



MERCHANT SHIPPING ACT 1985

MERCHANT SHIPPING (INSPECTION OF SEAFARERS' WORKING AND LIVING CONDITIONS) REGULATIONS 2002

Coming into operation 1st November 2002

In exercise of the powers conferred on the Department of Trade and Industry by Sections 1 and 2 of the Merchant Shipping Act 1985^(a), and of all other enabling powers, after consultation with the Secretary of State and those persons referred to in Section 2(2) of the Merchant Shipping Act 1985, the following Regulations are hereby made:-

Citation and commencement

1. These regulations may be cited as the Merchant Shipping (Inspection of Seafarers' Working and Living Conditions) Regulations 2002 and shall come into operation on 1st November 2002.

Interpretation

2. In these regulations:

“Department” means the Isle of Man Department of Trade and Industry;

“Fishing vessel” has the meaning given to it by section 78 of the Merchant Shipping Registration Act 1991^(b);

“Manx ship” has the meaning given to it by section 1 of the Merchant Shipping Registration Act 1991 and includes any ship registered on the demise charter register established under section 60 of the Merchant Shipping Registration Act 1991.

(a) 1985 c.3 Functions now transferred to the Department of Trade and Industry by the Transfer of Functions (Marine Administration) Order 1997 (SD 51/97)

(b) 1991 c.15

Application

3. These regulations apply to all Manx ships except:
 - (1) ships of less than 500 Gross Tons;
 - (2) fishing vessels of less than 24 metres in length; *and*
 - (3) *ships to which the Merchant Shipping (Maritime Labour Convention) Regulations 2013 apply.*

Inspections

4. (1) Every ship to which these regulations apply shall be subjected to inspections in accordance with regulation 5 by the Department as follows:
 - (a) within a period of three months prior to initial registry in the Isle of Man;
 - (b) at intervals not exceeding three years following initial registry in the Isle of Man; and
 - (c) whenever the crew accommodation is substantially changed in construction or arrangement.
- (2) The inspections referred to in sub-paragraph (1) may be carried out in conjunction with any audit, survey or inspection carried out by the Department for any other purpose.

Scope of Inspection

5. The inspections specified in regulation 4 shall cover at least the following areas:
 - (1) standards of maintenance and cleanliness of the ship's living and working areas;
 - (2) the minimum age of seafarers;
 - (3) Articles of Agreement;
 - (4) food, catering and the standards and cleanliness of food and provisions arrangements;
 - (5) crew accommodation;
 - (6) manning, medical examination of seafarers, medical provision on board and the qualifications and training of crew members;
 - (7) hours of work and rest;

- (8) arrangements on board for the prevention of occupational accidents and for reporting and investigation of accidents; and
- (9) Articles of Agreement and any collective bargaining agreement in place relating to the terms and conditions of employment on board.

Deficiencies

6. (1) If during the course of any inspection under regulation 5 the Department finds evidence of deficient standards it shall, depending on the severity of the deficiency either:
- (a) take such steps as are necessary to prevent the ship from sailing where the identified deficiency is such as to pose a threat to the crew's safety or health until such time as the deficiency is rectified; or
 - (b) issue a deficiency report listing the extent to which the inspection has revealed deficiencies and specifying a time period which shall not exceed 3 months during which the deficiencies shall be rectified and the Department informed in writing of the measures taken to rectify the deficiency.
- (2) Where written confirmation in accordance with sub-paragraph (1)(b) is provided to the Department it shall be signed by a representative of the crew on board as well as by the Master.

Reports

7. (1) As soon as is practicable after the completion of any inspection in accordance with regulation 4 the surveyor conducting the inspection shall furnish a report to the Department and send two copies of the report to the ship.
- (2) The Master, upon receiving copies of the report following an inspection shall post one copy of the report on board the ship in a place easily accessible to all the crew.
- (3) The Department shall maintain records of all inspections made in accordance with these regulations.

Made : 1st November 2002

Alex F. Downie,

Minister for Trade and Industry.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

The Merchant Shipping (Inspection of Seafarers' Working and Living Conditions) Regulations 2002 give effect to the provisions of ILO Convention No. 178, The Labour Inspection (Seafarers) Convention 1996.

The regulations provide for comprehensive inspections of crews living and working conditions to be carried out by the Department at first registry and thereafter at intervals not exceeding 3 years.

These Regulations have been amended by:

SD 0234/13 Merchant Shipping (Maritime Labour Convention) Regulations 2013 which disapplies these regulations to ships to which the Maritime Labour Convention applies.