if it has chosen to apply the Convention accordingly) the master or owner of any Manx-registered ship involved will be required to report the wreck without delay to the government of that State.

The report must include:

- name and principal place of business of the registered owner and all the relevant information necessary for the Affected State to determine whether the wreck poses a hazard in accordance with Article 6 of the Convention;
- precise location of the wreck;
- type, size and construction of the wreck;
- nature and damage to, and the condition of, the wreck;
- nature and quantity of the cargo, in particular any hazardous and noxious substances; and
- amount and types of oil, including bunker oil and lubricating oil, on board.

6. Isle of Man Port State control

For foreign ships entering or leaving a port on the Isle of Man, if the ship is registered in:

- a Convention country (other than the Isle of Man), a Convention certificate issued by or under the authority of the government of that other country is required; or
- a country which is not a Convention country, a certificate issued by the Isle of Man Ship Registry or under the authority of any other State Party will be required.

The master of the ship must ensure that the certificate is carried on board and on request must produce the certificate to an officer of the Ship Registry. Failure to produce a valid certificate is an offence.

Isle of Man Ship Registry

Please note - The Isle of Man Ship Registry cannot give legal advice. Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel. You should consider seeking independent legal advice if you are unsure of your own legal position.