

REPUBLIC OF VANUATU

MARITIME ACT [CAP. 131]

THE MARITIME REGULATIONS (AMENDMENT) **ORDER NO. 21 OF 1998**

An Order to amend the Maritime Regulations Order No. 25 of 1990 ("the Regulations") to comply with the International Maritime Organization international convention on Standards of Training, Certification and Watchkeeping for seafarers, and other miscellaneous matters.

IN EXERCISE of the powers conferred upon me by section 152 of the Maritime Act [CAP. 131], I, **SELA MOLISA**, Minister of Finance and Economic Management and responsible for the International Shipping Registry, hereby make the following Order:-

AMENDMENT OF SECTION 9

1. Section 9 of the Regulations is repealed and the following section is substituted:-

"AUTHORIZED AGENTS FOR MEASUREMENT AND SURVEY OF VESSELS

9. Any International Association of Classification Societies member and any other international ship classification society as may be authorized by the Commissioner or a Deputy Commissioner, is authorized as agent to measure vessels in accordance with the provisions of section 10 and for surveying vessels for the issue of the Vanuatu Certificates required to be furnished pursuant to section 8(2)(a)."

AMENDMENT OF SECTION 16

2. Paragraphs (a) and (b) of section 16(1) of the Regulations is repealed and the following paragraphs are substituted -

"(a) International Maritime Organization Conventions

Convention on the International Regulations for Preventing Collisions at Sea, 1972 as amended (COLREG 72);

International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS (amended) 1974);

Protocol of 1978 relating to International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT (HSSC) 1988);

Protocol of 1988 relating to International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT (HSSC) 1988);

International Convention on Standards of Training Certification and Watchkeeping for Seafarers, 1978, as amended (STCW (amended) 1978);

International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto (MARPOL (amended) 73/78);

Optional Annexes III and V of MARPOL 73/78;

International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC 1969);

Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (1992) CLC PROT);

Convention for the Suppression of Unlawful Acts against the safety of Maritime Navigation, 1988 (1988 SUA);

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988 (1988 SUA PROT);

Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (PAL 1974);

Protocol to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (PAL PROT 1976);

International Convention for Safe Containers, 1972, as amended (CSC (amended) 1972);

(The 1993) Amendments to the International Convention for Safe Containers, 1972, as amended;

International Convention on Load Lines, 1966 (LL 1966);

Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT (HSSC) 1988);

International Convention on Maritime Search and Rescue, 1979 (SAR 1979);

International Convention on Salvage, 1989 (1989 SALVAGE);

International convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969);

Convention on Facilitation of International Maritime Traffic, 1965, as amended (FAL) (amended) 1965;

International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND 1971);

Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (1992 FUND PROT);

Convention on Limitation of Liability for Maritime Claims, 1976 (LLMC 1976);

International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (INTERVENTION 1969);

Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973, as amended (INTERVENTION PROT (amended) 1973);

International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (1990 OPRC);

Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972, as amended (LC (amended) 1972);

1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972 (1996 LC PROT);

(b) **International Labour Organization Conventions:**

Convention No. 53 - Convention Concerning the Minimum Requirement of Professional Capacity for Master and Officers on Board Merchant Ships, 1936;

Convention No. 55 - Convention Concerning the Liability of the Shipowner in Case of Sickness, Injury, or Death of Seamen, 1936;

Convention No. 58 - Minimum Age (Sea) (Revised), 1936;

Convention No. 92 and No. 133 - Conventions on Accommodation of Crew;

Convention No. 147 - Convention Concerning Minimum Standards in Merchant Ships; and

(c) **Other International Instruments**

United Nations Convention on the Law of the Sea (UNCLOS);

International Convention for the Unification of Certain Rules relating to Maritime Liens and Mortgages (Brussels, May 27th, 1967);

International Convention on Maritime Liens and Mortgages, 1993;

The Convention on the International Regime of Maritime Ports (1923);

The International Convention relating to the Limitation of Liability of Owners of Seagoing Ships (Brussels), 1957;

The Vienna convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol);

International Telecommunications Convention and Radio Regulations, 1965;

International Sanitary Regulations, 1951 (as amended)."

REPLACEMENT OF CHAPTER 8

3. Chapter 8 of the Regulations is repealed and the following Chapter is substituted:-

"CHAPTER 8

MERCHANT SEAMEN

INTERPRETATION

36. In this Chapter unless the context otherwise require:

"Appropriate certificate" means a certificate issued and endorsed in accordance with the provisions of STCW 95 and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein on a vessel of the type, tonnage, power and means of propulsion concerned while engaged on the particular voyage concerned;

"Approved by the Commissioner" includes "Approved by a Deputy Commissioner so authorised";

"Chief mate" means the deck officer next in rank to the master and upon whom the command of the vessel will fall in the event of the incapacity of the master;

"Chief engineer officer" means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the vessel;

"Deck officer" means an officer qualified to act as officer in charge of a navigational watch holding a license of certificate which contains an endorsement issued by a party to the STCW Convention stating:

- (i) that it has been issued in compliance with the appropriate regulations of either Chapter II of the STCW Convention 1978 or the 1995 amendments to that Convention; and
- (ii) the vessel size or any other limitations to the holder performing the functions of an officer in charge of a navigational watch;

“Deck watch rating” means a person holding a certificate as Deck Watch Rating issued in accordance with these regulations or by a party to the STCW Convention;

“Endorsement” means a certificate attesting to the validity of the underlying certificate or license;

“Engineering officer” means an officer qualified to act as officer in charge of an engineering watch holding a license or certificate which contains an endorsement issued by a party to the STCW Convention stating:

- (i) that it has been issued in compliance with the appropriate regulations of either Chapter III of the STCW Convention 1978 or the 1995 amendments to that Convention; and
- (ii) the machinery, power, type or any other limitations to the holder performing the functions of an officer in charge of an engineering watch;

“Engine room watch rating” means a person holding a certificate as Engine Room Watch issued in accordance with these regulations or by a party to the STCW Convention;

“Second engineer officer” is synonymous with “first assistant engineer” and means the engineer officer next in rank to the chief engineer officer and upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the vessel will fall in the event of the incapacity of the chief engineer officer;

“function” means a group of tasks, duties and responsibilities, as specified in the STCW Code, necessary for vessel operation, safety of life at sea or protection of the marine environment;

“IMO principles of safe manning” mean the principles set out in Annex 2 of Resolution A 481(XII) of the International Maritime Organization and any subsequent amendments or revisions thereto;

“License” is synonymous with “certificate”;

“Licensed” is synonymous with “certificate” and means properly holding a license or certificate;

“Master” means the holder of a license or certificate which contains an endorsement issued by a party to the STCW Convention stating:

- (i) that it has been issued in compliance with the appropriate regulations of either Chapter II of the STCW Convention 1978 or the 1955 amendments to that Convention; and
- (ii) the vessel size or any other limitations to the holder performing the function of master;

“Maritime Bulletin” means a Bulletin described as such and issued by the Commissioner or a Deputy Commissioner;

“owner” means the owner of the vessel or any other organization or person such as the manager, or the bareboat or demise charterer, who has assumed the responsibility for operation of the vessel from the shipowner and who, on assuming such responsibility for operation of the vessel from the shipowner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on the owner by these regulations;

“propulsion power” means the total maximum continuous rated output power in kilowatts of all the vessel’s main propulsion machinery which appears on the vessel’s certificate of registry or other official document;

“Radio Operator” means a person holding an appropriate certificate issued or recognised by the Administration under the provisions of the Radio regulations;

“Safe Manning Certificate” means an appropriate safe manning document as specified in regulation 13 of Chapter V of the International Convention for the Safety of Life at Sea, 1974, as amended;

“seagoing services” means a service on board a vessel relevant to the issue of a certificate or other qualifications;

“STCW 95” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended in 1995 and includes Part A of the Seafarers’ Training, Certificate and Watchkeeping Code (STCW Code); and any subsequent amendments thereto. In these regulations, any reference to the provisions of an STCW 95 regulation includes a reference to the provisions of the corresponding section of the STCW Code;

“STCW 78” means the International convention on Standards of Training Certificate and Watchkeeping for Seafarers, 1978 in force prior to 1st February 1997;

“STCW Code” means the Seafarers’ Training, Certification and Watchkeeping (STCW) Code as adopted by the 1995 Conference, resolution 2, and any subsequent amendments thereto.

APPLICATION

37. This Chapter applies to seagoing Vanuatu vessels registered under the Act except such vessels which are:

- (a) engaged solely on voyages between places within Vanuatu;
- (b) fishing vessels;
- (c) pleasure yachts not engaged in trade;
- (d) wooden vessels of primitive build;

- (e) not propelled by mechanical means unless expressly provided otherwise.

RESPONSIBILITIES

38. (1) Every seaman assigned to a vessel shall hold an appropriate certificate in respect of any function he is to perform on that vessel.
- (2) Every seaman, on being assigned to a vessel, shall be familiar with his specific duties and with all vessel arrangements, installations, equipment, procedures and vessel characteristics that are relevant to his routine or emergency duties.
- (3) The vessel's complement shall be competent to effectively coordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution.
- (4) Documentation and data relevant to all seamen employed on a vessel shall be maintained and readily accessible, and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties.

SAFE MANNING CERTIFICATES

39. (1) Notwithstanding the provisions of section 40, every vessel shall be manned in accordance with the IMO principles of safe manning and to the satisfaction of the Commissioner or a Deputy Commissioner and shall carry a Safe Manning Certificate.
- (2) The manning of the vessel shall be maintained at all times to at least the levels specified in the Safe Manning Certificate.
- (3) The application for a Safe Manning Certificate shall include proposals as to the numbers and grade of personnel that the owner considers shall be carried in order that the vessel is safely manned for any intended voyages.

MANNING LEVELS FOR OFFICERS AND RATINGS

40. (1) No vessel shall be navigated unless she shall have on board, and in her service, a duly licensed master.
- (2) Every vessel, other than a passenger vessel, of 100 gross tons but less than 500 gross tons, shall have on board, and in her service, at least one deck officer in addition to her master.
- (3) The number of deck officers required on passenger vessels, and the grades in which they shall be licensed, shall be prescribed for each such vessel by the Commissioner or a Deputy Commissioner.
- (4) The number and grades of deck officers required on vessels of 500 gross tons or more shall be determined by the Commissioner or a Deputy Commissioner according to the gross tonnage specified in regulation II of the Convention, length of voyage, type, service and any particular characteristics and equipment of such vessels.

- (5) No vessel propelled by machinery of less than 750 kW (1005 horsepower) propulsion power shall be navigated unless she shall have on board and in her service an engineer officer or an operator holding a license issued in compliance with criteria specified by the Commissioner or a Deputy Commissioner.
- (6) The number and grades of engineer officers required on vessels propelled by machinery of 750 kW propulsion power or more shall be determined by the Commissioner or a Deputy Commissioner according to the propulsion power specified in regulation III of the Convention, length of voyage, type of machinery, degree of automation and whether the vessel is arranged for amended or periodically unmanned machinery space operation.
- (7) The number of ratings forming part of navigational and engineering watches shall be determined by the Commissioner or a Deputy Commissioner according to the length of voyage, type, service, size, propulsion power and type of machinery and any particular characteristics and equipment of the vessel.
- (8) Nothing in this section shall be so construed as to prevent the Commissioner or a Deputy Commissioner from otherwise stipulating the required number of officers for any vessel if, in his judgement, such vessel is sufficiently manned for her safe navigation with the stipulated number of officers.
- (9) In cases of exceptional necessity, the Commissioner or a Deputy Commissioner may grant a dispensation for a post only to a person properly licensed to fill the post immediately below subject to compliance with all the provisions of article VIII of STCW 95.

WATCHKEEPING ARRANGEMENTS

41. (1) Notwithstanding his duties under section 105 of the Act, the master of every vessel shall ensure that the watchkeeping arrangements of the vessel are at all times adequate for maintaining safe navigational, radio and engineering watches and in compliance with the provisions and principles set out in chapter VIII of section A of the STCW Code, Intended voyages shall be planned in accordance with part 2 of that chapter. The master shall give directions to the deck watchkeeping officers responsible for navigating the vessel safely during their periods of duty, having particular regard to the relevant matters set out in part 3 of section A-VIII/2 of the STCW Code.
- (2) The chief engineer officer of a vessel shall ensure that the engineering watchkeeping arrangements for the vessel are at all times adequate for maintaining a safe watch, having regard to the matters set out in part 3-2 of section A-Viii/2 of the STCW Code. When deciding the composition of the watch the chief engineer officer shall take into account the principles set out in that part.
- (3) The master of a vessel which is safely moored or safely at anchor or under normal circumstances in port shall arrange for an appropriate and effective watch to be maintained for the purposes of safety. Such arrangements shall have regard to the matters set out in part 4

of section A-VIII/2 of the STCW Code and take into account any specific hazards in relation to the cargo of the vessel.

WATCH SCHEDULES

42. (1) The owner of every vessel to which this part applies shall consult with the master of the vessel and draw up a schedule showing the maximum watch periods and minimum rest periods to be observed by crew members in accordance with these regulations and a copy of the schedule shall be posted up in a place accessible to all crew members and available for verification by any authorised official of the flag State or port State.
- (2) The watch schedule shall be arranged such that the efficiency of all watchkeeping personnel is not impaired by fatigue and that duties are so organised that the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.
- (3) The schedule referred to in sub-sections (1) and (2) of this section shall not be changed except after consultation with the master.
- (4) A copy of the schedule for each vessel shall be attached to the official log book for that vessel and retained on board for at least twelve months.

REST PERIODS

43. (1) Every officer in charge of a watch and every rating forming part of a watch shall be provided with not less than 10 hours rest in total in any 24-hours period provided that:
- (a) the 10 hour period may be divided into two periods one of which shall be not less than 6 hours;
- (b) for a maximum period of 2 days, if the nature of the vessel's operations precludes the provision of 10 hours period provided that in any 7 day period not less than 70 hours of rest are provided.
- (2) The minimum rest periods specified in sub-section (1) of this section, need not be maintained in the case of emergencies; musters and drills; and other overriding factors beyond the control of the master or owner.

CARRIAGE OF MASTERS AND OFFICERS

44. (1) The master and each officer specified in the Safe Manning Certificate of every vessel shall hold an appropriate certificate issued or endorsed by the Commissioner or a Deputy Commissioner in accordance with this section.
- (2) An officer serving in the capacity set out in column one of Tables 1 and 2 for deck and engine departments respectively shall hold an appropriate certificate for that capacity. A person shall only be entitled to be issued with such an appropriate certificate if he

complies with the criteria in the regulations of STCW 95 set out in column two of tables 1 and 2.

- (3) The Commissioner or a Deputy Commissioner may, being satisfied regarding its suitability, recognise, by endorsement or by the issue of an equivalent Vanuatu license, an appropriate certificate issued by another party to a master, officer or radio operator subject to compliance with the provisions of regulation 1/10 of STCW 95.
- (4) The Commissioner or a Deputy Commissioner may accept seagoing service, education and training acquired under the authority of a non-party or a party when issuing a Vanuatu license, subject to compliance with the provisions of regulation 1/9 of STCW 95 and ensuring that all other relevant requirements of STCW 95 are complied with.
- (5) An endorsement shall be valid only when accompanied by the holder's license or certificate and shall be kept available for inspection at any time on the vessel in which the holder is serving.
- (6) Every person who presents for recognition, a licence or certificate issued under the provisions of regulations II/2, III/2, III/3 or issued under regulation VII/1 at management level as defined in the STCW Code, must confirm that the holder has an appropriate knowledge of the maritime legislation of the Republic of Vanuatu and understands the responsibilities of ships' personnel under the legislation as explained in Vanuatu Maritime Bulletin, VMS MB108 and any subsequent amendments thereto.
- (7) Every vessel shall, pursuant to subsection (6) of this section, carry:
 - (a) a copy of the Act;
 - (b) a copy of these regulations; and
 - (c) copies of relevant Maritime Bulletins which shall be made available to ships' personnel upon request.
- (8) Applications for recognition of certificates of deck an engineer officers and radio operators and other personnel shall be made immediately on assignment to the vessel.
- (9) Notwithstanding the requirement of sub-section (8) of this section, a person may serve in a licensed or certificated capacity other than radio operator, except as provided by the Radio Regulations, for a period not exceeding three months while holding an appropriate and valid certificate issued an endorsed by another party for use on board the vessel but which has not been endorsed so as to render it appropriate for service on board the vessel. Documentary proof shall be readily available on board that application for an endorsement has been made. Nothing in this sub-section shall preclude the imposition of the fines mandated by the Act for failure to carry appropriate licensed or certificated personnel.

**TABLE 1 - CRITERIA FOR APPROPRIATE CERTIFICATES
(DECK DEPARTMENT)**

COLUMN 1 MASTER AND DECK DEPARTMENT	COLUMN 2 APPLICABLE REGULATION OF STCW 95
Officer in charge of a navigational watch on a Vessel of 500 gross tons or more.	Regulation II/1.2
Master and chief mate on a vessel of 3000 gross tons or more.	Regulation II/2.2
Master and chief mate on a vessel of less than 3000 gross tons.	Regulation II/2.4
Officer in charge of a navigational watch on a vessel of less than 500 gross tons engaged on near coastal voyages.	Regulation II/3.4
Master on a vessel of less than 500 gross tons engaged on near-coastal voyages.	Regulation II/3.6

**TABLE 2 - CRITERIA FOR APPROPRIATE CERTIFICATES
(ENGINE DEPARTMENT)**

COLUMN 1 ENGINE DEPARTMENT	COLUMN 2 APPLICABLE REGULATION OF STCW 95
Officer in charge of an engineering watch in a manned engine room or designated duty engineer officer in a periodically unmanned engine room of a vessel powered by main propulsion machinery of 750 kW power or more.	Regulation III/1.2
Chief engineer officer and second engineer officer of a vessel powered by main propulsion machinery of 3000 kW propulsion power or more.	Regulation III/2.2
Chief engineer officer and second engineer officer of a vessel powered by main propulsion machinery of between 750 kW and 3000 kW propulsion power.	Regulation III/3.2

RADIO PERSONNEL

45. (1) Every person in charge of, or required to perform, radio duties in a vessel operating with a GMDSS radio system shall hold:
- (a) on vessels with Cargo ship Safety Radio Certificate or a Passenger Ship Safety Certificate valid for operations in area A1 only, at least a GMDSS restricted operators'

certificate issued in accordance with sub-section D of Section IIIA of Article 55 of the Radio Regulations and regulation IV/2 of STCW 95;

- (b) on vessels with a Cargo ship Safety Radio Certificate or a Passenger Ship Safety Certificate valid for operations in Areas A1+A2, A1+A2+A3, and A1+A2+A3+A4 at least a GMDSS of Section IIIA of Article 55 of the Radio Regulations and regulations IV/2 of STCW 95;
 - (c) an endorsement to an appropriate certificate issued by a party under this chapter which states that the holder is qualified to perform the radio-communication function at the operational level.
- (2) Notwithstanding the provisions of sub-section (1) of this section, vessels of 300 gross tons or more which operate with a GMDSS radio system in sea area A2, A3 or A4 shall carry either one first or second class radio-electronics officer, who shall not be the master, or in lieu thereof two general operators, one of whom may be the master.
 - (3) Radio personnel on vessels not required to comply with the provisions of GMDSS in chapter IV of the SOLAS Convention, are required to hold appropriate certificates as prescribed by the Radio Regulations.
 - (4) Until 1st February 1999, radio personnel on vessels complying with the provisions of the International Convention for the Safety of Life of Sea, 1974, in force immediately prior to 1st February, 1992 shall comply with the provisions of STCW 78, in force prior to 1st December, 1992.
 - (5) Nothing in this section shall preclude the Commissioner or a Deputy Commissioner or a Deputy Commissioner from varying the requirements for the numbers of radio personnel required to be carried provided that those requirements for the numbers of radio personnel required to be carried provided that those requirements comply with the provisions of the radio regulations and STCW 95.

REVALIDATION OF CERTIFICATES

46. (1) The license or certificate of every master or other officer shall be re-validated at intervals not exceeding five years from the date of issue or last re-validation to establish continued professional competence in accordance with section A-I11 of STCW 95 and continued medical fitness in accordance with the standards prescribed by regulation I/9 of STCW 95. A license or certificate, not so revalidated, shall not be valid for seagoing service.
- (2) An endorsement issued evidencing the validity of an underlying license or certificate shall expire when the underlying license or certificate expires.

TRANSITIONAL PROVISIONS

47. (1) Notwithstanding the requirements of the preceding sections of this chapter, the Commissioner or a Deputy Commissioner may until 1st February 2002 issue, and endorse licenses in accordance with STCW 78 which applied immediately prior to 1st February, 1997 in respect of those seamen who commenced approved seagoing service, an approved education and training programme, or an approved training course before 1st August 1998, as provided for by regulation I/15 of STCW 95.
- (2) Furthermore, until 1st February, 2002, the Commissioner or a Deputy Commissioner may renew and revalidate certificates and endorsements in accordance with the provisions of STCW 78, as applicable immediately prior to 1st February 1997.
- (3) The Commissioner or a Deputy Commissioner, pursuant to regulation I/11 of STCE 95 when re-issuing or extending the validity of a license of certificate which he originally issued under the provisions of STCW 78 which applied immediately prior to 1st February, 1997, may, at his discretion, replace the tonnage limitation appearing on the original certificates as follows:
- (a) "200 gross tons" by "500 gross tons"; and
- (b) "1600 gross tons" by "3000 gross tons".

RATING

- 48 (1) Every rating forming part of a navigational watch on a vessel of 500 gross tons or more, other than ratings under training and ratings whose duties while on watch are of an unskilled nature, shall be duly certificated. No person shall be entitled to be issued with a certificate as such a rating unless he complies with the criteria set out in regulation II/4.2 of STCW 95.
- (2) Every rating forming part of an engine room watch or designated to perform duties in a periodically unmanned engine room on a vessel powered by main propulsion machinery of 750 kW propulsion power or more, other than ratings under training and ratings whose duties are of an unskilled nature, shall be duly certificated.
- No person shall be entitled to be issued with a certificate as such a rating unless he complies with the criteria set out in regulation III/4.2 of STCW 95.
- (3) Any person designated to perform watchkeeping duties in a manned or periodically unmanned engine room on a vessel powered by main propulsion machinery of less than 750 kW shall be the holder of one of the engineering certificates referred to in column 2 of Table 2 or be the holder of a marine engine operator's license issued in compliance with criteria specified by the Commissioner or a Deputy Commissioner.

SPECIAL TRAINING FOR SERVICE ON TANKERS

49. (1) Every vessel which carries a bulk cargo consisting in whole or in part of oil, liquid chemicals or liquefied gases shall carry personnel qualified in accordance with this section.
- (2) Any person serving as master, chief mate, chief engineer, second engineer and any other officer with immediate responsibility for the loading, discharging, care in transit, or handling of the cargo in such a vessel shall hold either:
- (a) a certificate to confirm that the holder has received approved training in accordance with the requirements of section A-V/1, paragraphs 9 to 14, 16 to 20 or 23 to 32 of the Code to STCW 95 as appropriate for the type of cargo that is carried;
 - (b) until 1st February 2002, an endorsement to a certificate or license issued under the provisions of STCW 78 confirming that the holder is competent to serve in oil, chemical or gas tankers as appropriate;
 - (c) a certificate or license endorsed by a party to STCW 95 confirming that the holding is competent to serve on oil, chemical or gas tankers as appropriate.
- (3) Crew members, other than those to which sub-section (2) of this section applies having specific duties and responsibilities relating to cargo equipment in tankers shall hold a certificate or license or an endorsement indicating that it is valid for service in tankers of the appropriate type or, if they do not hold such qualifications, shall have in lieu:
- (a) completed a shore-based fire-fighting course;
 - (b) either proof of not less than three months sea service acceptable to the Commissioner or have attended a shore-based tanker familiarisation course for tankers of the appropriate type with the five year period preceding the date of joining the vessel which is approved by a party to STCW 95 as meeting the requirements of either chapter V, section A-V/1, paragraphs 2 to 7 of the Code or, in the case of persons who commence their sea-going service before 1st August 1998, training which meets the requirements of chapter V, regulation V/1.1, V/2.1 or V/3.1 of STCE 78; and
 - (c) a certificate attesting to the training required by this section.
- (4) A crew member to whom sub-section (3) of this section applies and who has received appropriate training before 1st August, 1998 in tanker familiarisation in accordance with the provisions of STCW 78, shall be regarded as continuing to meet the requirements of sub-section (3) of this section if that person holds documented evidence

of not less than one year's service in tankers of the same type within the preceding five years.

**SPECIAL TRAINING FOR SERVICE ON RO-RO PASSENGER
VESSELS AND PASSENGER VESSELS OTHER THAN RO-RO
PASSENGER VESSELS**

50. (1) Masters, officers, ratings and other persons serving on board ro-ro passenger vessels and other passenger vessels engaged on international voyages shall, prior to being assigned shipboard duties have completed the training specified in sub-sections (3) to (7) of this section in accordance with their capacity, duties and responsibilities.
- (2) Persons who are required to be trained in accordance with sub-sections (3), (6) and (7) of this section shall, at intervals not exceeding five years, undertake refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.
- (3) Masters, officers and other persons designated on muster lists to assist passengers in emergency situations on board ro-ro passenger vessels and other passenger vessels shall have completed training in crowd management as specified in section A-V/2, paragraph 1 and section A-V/3, paragraph 1 respectively of the STCW Code.
- (4) Masters, officers and other persons assigned specific duties and responsibilities on board ro-ro passenger vessels and other passenger vessels shall have completed the familiarisation training specified in section A-V/2, paragraph 2 and section A-V/3, paragraph 2 respectively of the STCW Code.
- (5) Persons providing direct service to the passengers in passenger spaces on board ro-ro passenger vessels and other passenger vessels shall have completed the safety training specified in section A-V/2, paragraph 3 and section A-V/3, paragraph 3 respectively of the STCW Code.
- (6) Masters, chief mates, chief engineer officers, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on board ro-ro passenger vessels shall have completed approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 4 of the STCW Code.
- (7) Masters, chief mates and every person assigned immediate responsibility for embarking and disembarking passengers shall have completed the approved passenger safety training specified in section A-V/3, paragraph 4 of the STCW Code.
- (8) Masters, chief mates, chief engineer officers, second engineer officers and every person having responsibility for the safety of passengers in emergency situations on board ro-ro passenger vessels

and other passenger vessels shall have completed approved training in crisis management and human behaviours as specified in section A-V/2, paragraph 5 and section A-V/3, paragraph 5 respectively of the STCW Code.

- (9) The owner of every ro-ro passenger vessel and other passenger vessel shall provide the Commissioner with documented details of the system of additional familiarisation training that is implemented for each ro-ro passenger vessel and each other passenger vessel respectively for the Commissioner's approval and records.

TRAINING IN PROFICIENCY IN SURVIVAL CRAFT

51. (1) Every person designated in the vessel's muster list to:
- (a) command or be second in command of a survival craft;
 - (b) in charge of launching a survival craft; or
 - (c) be a member of the operating crew of a marine escape system; shall hold a certificate of proficiency in survival craft and rescue boats.
- (2) To qualify for such a certificate, that person shall:
- (a) have performed approved sea time of not less than twelve months, or having attended an approved training course and have approved seagoing service of not less than six months; and
 - (b) have achieved the standard of competence for certificates of proficiency set out in section A-VI2, paragraphs 1 to 4 of the STCW Code.
- (3) Every candidate for a certificate of proficiency in fast rescue boats shall:
- (a) be the holder of a certificate of proficiency in survival craft and rescue boats other than fast rescue boats;
 - (b) have attended an approved training course; and
 - (c) meet the standard of competence for certificates of efficiency in fast rescue boats set out in section A-VI2, paragraphs 5 to 8 of the STCW Code.
- (4) In addition to compliance with sub-section (1) of this section, every passenger vessel shall carry the number of personnel holding certificates of proficiency shown in the table below.

TYPE AND CHARACTERISTICS OF THE SURVIVAL CRAFT OR SYSTEM	QUALIFIED PERSONS
Lifeboat boarded at the stowed position and capable of release and lowering from inside the boat persons.	2 per boat
Lifeboat boarded at the stowed position and capable of being lowered from inside the boat after release externally.	2 per boat plus 1 for every two boats
Lifeboat both released and lowered from the vessel.	3 per boat
Davit launched life raft	1 per raft plus 1 for each davit
Marine escape system	4 per system plus 1 for each raft associated with the system

ADVANCED FIRE-FIGHTING REQUIREMENTS

- 52 (1) Every person designated to control fire-fighting operations shall have successfully completed advanced training in techniques for fighting fire with particular emphasis on organisation, tactics and command in accordance with the provisions of section AVI/3 of the STCW Code and shall meet the standard of competence specified therein.
- (2) Every candidate for certification shall be required to provide evidence of having achieved the required standard of competence within the previous five years, in accordance with the methods of demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-VI/3 of STCW Code.
- (3) Where training in advanced fire-fighting is not included in the qualifications for the certificate to be issued, a special certificate or documented evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in advanced fire-fighting.
- (4) Every person do designated shall, whilst serving on board the vessel, carry evidence of having received such training.

MEDICAL FIRST AID AND MEDICAL CARE

53. (1) Every person designated to provide medical first aid on board a vessel shall meet the standard of competence in medical first aid specified in section A-VI/4, paragraphs 1 to 3 of the STCW Code.
- (2) Every person designated to take charge of medical care on board a vessel shall meet the standard of competence in medical care on board vessels specified in section A-VI/4, paragraphs 4 to 6 of the STCW Code.
- (3) Where training in medical first aid or medical care is not included in the qualifications for the certificate to be issued, a special

certificate or documented evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in medical first aid or in medical care.

- (4) Every candidate for certification under the provisions of regulation VI/4, paragraph 1, of STCW 95, shall be required to provide evidence that the required standard of competence has been achieved in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-VI/4-1 of the STCW Code.
- (5) Every candidate for certification under the provisions of regulation VI/4, paragraph 1, of STCW 95, shall be required to provide evidence that the required standard of competence has been achieved in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-VI/4-1 of the STCW Code.
- (6) Every candidate for certification under the provisions of regulation VI/4, paragraph 2, of STCW 95, shall be required to provide evidence that the required standard of competence has been achieved in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-VI/4-2 of the STCW Code.
- (7) Every person designated to provide medical first aid or take charge of medical care shall, whilst serving on board the vessel, carry evidence of having received appropriate training.

MEDICAL FITNESS CERTIFICATES

- 54 (1) Every person serving in a vessel of 500 gross tons or more shall hold a valid medical fitness certificate if that person:
- (a) is required to be on board by virtue of the vessel's Safe Manning Certificate;
 - (b) has any responsibilities on board relating to emergency procedures;
 - (c) has any watchkeeping responsibilities; or
 - (d) has any duties relating to the normal operation of the vessel.
- (2) A medical fitness certificate shall be valid until the date of expiry stated on it if it is issued in accordance with the provisions of the Medical Examination (Seafarers) Convention 1946 (International Labour Organisation Convention 73 of 1946) or the merchant Shipping (Minimum Standards) Convention 1976 (International Labour Organisation Convention 147 of 1976) by:
- (a) is required to be on board by virtue of the vessel's Safe Manning Certificate;

- (b) has any responsibilities on board relating to emergency procedures;
 - (c) has any watchkeeping responsibilities; or
 - (d) has any duties relating to the normal operation of the vessel.
- (3) A medical fitness certificate shall be valid until the date of expiry stated on it if it is issued in accordance with the provisions of the Medical Examination (Seafarers) Convention 1946 (International Labour Organisation Convention 73 of 1946) or the Merchant Shipping (Minimum Standards) Convention 1976 (International Labour Organisation Convention 147 of 1976) by:
- (a) a medical practitioner, observing the "Guidance regarding medical standards" recommended in section B-I/9 of the STCW Code, approved for the purpose of issuing medical fitness certificates by the Commissioner; or
 - (b) a medical practitioner empowered in that behalf and approved for the purpose of issuing medical fitness certificates by a State which is also a signatory to the said Convention of 1946 of 1976.
- (4) A medical practitioner shall specify the period of validity, from the date of the medical examination, for which the certificate is to remain in force, subject to a maximum period of five years.
- (5) A seaman holding a medical fitness certificate which expires whilst he is at a location where a medical examination and the issue of a new certificate in accordance with these regulations is impracticable, may continue to be employed for a period not exceeding three months from the date of expiry of the medical certificate.
- (6) The Commissioner shall cause a Maritime Bulletin to be published containing a list of countries whose approved medical practitioners are acceptable under sub-section 2(b) of this section.
- (7) Notwithstanding the provisions of sub-sections (1) to (5) of this section, every person to which sub-section (1) refers, shall be in good health, shall have normal blood pressure, or be on maintenance medication to maintain the blood pressure not to exceed 160/100; with vision of 20/200 or equivalent international vision criteria, correctable to 20/40 for deck applicants and 20/50 for engineer applicants; and an unaided average threshold of hearing of 70 db or less in each ear for deck applicants, or functional speech discrimination of at least 80% at 55 db binaural, and 40 db or less for engineer applicants, or functional speech discrimination of at least 80% at 55 db binaural, and 40 db or less for engineer applicants may have an aided average of 40 db or less or functional speech discrimination of 90% at 55 db binaural. Waivers may be granted in exceptional conditions for applicants who do not meet these criteria.

APPLICATIONS FOR RECOGNITION OF TRAINING

55. (1) Applications for recognition of appropriate certificates and acceptance of sea service, and training, shall be forwarded to the Deputy Commissioner of Maritime Affairs in a timely manner to allow full consideration.
- (2) Details of training schemes and approved programmes of on-board training as defined in the STCW Code shall be forwarded to the Deputy Commissioner for approval prior to their commencement.

OBLIGATIONS OF OWNERS, MASTERS AND OTHER PERSONS

56. (1) Notwithstanding other requirements of this Chapter, every owner, master, crew member or other person shall fulfil his obligations under STCW 95 and any subsequent amendments thereto.
- (2) In the event of failure to comply with the requirements and obligations of sub-section 1 of this section, the Commissioner or a Deputy Commissioner may:
- (a) suspend or cancel any master's or other officer's license, certificate or endorsement;
 - (b) suspend or cancel a vessel's Certificate of Registry and impose a monetary penalty not to exceed \$100,000; and
 - (c) set such other conditions as he may consider necessary.
- (3) The Commissioner or a Deputy Commissioner shall cause a list of amendments to STCW 95 to be published prior to their entry into force and shall, from time to time, provide other information and appropriate guidance in the form of Maritime Bulletins, Fleet Safety Letters, Updates, News letters or other means of written or electronic communication.

MANNING'S SCALES FOR FISHING VESSELS AND OIL AND MINERAL SERVICE VESSELS

57. (1) Any other regulations to the contrary notwithstanding, the manning scale for fishing vessels and oil and mineral service vessels shall be set, on an individual basis, by the Commissioner or a Deputy Commissioner and shall be generally similar to internationally recognised standards. In deciding on a suitable manning scale for a particular vessel, the Commissioner or a Deputy Commissioner shall consider all relevant factors, including, but not limited to, the vessel's: service; size; horsepower; equipment; design; degree of automation and purpose.
- (2) Failure to observe the manning requirements set by the commissioner or a Deputy Commissioner pursuant to sub-section (1) hereof shall be a marine offence for which the owner, master and vessel shall be severally liable.

DISPLAY OF LICENSES AND CERTIFICATES

58. Every master, deck officer, engineer officer and radio operator shall cause his license or certificate to be displayed on board the vessel in which he is serving in a conspicuous location. The license or certificate shall be framed under glass or other suitable transparent covering and shall be displayed within 48 hours after the licensee or certificate holder reports on board a vessel for duty and shall remain displayed during the service of the licensee or certificate holder. Wilful failure of any officer to comply with this provision shall be grounds for the revocation of his Vanuatu license, certificate or endorsement.

REPORT OF SHIP'S OFFICER

59. (1) Every owner shall furnish to the Commissioner or a Deputy Commissioner, on the prescribed form, a report of officers employed on such vessels and the licenses and certificates which they hold within 30 days of:
- (a) the registration of the vessel;
 - (b) 1st January each year; and
 - (c) whenever there is an officer billet change.
- (2) Failure to furnish a report as required by sub-section (1) hereof shall be a marine offence.

CHANGE OF COMMAND

60. Whenever there occurs a change of master of a vessel, the shipowner or his authorised agent shall designate and appoint the new master in writing and the new master shall enter the following statement in the vessel's log book:

"I (*name of new master*), a citizen of (*country of citizenship*), holder of Vanuatu License of competence No. (*number of certificate*) in the grade of master, assumed command of the vessel on (*date on which officially took command*) at the Port of (*port where change effected*)."

FISHING, OIL AND MINERAL SERVICE VESSEL REPORTS

61. (1) The reports required of the owners of vessels pursuant to section 59(1) shall not be required with respect to fishing vessels and oil and mineral service vessels provided that the owners of such vessels shall make available to the Commissioner or a Deputy Commissioner such information as is requested from time to time.
- (2) At each anniversary of registration of such vessels, the owner shall submit to the Commissioner or a Deputy Commissioner a certificate to the effect that the master and all officers employed on the vessel during the preceding 12 months were properly qualified and licensed. Such certificate shall be in the form prescribed by the Commissioner.

- (3) Failure to make information available when requested by the Commissioner under sub-section (2) hereof shall be a marine offence.

LOG BOOKS

62. (1) Every self-propelled vessel, and every manned non-self propelled vessel, registered under the Act, of 100 gross tons or more, shall carry a navigation log book and every self-propelled vessel of 100 gross tons or more shall carry an engine room log book. These log books shall be maintained in bound volumes aboard the vessel until the end of the voyage. All entries made in such log books shall be signed by the master or officer designated by the master who shall make such entries, and all such entries shall be made as soon as possible after the occurrences to which they relate.
- (2) In addition to the keeping of navigation and engine room log books, every vessel of 500 gross tons or more shall carry a bridge and an engine room record or in an automated vessel an automatic print-out, wherein shall be contained the times and nature of all orders passed between the navigation bridge and the engine room.
- (3) Every vessel of 100 gross tons or more shall carry a radio log (diary of the radio service) in the operating room during the voyage. Every radio operator shall enter in the radio log his name, the times at which he goes on and off watch, and all incidents of importance to safety of life occurring during his watch connected with the radio service.
- (4) Every master shall make, or cause to be made, in the log book entries including, but not limited to, the following:
 - (a) every offence and any penalty or fine imposed;
 - (b) every death occurring on board and every burial at sea with all information required by Section 129 of the Act;
 - (c) every marriage taking place on board, with the names citizenship and residences of the parties, and every birth occurring on board, with the sex of the infant and the names of parents;
 - (d) the name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner and cause thereof;
 - (e) wages due to any seaman or apprentice who dies during the voyage, and the total amount of all deductions made therefrom;
 - (f) a statement of any casualty as defined in Chapter 7, Marine Investigations, any oil pollution or any port State control detention made immediately after the occurrence or as soon thereafter as practicable;

- (g) before departing from any port, the information required by section 28(1);
- (h) time of muster of crew at their boat and fire stations, followed by drills, respectively at least once a week, either in port or at sea, or reason why not held;
- (i) the closing and opening of watertight doors and of all inspections and drills as required by the International Convention for the Safety of Life at Sea, 1974, as amended;
- (j) a record of any drill, check or test carried out by the vessel's crew of the vessel's steering gear as required by the International Convention for the Safety of Life at Sea, 1974, as amended;
- (k) search for stowaways and contraband, which shall be conducted prior to the vessel's departure from each port;
- (l) upon each change of master, the information required by Section 60(1); and
- (m) every signal of distress or message that a vessel, aircraft or person is in distress at sea, observed or received and the action taken.

MEDICAL EQUIPMENT AND LOG BOOK

63. (1) Every vessel shall carry and maintain an adequate medicine chest bearing in mind the number of persons aboard and the nature and duration of the voyage. In determining the contents of the chest, consideration shall be given to the recommendations of the International Labour Organisation.
- (2) All required medicine chests shall contain a medical guide sufficiently detailed to assist persons other than a vessel's doctor in administering to the ordinary needs of sick or injured persons on board without supplementary medical advice by radio or radiotelephone.
 - (3) The master, and such other officers as the master may designate in his discretion, shall be instructed to make full use of all available medical advice by radio or radiotelephone and in the providing of information to assist a doctor in giving such advice.
 - (4) Every vessel shall carry a medical log book in which shall be entered every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment.

LIFEBOATS AND LIFEBOAT DRILL

64. (1) The master shall place in charge of each lifeboat, a deck officer (or holder of a Certificate of Proficiency in Survival Craft issued under the provisions of this Order, if a passenger vessel) and shall also designate a second-in-command. The person so placed in charge shall have a list of the crew of the lifeboat, and shall assure himself

that the men placed under his orders are acquainted with their duties. The master shall also assign to each life raft a member of the crew practised in the handling and operation of life rafts.

- (2) The master shall assign to each motor lifeboat at least one member of the crew capable of working the motor. He shall similarly assign to each lifeboat equipped with radio and searchlight apparatus at least one member of the crew capable of working such radio and searchlight.
- (3) The master of every vessel of 500 gross tons or more shall allot to each member of the crew special duties to be undertaken in the event of any emergency and shall cause to be drawn up and posted a muster list showing such assignments which shall indicate the particular station to which each crew member must go. The muster list shall assign such duties as the master considers necessary for the safety of the vessel, its crew and cargo. The master shall also specify and publish definite signals for calling all the crew to their boat and fire stations, and shall give full particulars of these signals to all the crew and passengers.
 - (a) the master of every vessel shall cause the crew to be exercised at fire and boat drill at least once every week, and such drills shall be conducted as if an actual emergency existed. All fire pumps shall be started and sufficient outlets opened in order to determine that the system is in proper working order;
 - (b) persons assigned to the use of rescue and safety equipment shall demonstrate their proficiency in the use of such equipment;
 - (c) all watertight doors in use while the vessel is under way shall be operated;
 - (d) weather permitting, lifeboat covers and strong backs shall be removed, plugs or caps put in place, boat ladders secured in position, painters led forward and tended and the boats swung out to ascertain that the gear is in good working order. The motor and hand-propelling gear on each lifeboat, where fitted, shall be operated sufficiently to ascertain that it is in proper operating condition;
 - (e) passengers shall report to their stations and shall be instructed in the use of life preservers;
 - (f) each lifeboat shall be lowered to the water at least once in every three months, when in port, and the crew shall be exercised in the use of oars and other means of propulsion where fitted.

- (4) Failure to comply with any of the provisions of this section shall be a marine offence for which the owner and master shall be liable severally to a penalty of up to US \$100,000 for each offence.

CERTIFICATES TO BE GIVEN BY MASTER

65. Each exercise of a special power granted to masters in relation to births, marriages and deaths on board under Section 106 of the Act shall be evidenced by an appropriate certificate, referring to a log entry of the event, and shall be signed by the master and executed upon form to be supplied, on request and payment of fees, by the Commissioner or a Deputy Commissioner.

SHIPPING ARTICLES

- 66. (1) Shipping Articles, otherwise referred to as Articles of Agreement, shall be in the English language and shall be in the form as set forth in sub-section (4) hereof or in such form as the Minister may from time to time approve upon application being made therefor in each particular case. No other form shall be used in lieu of the official form except that a foreign language version may be appended thereto or otherwise made a part thereof.
- (2) Every seaman joining the vessel to commence employment on board shall sign the Shipping Articles prior to departure of the vessel from the port at which the seaman joined the vessel. The master shall officiate at the signing-on of each seaman and shall sign his name to the Shipping Articles in attestation of his having so acted.
- (3) The signing off Shipping Articles by a seaman at the time of his discharge from employment on board shall not constitute a waiver on his part of any claim he may have against the vessel or its master at that time.
- (4) The following shall be the form of Shipping Articles:

Port of
Name of Vessel
Official Number
Port of Registry: PORT VILA, VANUATU
Gross Tonnage Power Rating in kW or HP
It is agreed between the Master and the undersigned seamen of the (steam)(motor) vessel:
(1)
which is at present or shall be under the command of (2)

master, or whoever shall become master, now bound

From the port of (3)

to (4)

and such other ports and places in any part of the world as the Master may direct

for a term (of) (not exceeding) (5) calendar months, that :

- (1) Seamen shall conduct themselves in an orderly, faithful, honest and sober manner, and shall at all times be diligent in their respective duties and obedient to the lawful commands of the Master, or of any person who shall lawfully succeed him, and their superior officers, in everything relating to the vessel, its stores and cargo, whether on board, in boats or on shore. In consideration of this service, to be duly performed, the Master agrees to pay the undersigned seamen the wages expressed herein and/or set forth in supplemental provision and/or agreements.
- (2) Wages shall commence no later than on the day specified and agreed to these Articles or at a time of presence on board for the purpose of commencing work, whichever first occurs, and shall terminate on the day of discharge.
- (3) Seamen are entitled to receive on request, in local currency, from the master, one half of the balance of base wages actually earned and payable at every intermediate port where the vessel shall load or discharge cargo before the end of the voyage, but not more than once in any ten-day period.
- (4) If the Master and a seaman agree, a portion of such seaman's earnings may be allotted to such seaman's spouse, children, grandchildren, parents, grandparents, brothers or sisters, or to a bank account in the name of the seaman.
- (5) Any seaman who is put ashore at a port other than the one where he signed on these Articles and who is put ashore for reasons for which he is not responsible, shall be returned as a seaman or otherwise, but without expense to him:
 - (a) at the Shipowner's option, to the port at which he was engaged or where the voyage commenced or to a port in such seaman's own country; or
 - (b) to another port agreed upon between the seaman and the Shipowner or Master. However, in the event of such seaman's contract period of service has not expired, the Shipowner shall have the right to transfer him to another of the Shipowner's vessels to serve thereon for the balance of the contract period of service, unless

otherwise provided for herein.

- (6) Any seaman whose period of employment is terminated by reason of completion of the voyage for which he was engaged or of expiration of his contract period of employment, shall be

Entitled to repatriation at no expense to himself, to the port at which he was engaged, or to such other port as may be agreed upon.

- (7) If any person enters himself as qualified for a duty which he is incompetent to perform, his rank or rating may be reduced in accordance with his incompetence or he may be discharged.

- (8) The Master shall sign and give to a seaman discharged from his vessel either on his discharge on payment of his wages, a Certificate of Service in a form approved by the Commissioner, specifying the period of his service and the time and place of his discharge.

- (9) Eight hours per day shall constitute a working day while in port and at sea. Work performed over and above an eight hour period shall be considered overtime and be compensated for at overtime rates.

- (10) Work performed in excess of eight hours per day shall not be compensated for when necessary for the safety of the vessel, its passengers, crew, cargo or for the saving of other vessels, lives, or cargo or for the performance of fire, lifeboat or other emergency drills.

- (11) Seamen shall keep their respective quarters clean and in order.

- (12) No dangerous weapons, narcotics or contraband articles, and no alcoholic beverages except as provided by the Shipowner as part of the vessel's provisions, shall be brought on board the vessel nor allowed in the possession of the crew, and any crew member bringing the same on board or having the same in his possession on board, shall be subject to discharge and/or shall be liable for such fines as the Master may direct, and all such articles shall be confiscated. The amount of the fine levied against the vessel by the proper authority of the port wherein the vessel is then located, for possession of narcotics and/or contraband cargo, shall be made good to the Shipowner out of the wages of the crew member of crew members guilty of such possession.

- (13) No seaman shall go ashore in any foreign port except by permission of the Master. However, the Master shall not refuse

The reasonable request of any seaman for shore leave.

- (14) The Shipowner and Master may issue such rules and Regulations as may be necessary for the safe and proper operation of the vessel, provided nothing contained therein shall be contrary to law.

(15) If any seaman considers himself aggrieved by any breach of these Articles, he shall represent the same to the Minister or officer in charge of the vessel, in a quiet and orderly manner, who shall there upon take such corrective action as the case may require.

(16) All rights and obligations of the parties to these Articles shall be subject to the Laws of Vanuatu.

IT IS ALSO AGREED THAT

.....
 (additional provisions may be included or reference herein or attached hereto)

IN WITNESS WHEREOF the said seamen have subscribed their names herein on the days mentioned against their (respective signature).

Articles opened at on

Signature of Master

Entries to be made in columns provided therefore:

- (1) Name of Seaman
- (2) Citizenship
- (3) Passport or Identification Number
- (4) License or Certificate Number
- (5) Age
- (6) Home Address
- (7) Name and Address of Next of Kin
- (8) Date and Place Wages Commence
- (9) Capacity in which Engaged
- (10) Base Wages per Month
- (11) Date and Place Signed on Articles
- (12) Signature of Seaman
- (13) Signature of Master
- (14) Date and Place Signed off Articles
- (15) Signature of Seaman
- (16) Signature of Master

NOTES

- (1) Enter Name of Vessel.
- (2) Enter Full Name of Master.
- (3) Enter Name of First Port of Departure.
- (4) Enter here description of the voyage and the names of the places at which the vessel is to touch, or if that cannot be done the general nature and the probable length of the voyage and the port of country

at which the voyage is to terminate. For ships engaged in worldwide trading without definite itineraries or schedules, insert "word-wide trading".

(5) Strike out word, or words, not applicable.

CERTIFICATE OF SERVICE

- 67. (1) Certificates of Service shall be in the form set forth in sub-section (4) of this section or in an equivalent form containing all of the information therein.
- (2) Where a seaman has served in more than one capacity on board a vessel during a period of continuous service thereon, the Certificate of Service issued to him upon his discharge shall indicate separately the total service in each capacity.
- (3) Certificate of Services shall be issued under the signature of the master and the seal or stamp of the vessel shall be affixed thereon.
- (4) The following shall be in the form of Certificate of Service:

CERTIFICATE OF SERVICE

- (a) Name of Seaman
- (b) Citizen
- (c) Rank or Rating
- (d) License, Books or Certificate Number
- (e) Place of Engagement
- (f) Date of Engagement
- (g) Place of Discharge
- (h) Date of Discharge
- (i) Total Service (months and days)
- (j) Name of Vessel (indicate steam or motor)
- (k) Official Number
- (l) Port of Registry
- (m) Gross Tonnage
- (n) Propulsion Power (kW/Horsepower)
- (o) Nature of Voyage
- (p) Remarks

I hereby certify to the best of my knowledge that all entries herein were made by me and are correct. In witness whereof I have this day affixed my signature and the seal or stamp of the vessel.

Date

Signature of Master

REGISTER OF CHILDREN

68. The master of each vessel upon which only members of the same family are employed, or school ship or training ship, and upon which vessels children under the age of sixteen are employed shall maintain a register of all such persons and shall record therein, with respect to each such child, his name, date and place of birth citizenship, residence, and address of next-of-kin or legal guardian, capacity in which employed, date and place of employment, and the date and place of discharge."

INSERTION OF NEW CHAPTER 9

4. After Chapter 8, add the following Chapter 9 -

"CHAPTER 9**NEAR-COSTAL VOYAGES****INTERPRETATION**

69. In this Chapter:

- (a) near-coastal voyage means a voyage between places within Vanuatu; and
- (b) unless the context otherwise requires, the meanings of the terms employed shall be as set out in section 36(1).

APPLICATION

70. This Chapter applies to seagoing vessels engaged on near-coastal voyages except such vessels which are:

- (a) fishing vessels;
- (b) pleasure yachts not engaged in trade;
- (c) wooden vessels of primitive build;
- (d) not propelled by mechanical means unless expressly provided otherwise.

LIMITATIONS AND EXCLUSIONS

71. (1) The examination of officers within Vanuatu is limited to the requirements for service on vessels of less than 500 gross tons engaged on near-coastal voyages.
- (2) Certification of the special training requirements for personnel on certain types of vessels specified in Chapter V of STCW 95 is excluded.

SAFE MANNING

72. (1) Every vessel of 500 gross tons or more to which this Chapter applies shall, whenever it proceeds to sea, be manned in accordance with the IMP principles of safe manning and shall carry a Safe

Manning Certificate on which is indicate the manning requirements for foreign-going voyages, the vessel may also, on the application of the owner, be issued with a further Safe Manning Certificate showing the manning requirements for trading within Vanuatu.

- (2) Every vessel of less than 500 gross tons shall be manned in accordance with schedule 7 of the Shipping Act, Cap. 53.
- (3) Notwithstanding the provisions of sub-section (1) of this section, every vessel to which this Chapter applies shall, at least, be manned in accordance with schedule 7 of the Shipping Act, Cap 53.

CARRIAGE OF MASTERS AND OFFICER

73. (1) Every vessel to which this Chapter applies shall carry a qualified master and the qualified officers specified on the vessel's Safe Manning Certificate or schedule 7 of the Shipping Act, Cap 53, as appropriate.
- (2) A master is qualified and any officer is qualified if he holds a valid certificate of competency issued and endorsed in accordance with STCW 78 of STCW 95 as appropriate which is:
- (a) in date;
 - (b) valid for the function that he is to perform on the vessel;
 - (c) valid for the vessel's size or power of the vessel, or vessels, in which he is to serve; and
 - (d) valid for the area in which the vessel, or vessels, in which he is to serve; will operate.

DUTY TO MASTER AND OWNER

74. It shall be the duty of every master and owner of a vessel to which this Chapter applies to ensure that no officer serves in charge of a watch unless that person holds a certificate of competency or endorsement as provided by this Chapter except that, in the event of the death or incapacity of any master or officer at sea, another officer with a certificate of competency or endorsement entitling him to serve in a lesser capacity may serve in the position of the person incapacitated for a maximum period or until such time as the vessel reaches a safe port.

ISSUE OF ENDORSEMENTS

75. (1) The Principal Licensing Officer may, under this Chapter, after consultation with the Commissioner or a Deputy Commissioner issue an endorsement to any certificate of competency which he considers to be acceptable for service in a Vanuatu vessel engaged solely on near-coastal voyages on application by the owner for that vessel and on the provision of such information about the seafarer as the Principal Licensing Officer may specify.

- (2) An endorsement shall be valid only for the service in the vessels identified on it and shall show an expiry date which shall be a date not later than the next revalidation date of the master's or officer's certificate of competency.
- (3) In the case of masters, chief engineers, chief mates and second engineers, every candidate for an endorsement shall be competent in all relevant matters and the owner shall ensure that the officers is so competent and shall provide a declaration to that effect at the time of making the application.
- (4) An endorsement issued under this Chapter shall be valid only when accompanied by the holder's certificate of competency and shall be kept available for inspection at any time on the vessel in which the holder is serving.

WITHDRAWAL OF ENDORSEMENTS

76. (1) An endorsement remains the property of, and may be withdrawn at any time by, the Principal Licensing Officer and, if withdrawn, it shall be returned to the Principal Licensing Officer at the earliest opportunity after notification of its withdrawal.
- (2) Should it come to the attention of the Principal Licensing Officer that an officer might be guilty of any misconduct or incompetence in relation to any of his duties on board a Vanuatu vessel, the Principal Licensing Officer shall cause such an investigation, as Following any investigation conducted by virtue of sub-section 2 of this section which concludes that the master or officer is guilty of the misconduct or incompetence alleged, any endorsement that he holds may be withdrawn by the Principal Licensing Officer and may not be re-issued without the approval of the Minister he deems necessary to be made.
- (3) Following any investigation conducted by virtue of sub-section 2 of this section which concludes that the master or officer is guilty of the misconduct or incompetence alleged, any endorsement that he holds may be withdrawn by the Principal Licensing Officer and may not be re-issued without the approval of the Minister.

CANDIDATE CERTIFICATION FOR VESSELS OVER 500 GROSS TONS

77. (1) Every candidate for certification as master or first mate on a seagoing vessel of 500 gross tons or more engaged solely on near-coastal voyages shall hold an appropriate certificate. The Principal Licensing Officer, in accordance with Regulation I/10 of STCW 95, shall endorse such certificate.
- (2) Every candidate for certification as officer in charge of a navigational watch on a seagoing vessel of 500 gross tons or more engaged solely on near-coastal voyages shall hold an appropriate certificate. The Principal Licensing Officer, in accordance with Regulation I/10 of STCW 95, shall endorse such certificate.

- (3) Every candidate for certification as chief engineer, second engineer, engineer in charge of an engineering watch on a seagoing vessel of 500 gross tons or more engaged solely on near-coastal voyages shall hold an appropriate certificate. The Principal Licensing Officer, in accordance with Regulation I/10 of STCW 95, shall endorse such certificate.
- (4) Every navigational watch rating specified in the Safe Manning Certificate of a vessel of 500 gross tons or more shall hold an engine room watch rating certificate issued by a Party to the STCW Convention.
- (5) Every engine room watch rating specified in the Safe Manning Certificate of a vessel of 500 gross tons or more shall hold an engine room watch rating certificate issued by a Party to the STCW Convention.

CANDIDATE CERTIFICATION FOR VESSELS UNDER 500 GROSS TONS

78. Every candidate for certification, appropriate to the position in which he is intended to serve, on a seagoing vessel of less than 500 gross tons engaged solely on near-coastal voyages shall either:

- (a) meet the requirements of section 77; or
- (b) be certified in accordance with the provisions of the Shipping Act, Cap 53. Such certificate, shall be endorsed by the Principal Licensing Officer, after consultation with the Commissioner or a Deputy Commissioner, in accordance with Regulation I/10 of STCW 95 and shall clearly indicate any restrictions on its validity.

TRANSITIONAL PROVISIONS

79. Notwithstanding the requirements of section 75 to 78 inclusive of this Chapter, the Principal Licensing Officer may, until 1st February 2002, issue, recognise and endorse certificates in accordance with the provisions of the Shipping Act, Cap 53 which applied immediately prior to 1st February, 1997 in respect of those seafarers who commenced approved seagoing service, an approved education and training programme or an approved training course before 1st August 1998, as provided for by regulation I/15 of STCW 95. Furthermore, until 1st February 2002, the Principal Licensing Officer may renew and revalidate certificates and endorsements in accordance with the provisions of the Shipping Act, Cap 53 as applicable immediately prior to 1st February, 1997.

REVALIDATION OF CERTIFICATES

80. (1) In order to continue to qualify for sea-going service, the holder of a certificate issued or recognised under these regulations shall, at intervals not exceeding five years, provide evidence of his medical fitness for sea service and continued competency appropriate to the position on board which he is qualified to fill. On receipt of such evidence, the Principal Licensing Officer, shall consult with the

Commissioner or a Deputy Commissioner, and if satisfied the evidence warrants it, shall revalidate the certificate.

- (2) Certificates not revalidated in accordance with sub-section 1 of this section will not be valid for seagoing service.
- (3) Owners shall ensure that masters and officers are provided with updating training and knowledge appropriate to developments in marine equipment and changes in appropriate legislation.

FAMILIARISATION

81. (1) It shall be the duty of the owner and master to ensure that every crew member on board, before taking up his duties, shall receive training sufficient to ensure that he is competent to:
- (a) communicate with other persons on board on elementary safety matters;
 - (b) understand safety information symbols, signs and alarm signals;
 - (c) identify muster and embarkation stations and emergency escape routes;
 - (d) understand the action to take in the event of a person falling overboard, fire or smoke being detected, a person being overcome in an enclosed space, or a fire or "abandon ship" alarm being sounded;
 - (e) locate and don life jackets;
 - (f) initiate alarms and use portable fire extinguishers;
 - (g) take appropriate immediate action on encountering an accident or other medical emergency; and
 - (h) operate any fire or watertight doors fitted in the particular vessel.
- (2) The familiarisation training outlined above shall be provided:
- (a) on each occasion a person joins a vessel for the first time or after an absence from that vessel for six months or more;
 - (b) be provided on board either at a shore establishment before the person joins the vessel or be provided on board the vessel at the time the person joins the vessel and before the person takes up his duties on board.

HOURS OR REST

82. Every person forming part of a watch shall be provided with not less than 10 hours rest in total in any 24 hour period provided that:

- (a) the 10 hour period may be divided into two periods one of which shall be not less than 6 hours;

- (b) for a maximum period of two days, if the nature of the vessel's operation precludes the provision of 10 hours' rest in any 24 hour period, at least 6 hours rest shall be provided in any 24 hour period provided that in any seven day period not less than 70 hours of rest are provided.

SCHEDULE OF WATCH AND REST PERIODS

83. (1) The owner of every vessel to which these regulations applies shall consult with the master of the vessel and draw up a schedule showing the maximum watch periods and minimum rest periods to be observed by crew members in accordance with these regulations. The schedule shall not be changed except after consultation with the master.
- (2) Every vessel to which these regulations applies which is engaged only a short voyages not exceeding 12 hours and has a crew which receives leave periods at intervals not exceeding 4 weeks and which operates continuously between the same ports, need not comply with the hours of rest set out in this Chapter but if the vessel does not comply, the owners shall submit a schedule of work and rest periods to the Principal Licensing Officer for approval and shall not operate the vessel to a schedule of rest periods that is not approved by the Principal Licensing Officer.

OBLIGATIONS OF OWNERS, MASTERS AND OTHER PERSONS

84. (1) Notwithstanding other requirements of this Chapter, every owner, master, crew member or other person shall fulfil his obligations under STCW 95 and any subsequent amendments thereto.
- (2) In the event of failure to comply with the requirements and obligations of sub-section 1 of this section, the Commissioner may:
- (a) suspend or cancel any master's or other officer's license, certificate or endorsement;
 - (b) suspend or cancel a vessel's Certificate of Registry and impose a monetary penalty not to exceed \$100,000; and
 - (c) set such other conditions as he may consider necessary.
- (3) The Commissioner or his nominee shall cause a list of amendments to STCW 95 to be published prior to their entry into force and shall, from time to time, provide other information and appropriate guidance in the form of Maritime Bulletins, Fleet Safety Letters, Updates, Newsletters or other means of written or electronic communication."

INSERTION OF NEW CHAPTER 10

5. After Chapter 9, add the following Chapter 10:

"CHAPTER 10

MISCELLANEOUS

REPEAL

85. The Maritime Regulations Order No. 104 of 1981 (as amended) is hereby revoked.


COMMENCEMENT

86. This Order shall come into force on the date of its publication in the Gazette."

COMMENCEMENT

6. This Order shall come into force on the date of its publication in the Gazette.

MADE at Port Vila this 13th day of July, 1998.



SELA MOLISA

Minister of Fiance and Economic Management