

**VIRGIN ISLANDS**  
**MERCHANT SHIPPING**  
**(MARITIME LABOUR CONVENTION) REGULATIONS, 2019**

**ARRANGEMENT OF REGULATIONS**

*Regulations*

**PART I**  
**PRELIMINARY**

1. Citation.
2. Interpretation.
3. Application.
4. Powers of the Director in relation to these Regulations.
5. Repeals of Regulations.

**PART II**  
**MINIMUM REQUIREMENTS FOR SEAFARERS AND THEIR**  
**RECRUITMENT AND PLACEMENT**

*Minimum age*

6. Employment of persons under sixteen years.
7. Prohibition on night work.
8. Registration of seafarers under eighteen years who are members of the crew.

*Medical Certificates*

9. Medical examination.
10. Medical examination further provisions.
11. Issue of medical certificate.
12. Period of validity of medical certificate.
13. Additional medical examination.
14. Change in conditions relating to medical certificate.
15. Application for a review.
16. Medical certificates issued before entry into force of these Regulations.
17. Medical certificate equivalency.
18. Medical Certificates to be in English.

*Recruitment and Placement*

19. Recruitment and placement services in the Virgin Islands.
20. Recruitment and placement services outside the Virgin Islands.

## PART III CONDITIONS OF EMPLOYMENT

### *Seafarers' employment agreement*

21. Seafarer's employment agreement (SEA).
22. Form, period and conditions of employment agreements.
23. Terms not to be contrary to the Regulations.
24. Copy of SEA to be accessible to crew.
25. Offence and penalty.
26. Offence and penalty for forgery etc. of SEA.
27. Alterations in employment.
28. Seafarers' discharge books.
29. Offences re discharge books.
30. Use of English language.

### *Manning levels*

31. Interpretation.
32. Responsibilities of owners.
33. Safe manning document.
34. Watchkeeping arrangements.
35. Watchkeeping arrangements in port.
36. Watchkeeping arrangements in port for ships carrying hazardous cargo.
37. Ship to carry medical doctor.

### *Hours of work and rest*

38. Interpretation.
39. Minimum hours of rest.
40. Minimum hours of rest-detailed provisions.
41. Minimum hours of rest-further provision.
42. Posting-up of table.
43. Exception for emergencies.
44. Records.
45. Young persons.
46. Health assessment and transfer of seafarers from watchkeeping to day work.
47. Power to require information.

### *Entitlement to annual leave*

48. Entitlement to annual leave.
49. Entitlements under other provisions.

### *Wages and Allotments*

50. Payment of wages and account of wages.
51. Allotments.

### *Discharges and repatriation of seafarers*

52. Discharge.

53. Certificate of discharge and return of certificates of competency.
54. False or forged certificate of discharge.
55. Proper return port.
56. Discharge of seafarer on ownership change and owner's responsibility for repatriation to a proper return port and Financial Security requirement
57. Financial Security Requirement
58. Grounds for repatriation.
59. Repatriation of seafarers on termination of service at foreign port.

#### *Distressed seafarers*

60. Interpretation.
61. Seafarers compensation for the ships loss or foundering.
62. Persons entitled to relief and provisions as to taking distressed seafarers on ships.
63. Certificate and declaration for rates of passage.
64. Offence and penalty.
65. Rescued seafarers.
66. Seafarers mentally deranged.
67. Certain cases of illness and death.
68. Return of seamen to proper return port.
69. Recovery of expenses by Government.
70. Expenses to be a charge on the Consolidated Fund.

### **PART IV ACCOMMODATION AND STORES**

#### *Accommodation*

71. Interpretation.
72. Crew's entitlement to accommodation.
73. Plans of ship.
74. Requirements for existing ships.
75. Requirements for new and existing ships.
76. Use of crew accommodation.

#### *Medical care and hospital accommodation*

77. Medical care.
78. Medical report form.
79. Medical advice.
80. Hospital accommodation.
81. Hospital accommodation arrangements.

#### *Maintenance, inspections and surveys of crew and hospital accommodation*

82. Maintenance and inspection of crew accommodation.
83. Survey, inspection and other measures in respect of Virgin Islands ships.
84. Variations, exemption to ships less than 200 GT and substantial equivalents.

### *Medical stores*

85. Definition of "dangerous substances".
86. Carriage of medical stores.
87. Information re risks involved with dangerous goods.
88. Replenishment of dated medicines.
89. Responsibility for costs.
90. Carriage of medical guides and publications.
91. Medical cabinet and storage of medicines.
92. Inspections of medical stores.

### *Provisions and water*

93. Duties of owners and masters.
94. Inspection of provisions and water.
95. Ship's cook and catering staff.

## **PART V HEALTH AND SOCIAL WELFARE**

### *Shipowner's liability for medical care*

96. Shipowner's obligations and insurance cover for liability.
97. Provision of board, lodging and wages.
98. Ships not requiring a medical doctor.

### *Health and safety protection*

99. Risk assessments.
100. Health protection, safe and hygienic environment and preventive programmes.
101. Implementation of ships' occupational safety and health policy accident prevention.
102. Director's and shipowners responsibilities relating to occupational accidents, health and safety.
103. Shipowner's delegation re assessments.
104. Particular matters of assessments.
105. Safety Committee.

## **PART VI COMPLAINTS**

106. On-board complaint procedures.
107. Right to be accompanied, represented and heard.
108. Copy of complaints procedure to be provided to seafarers.
109. Right to complain without prejudice to other forms of redress.
110. Right to seek redress.
111. Reports on Virgin Islands ships.
112. Inspections of foreign ships.
113. Offences and penalties.

## PART VII ENFORCEMENT

### *General*

114. Application and interpretation.
115. Offences and penalties.
116. Prohibition on proceeding to sea without appropriate certificates.
117. Detention and delay.
118. Complaints from foreign governments about Virgin Islands ship.
119. Director to maintain and publish reports of inspections.

### *Inspections*

120. Inspections carried out by surveyors and inspectors.
121. Maritime Labour Certificate and validity and intermediate inspections.
122. Renewal inspection for renewal of Maritime Labour Certificate.
123. Interim Maritime Labour Certificate.
124. Declaration of Maritime Labour Compliance.
125. Forms of certificates and declaration.
126. Validity of certificates to cease and their withdrawal.

### *Port State Responsibilities*

127. Inspections in port.
128. Detailed inspections.
129. Rectification of deficiencies.
130. Detention of ships for non-conformity with requirements of the Convention.
131. Conformity with CMOU on PSC

## **SCHEDULES**

**Schedule 1.** Table of shipboard working arrangements

**Schedule 2.** Record of hours of work or hours of rest of seafarers

**Schedule 3.** Accommodation requirements for Virgin Islands Ships

**Schedule 4.** Maritime Labour Certificate, Declaration of Maritime Labour  
Compliance and Interim Maritime Labour Certificate

**Schedule 5.** Inspection List

**Schedule 6.** Masters confidential medical report form

**Schedule 7.** Evidence of Financial Security under Regulation 57

**Schedule 8.** Model receipt and release form

**VIRGIN ISLANDS**

**STATUTORY INSTRUMENT 2019 NO.**

**MERCHANT SHIPPING ACT, 2001**

**(No. 13 of 2001)**

**Merchant Shipping  
(Maritime Labour Convention) Regulations, 2019**

[Gazetted \_\_\_\_\_, 2019]

The Governor, in exercise of the powers conferred on it by sections 90, 96 and 459 of the Merchant Shipping Act, 2001 (No. 13 of 2001) makes the following Regulations:

**PART I  
GENERAL**

- Citation.           **1.**       These Regulations may be cited as the Merchant Shipping (Maritime Labour Convention) Regulations, 2019.
- Interpretation.       **2. (1)**    In these Regulations, unless the context otherwise requires
- No. 13 of 2001       “Act” means the Merchant Shipping Act, 2001;
- “antidote” means a substance used to prevent or treat a harmful effect or effects, direct or indirect, of one or more dangerous substances;
- “Convention” means the Maritime Labour Convention, 2006 including any amendment or protocol, or other instruments, standards and specifications of a mandatory nature related thereto adopted or developed by the International Labour Organisation as may be applicable to the Virgin Islands;
- “Director” means the Director appointed pursuant to section 414(1)(a) of the Act;
- U.K. S.I. 1997       “gross tonnage” has the meaning given in the Merchant Shipping (Tonnage) Regulations 1997 of the United Kingdom;  
No. 1510
- “inspector” means a person authorised by the competent Authority or the maritime administration of another State to inspect the working and living conditions of seafarers in accordance with the Convention;
- “medical practitioner” means

4. (1) The Director may through the issue of Merchant Shipping Notices or other appropriate means determine and specify matters required to be determined and specified by these Regulations including those referred to in regulation 3(3), or by the Convention, or elaborate on the requirements of these Regulations or the Convention or clarify their applications.

Powers of the Director in relation to these Regulations.

(2) In giving effect to subregulation (1), the Director shall be guided by regulations and other instruments including circulars, codes, decisions, directives, guidelines, manuals, notices, recommendations and resolutions of the International Labour Organisation pertaining to those matters.

(3) The Director may direct the Registrar of Shipping and Seamen appointed under section 449(1) of the Act to establish and maintain a register by occupational categories of qualified seafarers for the purpose of facilitating their employment on Virgin Islands ships on a priority basis and promoting opportunities on board and ashore for further maritime training and education aimed at skill and career development of seafarers.

(4) The Director may enter into agreements with shipowners pursuant to which shipowners shall be required to establish career and skill development programmes for seafarers employed by them with the aim of strengthening their competencies and qualifications and generally fostering and enhancing employment opportunities for seafarers on board Virgin Islands ships.

5. (1) Subject to subregulation (2), these Regulations hereby repeal any previous regulations which are inconsistent or in conflict with these Regulations.

Repeals of Regulations.

(2) Any certificate issued under a regulation repealed pursuant to subregulation (1) shall remain valid until its expiry and shall not be renewed except in a case where the Director is satisfied that the matters certified and the certificate itself are in compliance with the requirements of the relevant provisions of these Regulations.

## **PART II MINIMUM REQUIREMENTS FOR SEAFARERS AND THEIR RECRUITMENT AND PLACEMENT**

### *Minimum age*

6. Subject to this Part and notwithstanding any other law, no person under the age of sixteen years shall be employed on any Virgin Islands ship.

Employment of persons under sixteen years.

7. (1) No seafarer under the age of eighteen years shall work at night.

Prohibition on night work.

(2) A seafarer of the age of sixteen or seventeen years may work at night if

- (a) the work forms part of an established programme of training the effectiveness of which would be impaired by the prohibition in subregulation (1); or
  - (b) the specific nature of the duty of the seafarer or of a recognised training programme requires that the seafarer performs duties at night and the work to be carried out is specified below as not being detrimental to the health and well-being of seafarers under the age of 18.
- (3) In this regulation, “night” means a period
- (a) the duration of which is not less than nine consecutive hours, and
  - (b) which includes the period between midnight and 5 a.m. (local time).
- (4) The following established work programmes and schedules of training fall within the exception in subregulation (2)(b):
- (a) any Deck Officer training under STCW Regulations II/1, II/2 and II/3;
  - (b) any Engineer Officer training under STCW Regulations III/1, III/2 and III/3;
  - (c) any Navigational watch Rating training under STCW Regulation II/4;
  - (d) any Engine Room watch Rating training under STCW Regulation III/4 ;
  - (e) any training of Ratings as AB, Deck or Engine;
  - (f) any training of Electro-technical Officers under STCW Regulation III/6;
  - (g) any training of Electro-technical Ratings under STCW Regulation III/7;
  - (h) any training of Radio personnel under STCW Regulation IV/2;
  - (i) any training for alternative certification under STCW Regulation VII.



8. (1) There shall be included with every crew list a register of all seafarers under the age of eighteen years who are members of the crew, together with their dates of birth and the dates on which they become or cease to be members of the crew, and the register so kept shall at all times be open for inspection by any person having power to enforce compliance with these Regulations.

Registration of seafarers under eighteen years who are members of the crew.

(2) There shall be included in every crew list a summary of regulations 6, 7, and 8.

### *Medical Certificates*

9. (1) Subject to this regulation, every Seafarer employed in any capacity on a Virgin Island ship shall hold a valid medical certificate attesting that they are medically fit to perform the duties that they are to carry out at sea. The medical certificate shall have been issued prior to commencing work on a ship.

Medical examination.

(2) In urgent cases, with the Director's approval, a seafarer who has no valid medical fitness certificate because their medical certificate has expired within the last month, may exceptionally be employed for a period not exceeding three months without a valid medical certificate, provided that their last medical fitness certificate was valid for full 24 months (or 12 months if the seafarer is under the age of 18) and, the seafarer shall obtain a medical fitness certificate at the next port where it is possible to do so.

10. (1) The medical examination required under these Regulations shall consist of a complete physical examination in accordance with the ILO/WHO publication entitled "Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examination for Seafarers" (JLO/WHO/D.2/1997) (ISBN 92-2-J 11129-6), as amended, and any other relevant guidelines as may be further specified by the Director.

Medical examination further provisions.

(2) In any examination under these Regulations, due regard shall be had to the age of the seafarer to be examined and the nature of the duties to be performed by him on board the ship.

11. (1) Every applicant for a medical certificate shall be examined by a duly qualified medical practitioner or, in the case of a certificate solely concerning eyesight, by a person recognised by the Director and, subject to regulation 10, if the medical practitioner considers that the applicant is fit, the practitioner shall issue the applicant with a medical certificate as provided in subregulation (2) and regulation 12; and such certificate may be restricted to such capacity of sea service or geographical areas as the medical practitioner considers appropriate.

Issue of medical certificate.

**Medical certificate equivalency.**

- (a) include the name and address of the medical practitioner who refused, imposed a restriction, suspended or cancelled a medical certificate;
  - (b) be submitted to the Director within one month of the date on which the seafarer is given notice of the refusal, imposition of a restriction, suspension, or cancellation, or such longer period as the Director may determine if delay is caused by the seafarer's employment on board a ship.
- (3) The independent medical examiner referred to in subregulation (1) may, if he so requires, obtain a report from the medical practitioner who examined the applicant and may re-examine the applicant, and if the applicant so requests, disclose to him the contents of the report.
- (4) After re-examining the applicant and having regard to any other relevant medical evidence and the provisions of regulation 10, if the independent medical examiner considers that the applicant is fit, shall issue to him a new medical certificate replacing the previous one in which any restrictions as to capacity or geographical area imposed by the previous certificate may be varied or deleted and new restrictions may be imposed which the independent medical examiner shall bring to the attention of the applicant.
- (5) The independent medical examiner shall carry out the actions referred to in subregulations (3) and (4) within a period of sixty days following the date of submission of the application for review or within such longer period as the Director may determine.

Medical certificates issued before entry into force of these Regulations.

**16.** Any certificate of medical and visual fitness for seafaring employment issued by a qualified medical practitioner to a seafarer in respect of a medical examination conducted before the date on which these Regulations come into force shall have the same validity for the purposes of these Regulations as a medical certificate issued under these Regulations except that the period of validity shall be from the date of the medical examination up to the appropriate maximum period provided for in regulation 12 or for such shorter period as may be specified in the certificate.

Medical certificate equivalency.

**17.** A medical certificate issued in accordance with the medical standards of the STCW Convention, or one meeting the same requirements in substance for seafarers not covered by that Convention, shall be accepted as meeting the standards of these Regulations.

Other medical certificates.

Medical certificates to be in English

**18.** The medical certificates for seafarers working on ships ordinarily engaged on international voyages must as a minimum be provided in English.

(3) The notice period for the termination of an SEA shall be such period as is specified in, the agreement but shall in no circumstances be less than seven days, but if no notice period is specified, it shall be seven days.

(4) The minimum notice period referred to in subregulation (3) shall in any event not be less for the shipowner than for the seafarer.

(5) A seafarer may terminate an SEA without penalty on shorter notice or without notice if the termination is on compassionate grounds or is for other urgent reason.

(6) A shipowner may terminate an SEA on shorter notice or without notice if it is for reasons of gross misconduct.

(7) Subject to these Regulations, a SEA shall be terminated by

- (a) mutual consent of the parties thereto;
- (b) death of the seafarer;
- (c) loss or total unseaworthiness of the ship;
- (d) sale of the ship; or
- (e) expiration of the period of the agreement.

**23.** To the extent that any terms adopted by the parties to a SEA are contrary to these Regulations such terms shall have no effect and the relevant provisions under these Regulations shall be deemed to apply. Terms not to be contrary to the Regulations.

**24.** The master shall, at the commencement of every voyage or engagement, ensure that clear information as to the conditions of employment are easily obtainable on board by each seafarer, and the SEA is accessible to inspectors in accordance with these Regulations. Copy of SEA to be accessible to crew.

**25.** A master who fails without reasonable cause to comply with regulation 24 commits an offence and for each occurrence of the offence is liable on summary conviction to a fine of not exceeding thousand dollars. Offence and penalty.

**26.** Any person who fraudulently alters, makes any false entry in, or delivers a false copy of a seafarer's employment agreement, or assists in any such act commits an offence and is liable on summary conviction to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand dollars or to both such imprisonment and fine. Offence and penalty for forgery etc. of SEA.

27. Any erasure or alteration made in a seafarer's employment agreement shall be invalid unless proved to have been made by and with the consent of all parties to the agreement and attested to by the written attestation of two witnesses.

Seafarers'  
discharge books.

28. (1) Seafarers shall apply for discharge books in a form and manner directed by the Director and upon such application being made, be issued with discharge books containing the particulars mentioned in subregulation (2) and a record of their employment on board ships containing sufficient information, to facilitate the acquisition of further work or to satisfy the sea-service requirements for upgrading or promotion.

(2) The particulars referred to in subregulation (1) shall include the name, date of birth, nationality and address of the seafarer, the capacity in which he is serving on board and any other information the Director may require.

(3) The holder of a discharge book shall upon demand produce or surrender it to the Director or any Virgin Islands official so designated by the Director, the master of the ship in which the seafarer is serving or is to serve or any ship's officer so authorised by the master, before joining a ship and upon being discharged or at any time during the service of the holder on the ship, produce it to current or prospective employers of the holder and any other person authorised by the Director to require the production of a discharge book by the holder in such circumstances as the Director may direct.

(4) A holder of a discharge book may cease to be entitled to it if a recommendation to that effect is made by a disciplinary body referred to in section 124 of the Act, and in such event, the holder shall surrender it to the Director or the official designated by him for the purpose.

(5) The Director may impose on the holder such requirements and conditions as he sees fit to allow the discharge book to be re-issued, and if the requirements and conditions are fulfilled to the satisfaction of the Director or the official designated by him for the purpose, the discharge book may be re-issued.

(6) The period of validity of the discharge book shall be as determined by the Director.

Offences re  
discharge books.

29. (1) Except as provided in subregulation (2), a person who contravenes any provision of regulation 28 commits an offence liable on summary conviction to a fine not exceeding ten thousand dollars.

(2) A person who obtains employment as a seafarer when he is not entitled to a discharge book by reason of the circumstances set out in regulation 28(4) and a person who employs such a seafarer knowing that the seafarer is not entitled to a discharge book commits an offence punishable on summary conviction as provided in section 144(4) of the Act.

30. Except where otherwise provided in the Act or these Regulations, all correspondence, documents, forms or other writings shall be in the English language except that a foreign language version of a document may be appended to the English language version thereof where the ship is engaged in international voyages and the document relates to a crew member who is a foreign national and whose native language is other than English.

Use of English language.

### *Manning levels*

31. For the purpose of regulations 32 to 37, "appropriate certificate" has the meaning given in the Merchant Shipping (Training, Certification and Safe Manning) Regulations 1997 of the United Kingdom.

Interpretation.  
U.K. S.I. 1997  
No. 348

32. (1) Every shipowner of a Virgin Islands ship shall ensure that

Responsibilities of owners.

- (a) every seafarer assigned to his ship holds an appropriate certificate in respect of any function the seafarer is to perform;
- (b) documentation and information relevant to all seafarers employed on its ships are maintained and readily available for inspection including documentation and information on their experience, training, medical fitness and competency in respect of their assigned duties.

(2) Nothing in subregulation (1) shall be construed as prohibiting the allocation of tasks for training under supervision or in case of *force majeure*.

(3) The shipowner shall provide written instructions to the master setting out the policies and procedures to be followed to ensure that all seafarers engaged on board the ship are given a reasonable opportunity to become familiar with the shipboard equipment, operating and safety procedures including other arrangements needed for the proper performance of their duties, before the duties are assigned to them.

(4) The policies and procedures referred to in subregulation (3) shall include

- (a) allocation of a reasonable period of time during which the seafarer will have an opportunity to become acquainted with
  - (i) the specific equipment the seafarer will be operating; and

(ii) ship-specific watchkeeping, safety, environmental protection and emergency procedures and arrangements the seafarer needs to know to perform the assigned duties properly;

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

(5) It shall be the duty of the master and the designated crew member referred to in subregulation (4)(b) to discharge the responsibility given in that provision.

Safe manning document.

**33. (1)** The shipowner shall ensure that in relation to every ship of 500 gross tonnage and above

(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 times;

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

(2) The master of a ship to which these Regulations apply 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 is in compliance with that document.

(3) It shall be the duty of the shipowner applying for a safe manning document in respect of any Virgin Islands ship to submit to the Director all information required for the issue of such document.

(4) The shipowner shall, after the issue of a safe manning document, inform the Director as soon as there is any change in the circumstances pertinent to that safe manning document.

(5) In determining the manning level the shipowner shall take into account the need to avoid or minimise excessive hours of work to ensure sufficient rest and to limit fatigue, the principles in applicable international instruments, especially those of the International Maritime Organisation, on manning levels, and all the requirements concerning food and catering.

(6) Notwithstanding these Regulations and without prejudice to any other duties and responsibilities of the master and the owner, the master and

shipowner shall ensure that from the point of view of maritime safety and pollution prevention, the ship is manned safely, sufficiently and efficiently.

34. (1) The master of every Virgin Islands ship shall ensure that the watchkeeping arrangements for the ship are at all times adequate for maintaining safe navigational and engineering watches having regard to Chapter VIII of Section A of the STCW Code.

Watchkeeping arrangements.

(2) Without prejudice to the duties of the master provided in subregulation (1), the master shall give instructions to the deck watchkeeping officers responsible for navigating the ship safely during their periods of duty, in accordance with Part 3-1 of Section VIII/2 of the STCW Code and any directions relating thereto given by the Director.

(3) The chief engineer officer of every Virgin Islands 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, he shall observe the principles set out in Part 3-2 of that Section and any directions relating thereto given by the Director.

35. The master of a ship that is safely moored or safely at anchor under normal circumstances in port shall arrange for an effective watch to be maintained for the purposes of safety which arrangements shall be in accordance with Part 4 of Section A-VIII/2 of the STCW Code and any operational guidance given by the Director.

Watchkeeping arrangements in port.

36. The master of a ship carrying hazardous cargo when in port, even if it is safely moored or is safely at anchor, shall in addition to any watchkeeping arrangements required under regulation 35, in the case of

Watchkeeping arrangements in port for ships carrying hazardous cargo.

- (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 organising safe watchkeeping arrangements account is taken of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions on board, afloat and ashore.

37. The master shall ensure that a ship with a total number of crew and passengers exceeding one hundred persons engaged in an international voyage of more than three days carries on board as part of its safe manning, a medical doctor who shall be responsible for the medical care of all persons on board.

Ship to carry medical doctor.

## *Hours of work and rest*

Interpretation.

**38.** For the purpose of regulations 39 to 47

“employment”, in relation to a seafarer, means employment under his seafarer's employment agreement, and "employed" shall be construed accordingly;

“hours of rest” means time outside hours of work and does not include short breaks;

“hours of work” means time during which a seafarer is required to work on account of the ship;

“night” means a period

(a) the duration of which is not less than nine consecutive hours; and

(b) which includes the period between midnight and 0500 hours;

“relevant requirements" means the requirements of regulations 39, 42, 43(3), 44 and 45.

Minimum hours of rest.

**39.** Without prejudice to regulation 43, it shall be the duty of the employer of a seafarer and the master of the ship to ensure that a seafarer is provided with at least the minimum hours of rest.

Minimum hours of rest-detailed provisions.

**40. (1)** Without prejudice to regulations 41 and 43, the minimum hours of rest shall be not less than

(a) ten hours in any twenty four-hour period; and

(b) seventy-seven hours in any seven-day period.

(2) Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between such consecutive periods shall not exceed fourteen hours.

(3) Muster, fire-fighting and lifeboat drills shall be conducted in a manner which minimises the disturbances of rest periods and does not induce fatigue.

(4) A seafarer who is on call shall have adequate compensatory rest period if his normal period of rest is disturbed by call-outs for work.

Minimum hours of rest-further provision.

**41. (1)** The Director may authorise collective agreements permitting exceptions to the limits in regulations 40(1) and (2) but shall have due regard to



the general principles of protection of health and safety of seafarers provided in Part V of these Regulations.

(2) In the absence of any collective agreement or if the provisions in the agreement relating to the matters mentioned in regulation 40(3) and (4) are considered by the Director to be inadequate, he shall determine the contents of those provisions to ensure that the seafarers concerned have sufficient rest.

(3) Agreements can be either a “collective agreement” (between the employer and an independent trade union) or a “workforce agreement” (between the employer and the employees or their elected representatives). Exceptions may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.

(4) Applications for authorisation of exceptions should be made in writing to the Director.

42. (1) The master of a ship, or a seafarer authorised by the master, shall ensure that a table with the shipboard working arrangements complying with subregulations (2) and (3) is posted up in a prominent and accessible place in the ship.

Posting-up of table.

(2) A table under subregulation (1) shall contain for every position at least

- (a) the schedule of service at sea and service in port; and
- (b) the minimum hours of rest as required by these Regulations or any collective agreements in force.

(3) A table under regulation (1) shall be in the format appearing in Schedule 1 and shall be in English and in the working language of the ship if that is not English.

Schedule 1

43. (1) The master of a ship may require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to another ship or a person in distress at sea.

Exception for emergencies.

(2) For the purposes of subregulation (1), the master may suspend the hours of rest scheduled in the table referred to in regulation 42 and require a seafarer to perform any hours of work necessary until the normal situation has been restored.

(3) As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarer who has performed work in a rest period

scheduled in the table referred to in regulation 42 is provided with an adequate rest period.

Records.

**44. (1)** A record of a seafarer's daily hours of rest shall be maintained by the master or a person authorised by the master.

(2) The record kept under subregulation (1) shall

Schedule 2

- (a) be in the format appearing in Schedule 2;
- (b) be in English and in the working language of the ship if that is not English;
- (c) be completed monthly in arrears;
- (d) reflect all deviations from the scheduled hours of rest provided for in regulation 43;
- (e) be endorsed by the master or a person authorised by the master, and by the seafarer in question, and a copy thereof shall be given to the seafarer by the master or the person authorised by the master;
- (f) be kept for a period of two years and shall be available for inspection and endorsement by the Director or an inspector.

(3) The shipowner and the master shall ensure that a copy of these Regulations and any collective agreements referred to in regulation 41 are carried at all times on board the ship and are easily accessible to the seafarers on board.

Young persons.

**45. (1)** Seafarers under the age of eighteen years shall

- (a) not work more than eight hours per day and forty hours per week;
- (b) be allowed sufficient time for all meals, and a break of at least one hour for the main meal of the day;
- (c) be provided a fifteen minute rest period as soon as possible following each two hours of continuous work.

(2) The master may suspend the provisions of subregulation (1) or require overtime work if

- (a) regulation 43 is applicable;

- (b) the work forms part of an established programme of training the effectiveness of which would be impaired by the prohibitions in subregulation (1);
- (c) if the work is such that it is impracticable to effectuate because of a rostered shift-work system.

(3) All instances falling under subregulation (2) shall be recorded, with reasons and signed by the master.

**46. Where**

- (a) a medical practitioner has certified that a seafarer engaged in watchkeeping duties is suffering from health problems which the practitioner considers to be attributable to night work, and
- (b) it is possible for the seafarer to be assigned work that is
  - (i) better suited to his health, and
  - (ii) not night work,

Health assessment and transfer of seafarers from watchkeeping to day work.

the seafarer shall be transferred accordingly.

**47.** Every shipowner shall provide the Director with such information on watch-keepers and other seafarers working at night as the Director may require.

Power to require information.

***Entitlement to annual leave***

**48. (1)** Subject to subregulation (3), the annual paid leave of a seafarer shall be calculated on the basis of a minimum of 2.5 calendar days per month of employment and pro rata for incomplete months.

Entitlement to annual leave.

- (2) For the purposes of this regulation, a seafarer's leave year begins
  - (a) on such date during the calendar year as may be agreed in writing by the employer and the seafarer; or
  - (b) in the absence of such agreement
    - (i) if the seafarer's employment began on or before the coming into force of this regulation, on that date and each subsequent anniversary of that date; or

- (ii) if the seafarer's employment begins after this regulation comes into force, on the date on which that employment begins and each subsequent anniversary of that date.

(3) Where by virtue of subregulation (2) the period of leave to which a seafarer is entitled is or includes a proportion of a week, the proportion shall be determined in days and any fraction of a day shall be treated as a whole day.

(4) Any agreement to forego the minimum annual paid leave provided for in this regulation, except where the seafarer's employment is terminated, shall be prohibited.

(5) Justified absence from work shall not be considered as annual leave. Justified absences include an absence authorised by any enactment, contract between the seafarer's employer and the seafarer, collective agreement or workplace agreement or by custom and practice including public holidays.

Entitlements  
under other  
provisions.

**49.** (1) Where during any period a seafarer is entitled to hours of rest or annual leave both under these Regulations and under a separate provision including a provision of his contract, he may exercise the two rights separately, but may, in taking hours of rest or annual leave during that period, take advantage of whichever right is, in any particular respect, the more favourable.

(2) Seafarers shall be granted shore leave for the benefit of their health and well-being compatible with the operational requirements of their on-board duties.

#### *Wages and Allotments*

Payment of wages  
and account of  
wages.

**50.** (1) Seafarers shall be paid at no greater than monthly intervals and in accordance their SEA and any applicable collective agreement.

(2) Seafarers shall be given a monthly account of the payments due and the amounts paid including additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one to which the parties have agreed.

(3) The master of every Virgin Islands ship shall, before paying off or discharging any seafarer deliver a full and true account of the seafarer's wages and of all deductions made therefrom.

(4) The relevant provisions of the Act which relate to the amount of wages to be paid to seafarers and to the principles governing their calculation shall apply.

Allotments.

51. (1) Shipowners shall enable seafarers to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families or dependents or legal beneficiaries by bank transfers or similar means.

(2) Allotments shall be remitted by the shipowner in due time and directly to the person or persons nominated by the seafarer.

(3) Any charge for the service under subregulation (3) above shall be reasonable in amount, and the rate of currency exchange, unless otherwise provided, shall be at the prevailing market rate or the official published rate and not unfavourable to the seafarer.

### *Discharge and repatriation of seafarers*

52. Except in the case of a seafarer proceeding on leave while remaining in the service of the shipowner, when his engagement on a particular ship is terminated, he shall be discharged in the manner provided by these Regulations Discharge.

53. (1) The master of a Virgin Islands ship shall sign and give to a seafarer discharged from his ship at any place, either on his discharge or on payment of his wages, a certificate of his discharge in a form approved by the Director, specifying the period of his service and the time and place of his discharge. Certificate of discharge and return of certificates of competency.

(2) The master shall also, upon the discharge of every certificated officer whose certificate of competency has been delivered to and retained by him, return the certificate to the officer.

(3) If the master fails to comply with subregulations (1) and (2), he shall commit an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars for each such offence.

54. If any person False or forged certificate of discharge.

- (a) makes a false statement in the certificate of discharge knowing the same to be false;
- (b) forges or fraudulently alters any certificate of discharge or copy thereof;
- (c) assists in committing, or procures to be committed any of the acts mentioned in subregulations (a) and (b); or
- (d) fraudulently uses any certificate of discharge or a copy thereof that contains a false statement, or is altered or does not belong to him,

he commits an offence for each such act and is liable on summary conviction to imprisonment for a term not exceeding two years or to a fine not exceeding ten thousand dollars for each offence or to both.

Proper return  
port.

**55.** For the purposes of regulations 56 to 58, "proper return port" or "proper port of return" in relation to the destination to which a seafarer is repatriated means a port or place in a country with which the seafarer is deemed to have a substantial connection including

- (a) the place at which the seafarer entered into the SEA;
- (b) the place stipulated in the collective agreement, if any;
- (c) the seafarer's country of residence or nationality; or
- (d) the place stipulated in the SEA by mutual agreement,

Discharge of  
seafarer on  
ownership  
change and  
owner's  
responsibility for  
repatriation to a  
proper return  
port.

**56. (1)** Where a Virgin Islands ship is transferred to another flag or there is a change of ownership, every seafarer engaged on that ship shall be discharged unless he consents in writing to complete the voyage of the ship if it is continued.

(2) Where a seafarer is discharged under this regulation, the provisions of these Regulations relating to certificates of discharge and return of the seafarer to a proper return port shall apply as if his service had terminated otherwise than by his consent to be discharged during the currency of his SEA.

(3) Except as hereinafter provided, every SEA shall provide that if the agreement terminates at a port other than the port of engagement, whether by effluxion of time, or by any act of the parties, or by shipwreck or sale of the ship, or by the inability of the seafarer to proceed on the ship by reason of sickness or injury or any other cause whatsoever, he is to be returned to a proper return port at the expense of the shipowner who shall make such arrangements as may be necessary and pay all expenses incurred for the return of such seafarer; and such liability shall include the cost of any maintenance and medical treatment which is necessary for the seafarer until his arrival at a proper return port, and such seafarer shall not become a charge upon the Government of the Virgin Islands.

(4) A seafarer who has been left behind or discharged from his ship as a result of his desertion, or imprisonment, or inability to proceed on the ship due to sickness or infirmity wilfully concealed at the time of the engagement, shall not be entitled to be returned at the expense of the shipowner under subregulation (3) but the shipowner shall make all arrangements necessary and pay all expenses incurred for the return of the seafarer to a proper return port as if he was so entitled; and the shipowner may be reimbursed for his expenses out of any wages owing to the seafarer at the time he left the ship or out of the proceeds from the sale of any of his effects left on board, or, if this should not prove sufficient, by

ordinary process of law, but in any event, such seafarer shall not become a charge upon the Government of the Virgin Islands.

(5) It is the shipowners responsibility to repatriate their seafarers in the event of abandonment, which is defined as

- (a) when the shipowner fails to cover the cost of the seafarer's repatriation; or
- (b) when the shipowner has left the seafarer without the necessary maintenance and support; or
- (c) when the shipowner has otherwise unilaterally severed its ties with the seafarer, including failure to pay contractual wages for a period of at least two months.

57. (1) Every Virgin Islands ship shall not enter or leave a port or remain at sea unless there is in force a contract of insurance or other security adequate to ensure that the shipowner will be able to meet any liabilities arising from the duty to make provision for the repatriation of seafarers under regulations 52 to 59.

Financial  
security  
requirement.

(2) The financial security system shall provide direct access, sufficient coverage and expedited financial assistance, in accordance with Standard A2.5.2 of the Convention, to any abandoned seafarer on a Virgin Islands Ship.

(3) Assistance provided by the financial security system shall be granted promptly upon request made by the seafarer or the seafarer's nominated representative and supported by the necessary justification of entitlement in accordance with Regulation 56 (5).

(4) Shipowners will have to obtain financial security to ensure that they will be able to meet their repatriation obligations and, in particular, the financial security shall be adequate to cover the following:

- (a) up to four months of outstanding wages and other outstanding entitlements due from the shipowner to the abandoned seafarer under their employment agreement, the relevant collective bargaining agreement or Virgin Islands law;
- (b) all expenses reasonably incurred by the abandoned seafarer, including the costs of repatriation; and
- (c) the essential needs of the abandoned seafarer, including items such as adequate food, clothing, accommodation, drinking water supplies, essential fuel for survival on

board the ship, necessary medical care and any other reasonable costs or charges from the act or omission constituting the abandonment until the seafarer's arrival at his repatriation destination.

(5) The cost of repatriation shall cover travel by appropriate and expeditious means, normally by air, and include provision for food and accommodation of the seafarer from the time of leaving the ship until arrival at the seafarer's home, necessary medical care, passage and transport of personal effects and any other reasonable costs or charges arising from the abandonment.

(6) The provisions in this regulation are without prejudice to any right of the shipowner to recover the cost of repatriation under third-party contractual arrangements.

(7) If the provider of insurance or other financial security has made any payment to any seafarer in accordance with Standard, A 2.5 of the Convention such provider shall, up to the amount it has paid and in accordance with the applicable law, acquire by subrogation, assignment or otherwise, the rights which the seafarer would have enjoyed.

(8) Where a seafarer becomes eligible to receive, and receives, medical aid or periodical payments at the expense of his employer under the terms of any law providing for compensation to injured or sick workers such receipt shall be in full or part payment, as the case may be, of the entitlement under this regulation and not in addition thereto.

(9) (a) Every Virgin Islands ship to which these regulations apply shall carry on board a certificate or other documentary evidence of financial security issued by the financial security provider. A copy shall be posted in a conspicuous place on board where it is available to the seafarers. Where more than one financial security provider provides cover, the document provided by each provider shall be carried on board.

(b) For purposes of this regulation, the documentary evidence of financial security shall contain the information required in Schedule 7. It shall be in English or accompanied by an English translation.

(10) The financial security shall not cease before the end of the period of validity of the financial security unless the financial security provider has given prior notification of at least 30 days to the competent authority.

**58.** (1) A seafarer shall be entitled to repatriation at the cost of the shipowner if he has served the maximum duration of service periods on board, such periods being less than twelve months, or at the expense of a third party exercising title against the ship or its shipowner, should such shipowner default in

Schedule 7

Grounds for  
repatriation.



entitled to relief etc. and provisions as to taking distressed seafarers on ships.

(4) The Director or a proper authority may place distressed seafarers on board a Virgin Islands ship for the purposes of their return to a proper return port and shall sign and issue a certificate to that effect to the master of the ship specifying the number and names of distressed seafarers placed on board, the time when each of them was received on board and the reasons for each seafarer being left behind; and the master shall endorse the fact of such placement and issue of the certificate on the SEAs specifying the dates of their embarkation, the name and port of registry of the ship or ships on which they were last engaged, the port to which they are entitled to be conveyed, together with any relevant particulars provided by them.

(5) The master of every Virgin Islands ship shall accept on board and afford passage and maintenance to all distressed seafarers whom he is required under these Regulations to take on his ship, not exceeding one for every fifty net tons, and shall during the passage provide every such distressed seafarer a proper berth or sleeping place protected against sea and weather.

(6) Distressed seafarers shall be relieved and maintained upon the most reasonable terms possible but only until arrangements are made and carried into effect for their return to a proper return port.

(7) Distressed seafarers may, where necessary, be provided with medical advice and treatment and supplied with clothing but in no greater quantity than is absolutely required, and the clothing supplied shall be of the quality the seafarers would normally wear.

(8) The relief and maintenance of a seafarer under these Regulations shall continue for as long as is considered necessary by the proper authority but, in every case in which relief is continued for more than one month, a special report of the circumstances shall be furnished by the proper authority to the Director.

63. (1) On arrival at the port to which a seafarer has been so conveyed, the master shall produce to the proper authority at that port the certificate referred to in regulation 62(4).

Certificate and declaration for rates of passage.

(2) On production of such certificate and a declaration made by the master before any official authorised to administer oaths, stating the number of days during which each distressed seafarer had received maintenance, and stating the full complement of his crew and the actual number of seafarers employed on board his ship, and any variation in that number, whilst the distressed seafarers received maintenance, the master shall be entitled to be paid from the proper authority of the port in respect of the maintenance and passage of every seafarer so conveyed, maintained and provided for by him, an allowance at the rate of ten dollars per day for every day, including part of a day, on which that seafarer was on board the ship.

Offence and penalty.

**64.** If any master of a Virgin Islands ship fails without reasonable cause to comply with his obligations under regulations 62 and 63 in relation to any distressed seafarer, he commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

Rescued seafarers.

**65.** Whenever a ship with distressed seafarers on board, who have been rescued or picked up at sea, arrives at a port, the proper authority may pay the master of the ship for their subsistence an allowance at the rate set out in regulation 63.

Seafarers mentally deranged.

**66. (1)** In order to provide for the passage to a proper return port of a distressed seafarer suffering from mental derangement, the proper authority, with the object of ensuring that requisite care is provided to the seafarer during the voyage, may make an agreement with the master to pay, if necessary, such sum for the passage, in addition to the allowance at the rate set out in regulation 63, as may appear to be fair and reasonable in the circumstances.

(2) A copy of the agreement so entered into shall in every case be forwarded to the Director with due dispatch, and also in any case where it is desirable to send the seafarer to a foreign port, to the proper authority of that port.

(3) In the case of a seafarer arriving under such circumstances at a port, the proper authority at that port may, in addition to the allowance at the rate set out in regulation 63, pay to the master the amount of the extra passage money on production of the agreement and upon being satisfied that the seafarer has received the special care and attendance, agreed to, and an immediate notice of such payment, together with the original agreement and the receipt of the master for the passage money, shall be sent to the Director.

Certain cases of illness and death.

**67.** In the case of a seafarer discharged or left behind suffering from any illness due to his own wilful act, default or misbehaviour, who is to be dealt with under these Regulations, the expense of providing necessary surgical and medical advice and attendance and medicines, as well as the expenses of his maintenance until he is cured, or dies, or is returned to a proper return port, and of his conveyance to such port, and in the case of death, the expenses, if any, of his funeral, shall be met as far as possible out of his wages.

Return of seamen to proper return port.

**68. (1)** A seafarer, distressed or otherwise, being repatriated shall be sent to a proper return port by any reasonable route.

(2) Provision may be made for the return of a seafarer, if he is fit to work, by providing him with suitable employment on a ship proceeding to a proper return port which requires crew members by reason of being undermanned, or providing a passage by any suitable mode of transport, and sufficient money to cover the costs of his maintenance during the passage, or providing him with the means to pay those costs.

(3) Where the master of a ship is required by these Regulations to provide for the return of a discharged seafarer to a proper return port, the master may, instead of providing the passage or the costs thereof, or of providing him with the means to pay for his passage or those costs, deposit with the proper authority, such sum as the proper authority considers sufficient to pay for the costs of the return of the seafarer to a proper return port.

(4) While a distressed seafarer is in transit to a proper return port, the proper authority at any place at which that seafarer may pay on behalf of the authority originally making arrangements for the distressed seafarer's return to a proper return port, for any costs on account of that seafarer which the authority originally acting in respect of such seafarer could pay.

(5) Where a seafarer is repatriated as a member of a crew, he shall be entitled to the appropriate remuneration for work done during the voyage.

(6) If any question arises as to the proper return port to which a seafarer is to be sent in any case, or as to the route by which he should be sent, that question shall be decided by the proper authority, and in deciding any question under this provision, the proper authority shall have regard both to the convenience and choice of the seafarer and to the expenses involved and also, where that is the case, to the fact that a ship which is in want of seafarers, to make up its complement is about to proceed to a proper return port or to a port in the vicinity thereof; but nothing in this regulation shall relieve the shipowner from the obligation and expense of returning the seafarer to this proper return port.

69. (1) Where any expenses, other than excluded expenses as defined by this regulation, are incurred by or on behalf of the Government of the Virgin Islands, or by a foreign government or authority and are repaid or repayable to that government or authority by or on behalf of the Government of the Virgin Islands on account of a distressed seafarer, either for his maintenance, necessary clothing, conveyance to a proper return port or, in case of death, for his burial, or otherwise in accordance with these Regulations, those expenses, together with the wages, if any, due to the seafarer, shall be a charge upon the ship, whether it is a Virgin Islands or foreign ship, to which the distressed seafarer belonged, and shall be recoverable as a debt due to the Government of the Virgin Islands from the master or owner of the ship or, where the ship has been lost, from the person who was the owner of the ship at the time of the loss or, where the ship has been transferred to some person not being a Virgin Islands citizen or not being a body corporate established under the laws of the Virgin Islands, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer, and also, if the ship is a foreign ship, from the owner who engaged the seafarer for service on the ship.

Recovery of  
expenses by  
Government.

(2) In any proceedings for such recovery, a statement of the expenses signed by the person, authority or government paying the expenses together with

such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid.

(3) For the purposes of this regulation, “excluded expenses” are expenses incurred in cases where the certificate obtained under regulation 63 stipulates, or the Director is otherwise satisfied, that the reason for the seafarer being left behind is desertion, disappearance, imprisonment or discharge from his ship by a competent court on the ground of misconduct, and expenses incurred on account of the return to the proper return port of a distressed seafarer who has been discharged at the port at which he was shipped or at some neighbouring port.

Expenses to be a charge on the Consolidated Fund.

**70.** Save for regulation 67, all expenses incurred and payments made by the proper authority under these Regulations shall be a charge on the Consolidated Fund.

## **PART IV ACCOMMODATION AND STORES**

### *Accommodation*

Interpretation.

**71.** For the purposes of this Part

“certifying authority” means the Director or a surveyor designated by him in that behalf;

“existing ship” means a ship the keel of which is laid or which is at a similar stage of construction on or before 7<sup>th</sup> August 2014;

“similar stage of construction” means the stage at which

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 tonnes or one percent of the estimated mass of all structural material whichever is the less.

Crew’s entitlement to accommodation. Schedule 3

**72. (1)** The ship’s crew shall be provided with accommodation, including hospital accommodation, in accordance with these Regulations and Schedule 3.

(2) Unless expressly provided otherwise, any requirement under an amendment to these Regulations and Schedule 3 relating to the provisions of seafarers’ accommodation and recreational facilities shall apply only to ships constructed on or after the amendment takes effect.

Plans of ship.

**73. (1)** Every person to whose order a ship to which these Regulations apply is being constructed shall

- (a) before the construction of the ship commences, submit for approval to the certifying authority a plan of the ship, on a scale not smaller than 1 to 200, showing the proposed location and general arrangement of the crew accommodation; and
- (b) before the construction of any part of the crew accommodation is commenced, submit for approval to the certifying authority, plans of the proposed accommodation, on a scale not smaller than 1 to 50, showing clearly and in detail the purpose for which each space in the crew accommodation is to be used, the proposed disposition of furniture and fittings, the proposed arrangements for heating and ventilation, lighting, sanitary arrangements, noise and vibration and other ambient factors.

(2) Subject to subregulation (3), the shipowner of a ship to which these Regulations apply shall, before any reconstruction or alteration of the ship's crew accommodation is carried out, submit for approval to the certifying authority, plans of the proposed crew accommodation as reconstructed or altered, as the case may be, in accordance with the requirements of subregulation (1) (b)

(3) If the crew accommodation is reconstructed or altered at a place outside the Virgin Islands in consequence of any emergency or any accident to the ship, the plans referred to in subregulation (2) shall be submitted for approval to the certifying authority as soon as practicable.

74. The crew accommodation of an existing ship to which these Regulations apply shall comply with the requirements set out in the Merchant Shipping (Crew Accommodation) Regulations 1978 of the United Kingdom.

Requirements for existing ships.  
U.K. S.I. 1978  
No. 795

75. (a) The crew accommodation of a new ship to which these Regulations apply shall comply with the requirements set out in Schedule 3.

Requirements for new and existing ships.  
Schedule 3

(b) The crew accommodation of an existing ship to which these regulations apply, that is subject to substantial alteration or repair, shall comply with the requirements set out in Schedule 3, to the extent of that alteration or repair.

76. Subject to regulation 80(5), no part of the crew accommodation shall be appropriated for the use of passengers.

Use of crew accommodation.

***Medical care and hospital accommodation***

77. (1) The Director shall ensure that

Medical care.

- (a) all seafarers serving on Virgin Island ships are covered by adequate measures for the protection of their health and have access to prompt and adequate medical care including essential dental care at no cost to them; and
- (b) seafarers on board foreign ships within the territory of the Virgin Islands who are in need of immediate medical care have access to medical facilities ashore;
- (c) the health protection and medical care referred to in subregulations (a) and (b) are comparable to that which is generally available to work as ashore in the Virgin Islands and including prompt access to necessary medicines, medical equipment and facilities for diagnoses and treatment and to medical information and expertise.

(2) Seafarers serving on Virgin Islands ships shall have the right to visit a qualified medical doctor or dentist without delay in ports of call, which shall be facilitated by the master.

Medical report form.

**78.** (1) The Director shall adopt a standard medical report form for use by masters of Virgin Islands ships and relevant onshore and on-board medical personnel, which when completed shall be kept confidential and used only to facilitate the treatment of seafarers and, the Medical Report Form provided in Schedule 6 may be used for this purpose.

Schedule 6

(2) The form mentioned in subregulation (1) shall be designed to facilitate the exchange of medical and related information concerning individual seafarers between ship and shore in cases of illness or injury.

Medical advice.

**79.** The Director shall ensure by a prearranged system that medical advice by radio or satellite communication to ships at sea, including specialist medical advice, is available twenty-four hours a day, including the onward transmission to medical messages by radio or satellite communication between a ship and those ashore giving the advice which shall be available free of charge to all ships irrespective of their nationalities and, in addition

- (a) all ships shall carry a complete and up-to-date list of radio stations through which medical advice can be obtained and, if equipped with a system of satellite communication, carry an up-to-date and complete list of coast earth stations through which medical advice can be obtained;
- (b) seafarers with responsibility for medical care or medical first aid on board shall be instructed in the use of the ship's medical guide and the medical section of the most recent edition of the International Code of Signals so as to enable

them to understand the type of information needed by the advising doctor as well as the advice received.

**80. (1)** Every ship to which these Regulations apply carrying a crew of fifteen or more persons and engaged in a voyage of more than three days' duration shall be provided with separate hospital accommodation except that the Director may authorise alternative arrangements for ships engaged in a voyage during which the vessel is no more than 150 nautical miles from a safe haven in the Virgin Islands. Hospital accommodation.

(2) In every other ship to which these Regulations apply, except one in which all seafarers have separate sleeping rooms, a suitable room shall be appropriated for use, in case of need, as temporary hospital accommodation.

(3) Hospital accommodation, whether permanent or temporary, shall be marked as such and shall be used exclusively for medical purposes.

(4) Hospital accommodation, whether permanent or temporary, shall be situated in a quiet and comfortable area that is readily accessible in all weather conditions

(a) from the sleeping room of the crew member employed as a doctor or nurse; or

(b) if no such doctor or nurse is carried, from the master's accommodation or from the accommodation provided for the person in charge of patients on board.

(5) In passenger ships, the hospital accommodation shall serve both crew and passengers.

**81. (1)** The hospital accommodation shall

(a) in all weathers, be easily of accessible, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention; and

(b) be designed so as to facilitate consultation and the giving of medical first aid and to help prevent the spread of infectious diseases.

(2) The arrangement of the entrance, berths, lighting, ventilation, heating and water supply should be designed to ensure the comfort and facilitate the treatment of the occupants.

(3) Sanitary accommodation shall be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation

Hospital accommodation arrangements.

or in close proximity thereto and shall comprise a minimum of one toilet, one washbasin and one tub or shower.

***Maintenance, inspections and surveys of crew and hospital accommodation***

Maintenance and inspection of crew accommodation.

**82. (1)** The crew and hospital accommodation shall be maintained in a clean and habitable condition and all equipment and installations required by these Regulations shall be maintained in good working order.

(2) Every part of the crew accommodation, except store rooms, shall be kept free from stores and other property not belonging to or provided for the use of persons for whom that part of the accommodation is appropriated.

(3) The master of the ship or the officer appointed by the master for the purpose shall inspect every part of the crew and hospital accommodation at intervals not exceeding seven days and shall be accompanied on the inspection by at least one member of the crew.

(4) The master of the ship or the officer appointed by the master for the purpose of inspecting the crew and hospital accommodation shall cause to be entered in the ship's official log book a record of

- (a) the date and time of the inspection;
- (b) the name and rank of the officer making the inspection; and
- (c) the particulars regarding any crew or hospital accommodation parts found by any of the persons making the inspection not to be in compliance with these Regulations.

Survey, inspection and other measures in respect of Virgin Islands ships.

**83. (1)** The crew and hospital accommodation of a ship to which these Regulations apply shall be surveyed by the certifying authority whenever

- (a) the ship is or is being registered as a Virgin Islands ship under Part II of the Act; or
- (b) all or part of the crew or hospital accommodation of a Virgin Islands ship undergoes substantial alteration or repair.

(2) If the certifying authority is not satisfied that the ship complies with the requirements of these Regulations, he may

- (a) request that measures be taken so that the ship complies with these Regulations; or



- (b) revoke any existing Maritime Labour Convention Certificates.

84. (1) The Director may, taking into consideration the special circumstances that apply to each individual ship and following consultation with the shipowner and the relevant seafarers' organisation representing the crew of the ship, allow variations from the requirements of these Regulations in the cases of

Variations, exemption to ships less than 200 GT and substantial equivalents.

- (a) ferries and similar ships which are not continuously manned with one permanent crew;
- (b) ships with personnel temporarily on board for repairs;
- (c) to go home or make use of comparable facilities for part of the day; and
- (d) any other ship, provided that the variations to be made provide corresponding advantages as a result of which the overall conditions are not less favourable than those which would result from the full application of the requirements of these Regulations together with the Schedule 3.

Schedule 3

(2) The Director may, in the case of ships the manning of which has to take account, without discrimination, of the interests of crew with different and distinctive religions and social practices, or the low or infrequent operational activity of the ship, and following the consultations with the relevant shipowners' and seafarers' organisations and subject to agreement between the said two parties, allow variations from requirements of Schedule 3 provided such variations do not result in overall conditions less favourable than those which would result from the application of the requirements of these Regulations.

(3) The Director may exempt a ship of less than 200 gross tonnage from some or all of the requirements of Schedule 3 if

- (a) the exemption is reasonable taking account of the size of the ship and the number of persons on board;
- (b) does not result in overall facilities less favourable than those which would result if no exemption had been given, and relates to
  - (i) Standard A3.1.7(b), 11(d) and 13 of the Convention; or
  - (ii) as respects floor area only, Standard A3.1.9(f) and (h) to (l) of the Convention; or

(iii) the exemption is otherwise expressly permitted in Standard A3.1 of the Convention;

(4) An exemption under this regulation

- (a) is valid only if given in writing;
- (b) may be given subject to such conditions and limitations as the Director may specify; and
- (c) may be altered or cancelled by the Director giving written notice to the shipowner.

(5) With respect to a particular ship, or ships of a particular description, the Director may approve requirements which, when taken together with the conditions and limitations to which the approval is subject, the Director considers are substantially equivalent to the requirements which are set out in Schedule 3.

Schedule 3

(6) An approval under this regulation

- (a) is valid only if given in writing;
- (b) may be given subject to such conditions and limitations as the Director may specify, and
- (c) may be altered or cancelled by the Director giving written notice to the shipowner.

### *Medical stores*

Definition of  
“dangerous  
substances”.

**85.**  
includes

For the purpose of regulations 86 to 92, “dangerous substances”

- (a) explosive substances and objects;
- (b) gases; compressed, liquefied or dissolved under pressure;
- (c) inflammable solids and liquids;
- (d) substances liable to spontaneous combustion;

- (e) substances which, on contact with water, give off inflammable gases;
- (f) combustive substances;
- (g) organic peroxides;
- (h) toxic substances;
- (i) infectious substances;
- (j) radioactive substances;
- (k) corrosive substances

**86. (1)** All Virgin Islands ships shall carry a medicine chest, medical equipment and a medical guide among the medical stores of a ship and shall be properly maintained and inspected at regular intervals, not exceeding twelve months, by responsible persons designated by the Director, who shall ensure that the labelling, expiry dates and conditions of storage of all medicines and directions for their use are checked and all equipment functioning as required.

Carriage of medical stores.

(2) The contents of the medicine chest and medical equipment shall be in accordance with the recommendations given in the current edition of *Quantification Addendum: International Medical Guide for Ships (IMGS)*, published by the World Health Organisation (WHO).

(3) Ships, including ferries, carrying dangerous cargoes or their residues, shall, in addition, comply with the International Maritime Dangerous Goods (IMDG) Code and the guidance given in the latest edition of *Medical First Aid Guide for Use in Accidents Involving Dangerous Goods (MFAG)*,

(4) Medicines and equipment already available in the IMGS list may be counted toward the MFAG numerical requirement, if appropriate and, in such case shall be stored and registered together with the regular medicines and medical supplies carried on board.

**87.** Where a cargo which is classified as dangerous has not been included in the most recent edition of the *Medical First Aid Guide for Use in Accidents Involving Dangerous Goods*, the necessary information on the nature of the substances, the risks involved, the necessary personal protective devices, the relevant medical procedures and specific antidotes shall be made available to the seafarers, which shall be on board when dangerous goods are carried.

Information re risks involved with dangerous goods.

**88. (1)** Where medical stores required to be carried on board under these Regulations are depleted or the effective dates of medicines have expired, they shall be replenished or replaced, as the case may be, at the earliest possible date

Replenishment of dated medicines.

after the depletion or expiry date, and in any event within three months of such depletion or expiry date and medical stores which have passed the expiry date shall be disposed of in accordance with the Ship Captain's Medical Guide.

(2) In an emergency the required medical stores which are not available on board shall be made available as soon as possible.

Responsibility for costs.

**89.** The owner of a ship to which these Regulations apply shall be responsible for the cost of any medical stores including the cost of periodic replacements.

Carriage of medical guides and publications.

**90.** A ship to which these Regulations apply shall carry the latest version of the Ship Captain's Medical Guide and the St. John's Ambulance or Red Cross First Aid Manual with regard to the use of medical stores required to be carried on board by regulation 87, including in particular instructions for the use of antidotes.

Medical cabinet and storage of medicines.

**91. (1)** A locked cabinet or a locked container suitable for storing medicines and the medical stores shall be well ventilated and fitted in a place in the crew area for the ship which

- (a) is always dry;
- (b) is readily accessible from the hospital accommodation; and
- (c) is not subject to abnormal heat.

(2) Where a medical cabinet is fitted it shall be provided with the following:

- (a) an outer door with an efficient lock;
- (b) where controlled drugs are to be stored, an inner cupboard fitted with a door and a lock which cannot be opened by the same key as the lock to the outer door; and
- (c) a dispensing counter with a surface that can be easily kept clean.

(3) Where a medical cabinet is fitted it shall be lit by an electric light inside or immediately outside of it which enables the contents to be clearly seen.

Inspections of medical stores.

**92.** The owner of a ship to which these Regulations apply shall ensure that the medical stores are inspected at least once a year by a pharmacist or pharmacy providing this service that has been approved by the competent authority of the place where it is located to ensure that

- (a) the ship is carrying the medical stores which it is required to carry;
- (b) such medical stores are correctly stored;
- (c) any perishable medicines have been replaced in accordance with the requirements of regulation 88.

***Provisions and water***

**93. (1)** The owner and master of every ship shall ensure that provisions and drinking water are provided on board free of charge which

Duties of owners and masters.

- (a) are suitable in respect of quantity, nutritive value, quality and variety having regard to the size of the crew, the duration and nature of the voyage, and they do not contain anything which is likely to cause sickness or injury to health or which renders any provision or water unpalatable; and
- (b) are otherwise fit for consumption.

(2) In complying with subregulation (1), the owner and master shall give consideration to the cultural and religious needs of seafarers on board.

**94.** The master or any officer authorised by the master shall, together with a member of the crew employed for catering on the ship, inspect at least once every week

Inspection of provisions and water.

- (a) provisions and drinking water for the purpose of checking whether they are in compliance with regulation 93(1); and
- (b) spaces and equipment used for the storage and handling of food and drinking water including galley and other equipment used for the preparation and service of meals,

and the results of such inspections shall be recorded in the official log book of the ship.

**95. (1)** The ship's cook and catering staff shall be properly trained and certified in the preparation of nutritionally balanced meals served in strict hygienic conditions.

Ship's cook and catering staff.

(2) No ship's cook or member of the catering staff shall be engaged on a Virgin Islands ship unless such person has completed a training which covers practical cookery, food and personal hygiene, food storage, stock control, and environmental protection and catering health and safety.

(3) The Director may recognise certificates issued by or under the authority of another State that is a Member of the Convention.

(4) Subject to subregulation (5), the Director may

- (a) exempt a ship with less than ten crew members and by reason of the ship's trading pattern, from engaging a fully qualified cook;
- (b) permit, in circumstances of exceptional necessity, the engagement of a cook who is not fully qualified, to serve on a specific ship until the next convenient port of call, but in any case, not for a period exceeding one month; or
- (c) on ships that are exempt from carrying a fully qualified cook, any person processing food in the galley shall be trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship.

(5) Every person involved in food handling and storage whether in the galley or other relevant space on the ship shall be fully trained and instructed in all matters related to food and personal hygiene as well as handling and storage of food on board ships.

(6) No seafarer under the age of 18 shall be employed or engaged or work as a ship's cook.

## **PART V HEALTH AND SOCIAL WELFARE**

### ***Shipowners liability for medical care***

Shipowner's obligations and insurance cover for liability.

**96.** (1) Every shipowner of a Virgin Islands ship shall adopt measures to ensure that subject to the relevant provisions of these Regulations, seafarers serving on their ships are protected against all financial consequences of sickness, injury or death occurring in connection with their employment and that they have the right to material assistance and support from the shipowner with respect to such financial consequences, regardless of any other legal rights and remedies a seafarer may seek or be entitled to under the laws of the Virgin Islands.

(2) (a) Every shipowner of a Virgin Islands ship shall be liable to bear

the costs for seafarers working on their ships in respect of sickness and injury of the seafarers occurring between the date of commencing duty and the date upon which they are deemed duly repatriated, or arising from their employment between those dates;

(b) Every shipowner of a Virgin Islands ship shall procure suitable and adequate insurance or other evidence of financial responsibility to cover his liability arising from his failure to meet the obligations imposed by subregulation (1) and other obligations relating to medical care for seafarers.

(c)

(3) Such insurance or other evidence of financial responsibility shall additionally ensure that seafarers who suffer death or long-term disability due to an occupational injury, illness or hazard are compensated fairly and expeditiously and, such cover shall meet the following requirements:

- (a) the contractual compensation owed to the seafarer is to be paid out in full and without delay;
- (b) the seafarer or his representative shall not be pressured to accept a payment less than the contractual amount;
- (c) where the nature of the long-term disability of the seafarer makes it difficult to assess the full contractual compensation payable to him, the financial security provider shall make an interim payment or payments to the seafarer;
- (d) any contractual compensation received by the seafarer may be offset by the shipowner against any damages resulting from any other claim made by the seafarer against the shipowner and arising from the same incident;
- (e) the seafarer's claim for contractual compensation may be brought directly by the seafarer, his next of kin, a representative or a designated beneficiary;
- (f) the financial security provider shall give advance notification to the seafarers and the Competent Authority if the financial security is to be cancelled or not renewed.

(4) (a) Every Virgin Islands ships shall carry on board a certificate or other documentary evidence of financial security issued by the financial security provider.

(b) A copy shall be posted in a conspicuous place on board where it is available to the seafarers.

(c) Where more than one financial security provider provides cover, the document provided by each provider shall be carried on board.

(5) The financial security shall not cease before the end of the period of validity of the financial security unless the financial security provider has given prior notification of at least 30 days to the competent authority.

(6). The financial security shall provide for the payment of all contractual claims covered by it which arise during the period for which the document is valid.

(7) The certificate or other documentary evidence of financial security shall contain the information required in Schedule 9. It shall be in English or accompanied by an English translation

(8) For purposes of this Part, the parties to the payment of a contractual claim may use the Receipt and Release Form set out in Schedule 8.

Schedule 8

**97. (1)** Without restricting the generality of regulation 96(1), in the event of any sickness, disease or injury suffered by any seafarer, the shipowner shall

- (a) provide, at his own expense, whether on board the ship or ashore, adequate board and lodging for such seafarer;
- (b) pay such seafarer who is, by reason of sickness, disease or injury rendered incapable for work
  - (i) wages for such time as the seafarer remains on board or is repatriated in accordance with these Regulations; and
  - (ii) where the said seafarer is no longer on board, a sum of money equivalent to the wages, exclusive of bonuses, that, but for his sickness, disease or injury, would have accrued in his favour during the continuance of his sickness, disease or injury, or during a period of sixteen weeks, whichever period is shorter.

(2) Where the seafarer entitled to receive such payment mentioned in subregulation (1)(b)(ii) has remained on board for any period following the onset of his sickness, disease or injury, any wages received during such period shall be deducted from any payment to which he would be entitled in accordance with subregulation (1)(b)(ii).

Schedule 9

Provision of board, lodging and wages.



98. (1) Ships which do not require a medical doctor on board as per regulation 37, shall be required to have at least one seafarer on board who is in charge of medical care and administering medicine as part of their regular duties or a seafarer on board competent to provide medical first aid.

Ships not requiring a medical doctor.

(2) Seafarers in charge of medical care on board who are not medical doctors shall have satisfactorily completed training in medical care that meets the requirements of the STCW Convention for mandatory minimum requirements related to medical first aid and medical care.

(3) Seafarers with responsibility for medical care or medical first aid on board shall be proficient in the use of the ship's medical guide and the medical section to the most recent edition of the International Code of Signals so as to understand the type of information needed by the advising doctors as well as the advice received.

### *Health and safety protection*

99. (1) Every shipowner shall carry out periodic assessments of all shipboard occupational health and safety hazards and the resultant risks involved concerning all aspects of work activities in relation to the health and safety of the seafarers taking into account changes in work activities and to the ship's structure or operational use, and shall take appropriate action.

Risk assessments.

(2) The shipowner shall

- (a) ensure that up to date written or retrievable electronic copies of reports of the assessments are maintained on board and posted in suitable places on board so as to be clearly readable by the seafarers concerned; and
- (b) implement protective measures appropriate to the nature of the work being carried out which are required to be taken following the assessments and, if necessary, the protective equipment to be used in accordance with recognised industry standards regulated by the law of the Virgin Islands or applicable international treaty instruments.

(3) The assessments shall be reviewed whenever there is any major change in working conditions, or whenever the shipowner or seafarers concerned by the assessments have reason to suspect that they are no longer valid.

100. (1) Shipowners of Virgin Islands ships shall

- (a) provide seafarers serving on their ships occupational health protection and facilitate living and working conditions in a safe and hygienic environment on board; and

Health protection, safe and hygienic environment and preventive programmes.

- (b) in consultation with seafarers' representatives, institute on board programmes for the prevention of occupational accidents, injuries and diseases taking account of preventive measures including engineering and design control, substitution of processes and procedures for collective and individual tasks and the use of personal protective equipment.

Implementation of ships' occupational safety and health policy accident prevention.

**101.** The shipowners of a Virgin Islands ship shall

- (a) be responsible for the implementation of and compliance with the ship's occupational safety and health policy programmes; and
- (b) take reasonable precautions to prevent occupational accidents, injuries and diseases on board including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals as well as risk of injury or disease that may arise from the use of equipment and machinery on board.

Director and Shipowners responsibilities relating to occupational accidents, health and safety.

**102. (1)** The Director shall require inspectors to inspect and report on safe conditions on board Virgin Island ships and recommend corrective measures after investigating on board occupational accidents and shall ensure that

- (a) occupational accidents, injuries and diseases are promptly investigated and reported taking account of the relevant guidance provided by the International Labour Organisation;
- (b) comprehensive statistics of such accidents and diseases are kept, analysed and published, and where appropriate, followed up by research regarding the hazards identified;
- (c) the investigation and reporting of are carried out in a manner so that seafarers' personal data are protected taking account of the guidance provided by the International Labour Organisation on this matter.

**(2)** The shipowners shall

- (a) in cooperation with shipowners' and seafarers' organisations take necessary measures to bring to the attention of all seafarers, information concerning particular hazards on board ships by posting notices containing relevant instructions;

- (b) in taking any actions relating to occupational accidents, injuries and diseases required by these Regulations, take account of the ILO Code of Practice entitled Accident Prevention on Board Ship at Sea and in Port, 1996 including all its subsequent versions and other related international standards, guidelines and codes of practice regarding occupational safety and health protection.

**103.** The shipowner may delegate to responsible persons or bodies the responsibility for ensuring compliance with these Regulations and for preparing occupational health and safety hazards assessments in accordance with regulation 99 and risk assessments as provided for in that regulation. Shipowner's delegation re assessments.

**104.** In preparing the assessments, the shipowner shall give particular attention to Particular matters of assessments.

- (a) the duties of the master to take specific responsibility for the implementation of and compliance with the ship's occupational safety and health policy and programme;
- (b) the safety and health of seafarers under the age of eighteen years; and
- (c) the relevant statistical information and associated advice on health and safety obtained from the MAIB Annual Report, the Code of Safe Working Practices for Merchant Seaman, and any Merchant Shipping Notices and Marine Guidance Notices relating to the health and safety of the seafarer.

**105.** The shipowner shall establish a safety committee on board every ship that carries five or more seafarers and specify the authority of seafarers appointed or elected as safety representatives to participate in meetings of the committee in accordance with the requirements of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 of the United Kingdom. Safety Committee. U.K. S.I 1997 No. 2962

## PART VI COMPLAINTS

**106. (1)** All Virgin Islands ships shall have on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of these Regulations through which complaints can be resolved at the lowest level possible. On-board complaint procedures.

(2) Seafarers shall have the right to complain directly to the master and, where they consider it necessary, to the appropriate authorities ashore.

(3) A seafarer may lodge with the Director a complaint alleging a breach of the requirements of the Maritime Labour Convention, and the Director shall treat the source of any such complaint as confidential.

(4) The shipowner and the master of a ship shall ensure that a seafarer is not subjected to any detriment or victimisation on the grounds that the seafarer has lodged a complaint, whether through an on-board procedure or to the Director, alleging a breach of the requirements of the Maritime Labour Convention.

(5) The term victimisation covers any adverse action taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.

Right to be accompanied, represented and heard.

**107.** The on-board complaint procedures shall include the right of the seafarer to be accompanied or represented during the complaint procedures and the right to be heard in all cases where a complaint is not manifestly malicious or vexatious.

Copy of complaints procedure to be provided to seafarers.

**108.** All seafarers serving on Virgin Islands ships shall be provided with a copy of the onboard complaint procedures and information on how the Director may be contacted and the name of the person or persons on board who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures.

Right to complain without prejudice to other forms of redress.

**109.** The right of a seafarer to complain and be heard under these Regulations is without prejudice to his right to seek redress through whatever legal means he considers appropriate and expedient.

Right to seek redress.

**110. (1)** If a seafarer serving on a Virgin Islands ship informs the master that he wishes to make a complaint to the Director, an inspector or a proper authority against any crew member or the master, the master shall, as soon as the service of the ship permits

- (a) if the ship is at a place where there is any person as referred to in subregulation (1) to whom the complaint is to be made; and
- (b) if the ship is not then at such place, after its first arrival at such a place,

permit the seafarer to go ashore or send him ashore in proper custody to enable him to make his complaint.

**115. (1)** The shipowner and the master of a ship to which these Regulations apply shall ensure that the ship is in compliance with these Regulations and if the shipowner or master fails to do so, each commit an offence and liable on summary conviction to a fine not exceeding ten thousand dollars for each offence.

Offences and penalties.

(2) A shipowner or master who obstructs a surveyor or inspector from carrying out his duties under this Part, shall each commit an offence liable on summary conviction to a fine not exceeding ten thousand dollars for each offence.

**116. (1)** No Virgin Islands ship to which this Part applies shall proceed to sea or attempt to proceed to sea on an international voyage, whether or not from the Virgin Island or its waters, unless there is in force in respect of the ship a Maritime Labour Certificate and a Declaration of Maritime Labour Compliance.

Prohibition on proceeding to sea without appropriate certificates.

(2) The master of every ship proceeding on a voyage from the Virgin Islands or its waters to a port or place outside the Virgin Islands shall produce to the officer from whom a clearance for the ship is requested, at the time such request is made, the certificate and declaration as referred to in subregulation (1), and a clearance shall not be granted, and the ship may be detained, until the certificate and declaration are so produced.

**117. (1)** The Director shall, following an inspection of a ship carried out under this Part finds the ship not to be in compliance with these Regulations, ensure that the ship does not sail until it can proceed to sea without presenting an unreasonable threat of harm to the working and living conditions of the seafarers, and any expenses incurred therefor shall be a charge on the ship.

Detention and delay.

(2) A ship referred to in subregulation (1) shall not be unduly detained or delayed.

(3) Where a ship or its owner suffers any loss or damage resulting from the ship being unduly detained or delayed, or from the wrongful exercise of the surveyor or inspector's powers under this Part, the shipowner may claim compensation under the applicable laws of the Virgin Islands for such loss or damage.

**118.** Where the Director receives a complaint from the government of a state party to the Convention that a Virgin Islands ship subjected to port state inspections in that state in accordance with the Convention was found to have serious deficiencies in the implementation of measures set out in the ship's declaration of maritime labour compliance, and the Director is satisfied that the complaint is not manifestly unfounded or obtains evidence in support of the complaint, he shall have the complaint investigated, and ensure that action is taken to rectify the deficiencies found.

Complaints from foreign governments about Virgin Islands ship.

Director to maintain and publish reports of inspections.

**119.** The Director shall maintain records of inspections of the conditions of seafarers serving on Virgin Islands ships and shall publish an annual report of inspections within a reasonable time not exceeding six months from the end of each year.

### *Inspections*

Inspections carried out by surveyors and inspectors.

**120. (1)** Every Virgin Islands ship shall be subjected to inspections as provided in this Part which shall be carried out to determine and verify whether the measures relating to working and living conditions are in accordance with the requirements of these Regulations and that the declaration of maritime labour compliance referred to in regulation 116 is being followed.

(2) Inspections referred to in subregulation (1) shall

- (a) be carried out by surveyors or inspectors duly authorised by the Director; and
- (b) take place at intervals specified in this Part, but in no case shall they be in excess of three years,
- (c) include as a minimum the items listed in Schedule 5.

Schedule 5

(3) Surveyors and inspectors referred to in this regulation shall be given clear instructions and guidelines by the Director and shall be empowered to

- (a) board any ship to which these Regulations apply;
- (b) carry out any examination, test or inquiry which they may consider necessary to satisfy themselves that the relevant provisions of these Regulations are being strictly observed;
- (c) require any deficiency found to exist to be rectified; and
- (d) where they have grounds to believe that deficiencies constitute a serious breach of the requirements of these Regulations, including seafarers' rights, or pose a significant danger to the health, safety or security of seafarers, prohibit the ship from sailing until necessary action is taken to rectify the deficiencies.

(4) Surveyors and inspectors referred to in this regulation shall act objectively and impartially in carrying out their tasks pursuant to this Part and shall not be given any tasks that might be in actual or potential conflict with their authority under this regulation or otherwise compromise their integrity or the objective and impartial discharge of their responsibilities, and shall be prohibited

from having any direct or indirect interest in any operation or activity which is the subject of their inspections.

(5) Any action taken under subregulation (3)(c) or (d) shall be subject to appeal pursuant to relevant provisions of the Act.

(6) Surveyors and inspectors may, in lieu of recommending legal proceedings to be instituted against the ship, shipowner or master, as the case may be, provide advice where there is no clear indication of a breach of these Regulations endangering the safety, health or security of the seafarers concerned or where there is no evidence of previous breaches.

(7) Surveyors and inspectors shall not divulge the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a breach of these Regulations to any person other than the Director or an official designated by him for the purpose.

(8) Surveyors and inspectors shall submit a report of each inspection to a Director, a copy of which shall be posted up at a suitable place on the ship for the information of seafarers.

**121.** (1) Where a surveyor or inspector referred to in regulation 120 has ascertained through inspection that the ship meets or continuous to meet the relevant standards prescribed in this Regulations, the Director shall issue or renew a Maritime Labour Certificate to that effect and shall cause a publicly available record of it to be maintained.

Maritime Labour Certificate and validity and intermediate inspections.

(2) The Maritime Labour Certificate referred to in subregulation (1) shall be valid for a period not exceeding five years and shall be subject to at least one intermediate inspection, which shall be carried out between the second and third anniversary dates of the Certificate, where the period of validity is five years.

(3) The scope and depth of the intermediate inspection shall be the same as that for a renewal inspection and the Certificate shall be endorsed following satisfactory intermediate inspection.

**122.** (1) A renewal inspection shall be completed within a period of three month before and after the expiry of the existing Maritime Labour Certificate and a new Maritime Labour Certificate shall be issued, the validity of which

Renewal inspection for renewal of Maritime Labour Certificate.

(a) where the renewal inspection has been completed within three month before the expiry of the existing Maritime Labour Certificate the renewed Maritime Certificate shall be valid from the date of completion of the renewal inspection for a period not exceeding five years from the date of expiry of the existing Certificate;

Validity of certificates to cease and their withdrawal.

**126. (1)** A certificate issued under regulations 121, 122 or 123 shall cease to be valid in any of the following cases:

- (a) if the relevant inspections are not completed within the periods specified in regulations 121, 122 and 123;
- (b) if the certificate is not endorsed in accordance with regulation 121 (3);
- (c) when a Virgin Islands ship changes flag;
- (d) when a shipowner ceases to assume the responsibility for the operation of a Virgin Islands ship; and
- (e) when substantial changes have been made to the structure or equipment covered in Part IV.

(2) In the case referred to in subregulation (1)(c), (d) or (e), a new certificate shall only be issued when the Director is fully satisfied that the ship is in compliance with the requirements of this Part.

(3) The Director shall withdraw a Maritime Labour Certificate if there is evidence that the ship concerned is not in compliance with the requirements of these Regulations and no required corrective action has been taken.

(4) When considering whether a Maritime Labour Certificate should be withdrawn in accordance with subregulation (3), the Director or the recognised organisation shall take into account the seriousness or the frequency of the deficiencies.

### ***Port State Responsibilities***

Inspections in port.

**127. (1)** Every foreign ship calling at a Virgin Islands port in the normal course of its business or for operational reasons shall be inspected in accordance with this Part for the purpose of determining whether the ship is in compliance with the relevant provisions of these Regulations relating to the working and living conditions of seafarers on the ship.

(2) The inspections referred to in subregulation (1) shall be carried out by inspectors authorised by the Director for the purpose, who shall, subject to regulation 128, limit the inspections to an examination of the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance and accept them as prima facie evidence of compliance with the requirements of these Regulations applicable to foreign ships, in particular the rights of seafarers.

Detailed inspections.

**128. (1)** Where an inspector in carrying out an inspection under this regulation finds that



- (a) the required documents are not produced or maintained or are falsely maintained or they do not contain the information required under these Regulations, or are invalid;
- (b) there are grounds for believing that the working and living conditions on board are not in conformity with the relevant requirements of these Regulations;
- (c) there are reasonable grounds to believe that the ship has changed flag for the purpose of avoiding compliance with the relevant requirements of these Regulations; or
- (d) there is a complaint alleging that specific working and living conditions on the ship are not in conformity with the relevant requirements of these Regulations

a more detailed inspection may be carried out to ascertain whether the working and living conditions on board alleged to be defective could constitute a hazard to the safety, health or security of seafarers or where there are grounds to believe that any deficiencies constitute a serious breach of the relevant requirements of these Regulations, in particular, the rights of seafarers.

Schedule 5

(2) A detailed inspection referred to in subregulation (1)(a), (b) and (c) shall in principle cover the matters listed in Schedule 5.

(3) In the case of a complaint under subregulation 1(d), the inspection shall be limited to matters within the scope of the complaint which, upon investigation, may provide clear grounds for a detailed inspection in accordance with subregulation (1)(d).

(4) For the purposes of this regulation, "complaint" means information submitted by a seafarer or a seafarers' organisation alleging the matters referred to in subregulation (1)(d).

**129. (1)** Where following a more detailed inspection the working and living conditions in the ship are found not to be in conformity with the relevant requirements of these Regulations, the inspector shall forthwith notify the master of the deficiencies and specify deadlines for their rectification; and if such deficiencies are considered to be significant, or if they relate to a complaint made under regulation 128, the inspector shall notify the Director and any Flag State authority of the ship or its representative and the competent authority of the ship's next port of call, and may also inform the Director General of the International Labour Office.

Rectification of deficiencies.

(2) Where a foreign ship is detained or delayed in a Virgin Islands port under this Part, the Director shall notify the Flag State authorities accordingly.

**130.** (1) Where, following a more detailed inspection by an Inspector to conform to the requirements of the Convention and

Detention of ships for non-conformity with requirements of the Convention.

- (a) the conditions on board are clearly hazardous to the safety, health or security of seafarers; or
- (b) the non-conformity constitutes a serious or repeated breach of the requirements of the Convention including seafarers' rights,

the Surveyor shall take steps to ensure that the ship is detained under the powers conferred by section 439 of the Act and does not proceed to sea until any non-conformities that fall within the scope of paragraphs (a) or (b) have been rectified, or until the Inspector has accepted a plan of action to rectify such non-conformities and is satisfied that the plan will be implemented in an expeditious manner.

(2) If the ship is prevented from sailing, the Inspector shall forthwith notify the Flag State accordingly and invite a representative of the Flag State to be present, if possible, requesting the Flag State to reply within a prescribed deadline and, the Surveyor shall also inform forthwith the shipowners' and seafarers' organisations.

(3) Where a foreign ship is detained or delayed in a Virgin Islands port under this Part, the Director shall notify the Flag State authorities accordingly.

Conformity with CMOU on PSC

**131.** The inspections referred to in regulations 127 to 130 shall, in so far as they are carried out specifically in accordance with the requirements of these Regulations be in conformity with the procedures of the Caribbean memorandum of Understanding (CMOU) on Port State Control (PSC).

**SCHEDULE 1**

(Regulation 42)

**TABLE OF SHIPBOARD WORKING ARRANGEMENTS**

Name of ship: \_\_\_\_\_ Flag of ship: \_\_\_\_\_ IMO number (if any): \_\_\_\_\_  
Latest update of table: \_\_\_\_\_ ( ) of ( ) pages

The maximum hours of work or minimum hours of rest are in accordance with the Merchant Shipping (Maritime Labour Convention) Regulations, 2016 issued in conformity with the International Labour Convention, 2006 and with any applicable collective agreement and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW Convention).

Maximum hours of work or minimum hours of rest: \_\_\_\_\_.

Other requirements: \_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> Delete as applicable.

Position/Rank <sup>2</sup>	Scheduled daily work hours at sea		Scheduled daily work hours in port		Comments	Total daily work/rest hours	
	Watchkeeping (from-to)	Non-watchkeeping duties (from-to)	Watchkeeping (from-to)	Non-watchkeeping duties (from-to) <sup>3</sup>		At sea	In port

Signature of master \_\_\_\_\_

<sup>2</sup> For those positions/ranks that are also listed in the ship's safe Manning document, the terminology used should be the same as in that document.

<sup>3</sup> For watchkeeping personnel, the comments section may be used to indicate the anticipated number of hours to be devoted to unscheduled work and any such hours should be included in the appropriate total daily work hours column.

**SCHEDULE 2**

(Regulation 44)

**RECORD OF HOURS OF WORK OR HOURS OF REST OF SEAFARERS**

Name of ship: \_\_\_\_\_ Flag of ship: \_\_\_\_\_ IMO number (if any): \_\_\_\_\_  
Seafarer (full name): \_\_\_\_\_ Position / rank: \_\_\_\_\_  
Month and year: \_\_\_\_\_ Watchkeeper<sup>1</sup>: yes  no

Record of hours of work/rest<sup>2</sup>

Please mark periods of work or rest, as applicable, with an X, or using a continuous line or arrow.

COMPLETE THE TABLE ON THE REVERSE SIDE

The following national laws, regulations and/or collective agreements governing limitations on working hours or minimum rest periods apply to this ship:

*I agree that this record is an accurate reflection of the hours of work or rest of the seafarer concerned.*

Name of master or person authorised by master to sign this record \_\_\_\_\_

<sup>1</sup> Check as appropriate.

<sup>2</sup> Delete as appropriate.

Signature of master or authorised person \_\_\_\_\_

Signature of seafarer \_\_\_\_\_

A copy of this record is to be given to the seafarer.

This form is subject to examination and endorsement under procedures established by the Director.







## SCHEDULE 3

(Regulations 71 to 76 and 84)

### ACCOMMODATION REQUIREMENTS FOR VIRGIN ISLANDS SHIPS

#### 1 General requirements for accommodation:

1.1 (a) There shall be adequate headroom in all seafarer accommodation; the minimum permitted headroom in all seafarer accommodation where full and free movement is necessary shall be not less than 203 centimetres; the Director may permit some limited reduction in headroom in any space, or part of any space, in such accommodation where it is satisfied that such reduction:

(i) is reasonable; and

(ii) will not result in discomfort to the seafarers;

(b) the accommodation shall be adequately insulated;

(c) in ships other than passenger ships, as defined in the International Convention for the Safety of Life at Sea, 1974, in its up to date version, (SOLAS Convention), sleeping rooms shall be situated above the load line amidships or aft, except that in exceptional cases, where the size, type or intended service of the ship renders any other location impracticable, sleeping rooms may be located in the fore part of the ship, but in no case forward of the collision bulkhead;

(d) in passenger ships, and in special ships constructed in compliance with the IMO Code of Safety for Special Purpose Ships, 1983, in its up to date version (hereinafter referred to as special purpose ships), the Director may, on condition that satisfactory arrangements are made for lighting and ventilation, permit the location of sleeping rooms below the load line, but in no case shall they be located immediately beneath working alleyways;

(e) there shall be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas; that part of a bulkhead separating such places from sleeping rooms and external bulkheads shall be

efficiently constructed of steel or other approved substance and be watertight and gastight;

(f) the materials used to construct internal bulkheads, panelling and sheeting, floors and joinings shall be suitable for the purpose and conducive to ensuring a healthy environment;

(g) proper lighting and sufficient drainage shall be provided; and

(h) accommodation and recreational and catering facilities shall meet the requirements of the related provisions on health and safety protection and accident prevention, with respect to preventing the risk of exposure to hazardous levels of noise and vibration and other ambient factors and chemicals on board ships, and to provide an acceptable occupational and on-board living environment for seafarers.

1.2 In the case of ships where there is need to take account, without discrimination, of the interests of seafarers having differing and distinctive religious and social practices, the Director may, after consultation with the shipowners' and the seafarers' organisations concerned, permit fairly applied variations in respect of this Schedule on condition that such variations do not result in overall facilities less favourable than those which would result from the application of this Schedule.

1.3 The Director may, after consultation with the shipowners' and the seafarers' organisations concerned, exempt ships of less than 200 gross tonnage where it is reasonable to do so, taking account of the size of the ship and the number of persons on board in relation to the requirements of the following provisions of this Schedule:

(a) paragraphs 2.2, 6.4 and 8.1; and

(b) paragraphs 4.6 and 4.8 to 4.12 inclusive, with respect to floor area only.

1.4 Any exemptions with respect to the requirements of this Schedule may be made only where they are expressly permitted in this Schedule and only for particular circumstances in which such exemptions can be clearly justified on strong grounds and subject to protecting the seafarers' health and safety.

## **2 Ventilation and Heating**

2.1 Sleeping rooms and mess rooms shall be adequately ventilated.

2.2 Ships, except those regularly engaged in trade where temperate climatic conditions do not require this, shall be equipped with air conditioning for seafarer accommodation, for any separate radio room and for any centralised machinery control room.

2.3 All sanitary spaces shall have ventilation to the open air, independently of any other part of the accommodation.

2.4 Adequate heat through an appropriate heating system shall be provided, except in ships exclusively on voyages in tropical climates.

## **3 Lighting**

3.1 With respect to requirements for lighting, subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms shall be lit by natural light and provided with adequate artificial light.

## **4 Sleeping Accommodation**

4.1 In ships other than passenger ships, and individual sleeping room shall be provided for each seafarer; in the case of ships of less than 3,000 gross tonnage or special purpose ships, exemptions from this requirement may be granted by the Director after consultation with the shipowners' and the seafarers' organisations concerned.

4.2. Separate sleeping room should be provided for men and for women.

4.3 Sleeping rooms shall be of adequate size and properly equipped so as to ensure reasonable comfort and to facilitate tidiness.

4.4 A separate berth for each seafarer shall in all circumstances be provided.

4.5 The minimum inside dimensions of a berth shall be at least 198 centimetres by 80 centimetres.

4.6 In single berth seafarers' sleeping rooms the floor area shall not be less than:

- (i) 4.5 square metres in ships of less than 3,000 gross tonnage;
- (ii) 5.5 square metres in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage;
- (iii) 7 square metres in ships of 10,000 gross tonnage or over;

4.7 However, in order to provide single berth sleeping rooms on ships of less than 3,000 gross tonnage, passenger ships and special purpose ships, the Director may allow a reduced floor area.

4.8 In ships of less than 3,000 gross tonnage other than passenger ships and special purpose ships, sleeping rooms may be occupied by a maximum of two seafarers; the floor area of such sleeping rooms shall not be less than 7 square metres.

4.9 On passenger ships and special purpose ships the floor area of sleeping rooms for seafarers not performing the duties of ships' officers shall not be less than

- (i) 7.5 square metres in rooms accommodating two persons;
- (ii) 11.5 square metres in rooms accommodating three persons;
- (iii) 14.5 square metres in rooms accommodating four persons;

4.10 On special purpose ships sleeping rooms may accommodate more than four persons; the floor area of such sleeping rooms shall not be less than 3.6 square metres per person.

4.11 On ships other than passenger ships and special purpose ships, sleeping rooms for seafarers who perform the duties of ships' officers, where no private sitting room or day room is provided, the floor area per person shall not be less than

- (i) 7.5 square metres in ships of less than 3,000 gross tonnage;

(ii) 8.5 square metres in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage;

(iii) 10 square metres in ships of 10,000 gross tonnage or over;

4.12 On passenger ships and special purpose ships the floor area for seafarers performing the duties of ship's officers where no private sitting room or day room is provided, the floor area per person for junior officers shall not be less than 7.5 square metres and for senior officers not less than 8.5 square metres; junior officers are understood to be at the operational level, and senior officers at the management level.

4.13 The master, the chief engineer and the chief navigating officer shall have, in addition to their sleeping rooms, and adjoining sitting room, day room or equivalent additional space; ships of less than 3,000 gross tonnage may be exempted by the Director from this requirement after consultation with the shipowners' and the seafarers' organisations concerned;

4.14 For each occupant, the furniture shall include a clothes locker of ample space (minimum 475 litres) and a drawer or equivalent space of not less than 56 litres; if the drawer is incorporated in the clothes locker then the combined minimum volume of the clothes locker shall be 500 litres; it shall be fitted with a shelf and be able to be locked by the occupant so as to ensure privacy.

4.15 Each sleeping room shall be provided with a table or desk, which may be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation as necessary.

## **5 Mess Rooms**

5.1 Mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley; ships of less than 3,000 gross tonnage may be exempted by the Director from this requirement after consultation with the shipowners' and the seafarers' organisations concerned.

5.2 Mess rooms shall be of adequate size and comfort and properly furnished and equipped (including ongoing facilities for refreshment), taking account of the number of seafarers likely to use them at any one time; provision shall be made for separate or common mess room facilities as appropriate.

## **6. Sanitary Facilities**

6.1 All seafarers shall have convenient access on the ship to sanitary facilities meeting minimum standards of health and hygiene and reasonable standards of comfort, with separate sanitary facilities being provided for men and for women.

6.2 There shall be sanitary facilities within easy access to the navigating bridge and the machinery space or near the engine room centre; ships of less than 3,000 gross tonnage may be exempted by the Director from this requirement after consultation with the shipowners' and the seafarers' organisations concerned.

6.3 In all ships a minimum of one toilet, one wash basin and one tub or shower or both for every six persons or less who do not have personal facilities shall be provided at a convenient location.

6.4 With the exception of passenger ships, each sleeping room shall be provided with a washbasin having hot and cold running fresh water, except where such a washbasin is situated in the private bathroom provided.

6.5 In passenger ships normally engaged on voyages of not more than four hours' duration, consideration may be given by the Director to special arrangements or to a reduction in the number of facilities required.

6.6 Hot and cold running fresh water shall be available in all wash places.

## **7 Laundry Facilities**

7.1 Appropriately situated and furnished laundry facilities shall be available.

## **8 Recreational Facilities**

8.1 All ships shall have a space or spaces on open deck to which the seafarers can have access when off duty, which are of adequate area having regard to the size of the ship and the number of seafarers on board.

8.2 Appropriate seafarers' recreational facilities, amenities and services, as adapt to meet the special needs of seafarers who shall live and work on ships, shall be provided on board for the

benefit of all seafarers, taking into account, the associated provisions on health and safety protection and accident prevention.

## **9 Other Facilities**

9.1 All ships shall be provided with separate offices or a common ship's office for use by deck and engine departments; ships of less than 3,000 gross tonnage may be exempted by the Director from this requirement after consultation with the shipowners' and the seafarers' organisations concerned.

9.2 Ships regularly trading to mosquito-infested ports shall be fitted with appropriate devices as required by the Director.

**SCHEDULE 4**

(Regulation 125)

**MARITIME LABOUR CERTIFICATE**

*(Note: This Certificate shall have a Declaration  
of Maritime Labour Compliance attached)*

Issued under the provisions of Article V and Title 5 of the  
Maritime Labour Convention, 2006  
(referred to below as “the Convention”)  
under the authority of the Government of the British Virgin Islands  
by the Director appointed under section 414 of the Merchant Shipping Act, 2001

---

(full address)

Particulars of the ship

Name of ship \_\_\_\_\_  
Distinctive number or letters \_\_\_\_\_  
Port of registry \_\_\_\_\_  
Date of registry \_\_\_\_\_  
Gross tonnage<sup>1</sup> \_\_\_\_\_  
IMO number \_\_\_\_\_  
Type of ship \_\_\_\_\_  
Name and address of the shipowner<sup>2</sup> \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

<sup>1</sup> For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is defined in the Merchant Shipping (Tonnage) Regulations, 1996.

<sup>2</sup> *Shipowner* has the meaning given in regulation 2(1) of the Merchant Shipping (Maritime Labour Convention) Regulations, 2019.



This is to certify:

1. That this ship has been inspected and verified to be in compliance with the requirements of the Merchant Shipping (Maritime Labour Convention) Regulations, 2019 giving effect to the Convention, and the provisions of the attached Declaration of Maritime Labour Compliance.
2. That the seafarers' working and living conditions specified in Part IV of the Merchant Shipping (Maritime Labour Convention) Regulations, 2019 and Schedule 3 thereto giving effect to Appendix A5-I of the Convention. These national requirements are summarised in the Declaration of Maritime Labour Compliance, Part I.

This Certificate is valid until \_\_\_\_\_ subject to inspections in accordance with regulations 137 to 139 of the Merchant Shipping (Maritime Labour Convention) Regulations, 2019 giving effect to Standards A5.1.3 and A5.1.4 of the Convention.

This Certificate is valid only when the Declaration of Maritime Labour Compliance issued at \_\_\_\_\_ on \_\_\_\_\_ is attached.

Completion date of the inspection on which this Certificate is based was \_\_\_\_\_

Issued at \_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_  
Signature of the Director

(Seal or stamp)

*Endorsements for mandatory intermediate inspection and, if required, any additional inspection*

This is to certify that the ship was inspected in accordance with the relevant provisions of the Merchant Shipping (Maritime Labour Convention) Regulations, 2019 giving effect to Standards A5.1.3 and A5.1.4 of the Convention and that the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country's national requirements implementing the Convention.

*Intermediate inspection:*  
(to be completed between the second  
and third anniversary dates)

(Signature of Director)

Place

\_\_\_\_\_  
Date

Signed

\_\_\_\_\_  
(Seal or stamp)

*Additional endorsements (if required)*

This is to certify that the ship was the subject of an additional inspection for the purpose of verifying that the ship continued to be in compliance with the national requirements implementing the Convention, as required by Standard A3.1, paragraph 3, of the Convention (re-registration or substantial alteration of accommodation) or for other reasons.

*Additional inspection:*  
(if required)

Signed

\_\_\_\_\_  
(Signature of Director)

Place

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Seal or stamp)

*Additional inspection:*  
(if required)

Place

\_\_\_\_\_

Date

\_\_\_\_\_

(Seal or stamp)

*Additional inspection:*  
(if required)

Signed

\_\_\_\_\_

(Signature of Director)

Place

\_\_\_\_\_

Date

\_\_\_\_\_

(Seal or stamp)

Signed

\_\_\_\_\_

(Signature of Director)

This is to certify that, following a renewal inspection, the ship was found to continue to be in compliance with national laws and regulations or other measures implementing the requirements of this Convention, and that the present certificate is hereby extended, in accordance with paragraph 4 of Standard A5.1.3, until ..... (not more than five months after the expiry date of the existing certificate) to allow for the new certificate to be issued to and made available on board the ship. Completion date of the renewal inspection on which this extension is based was: .....

Signed: .....  
(Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

**MARITIME LABOUR CONVENTION, 2006**

**DECLARATION OF MARITIME LABOUR COMPLIANCE – PART I**

*(Note: This Declaration shall be attached  
to the ship's Maritime Labour Certificate)*

Issued under the authority of the Government of the British Virgin Islands  
by the Director appointed under section 414 of the Merchant Shipping Act, 2001

With respect to the provisions of the Maritime Labour Convention, 2006, the following  
referenced ship:

<b>Name of ship</b>	<b>IMO number</b>	<b>Gross tonnage</b>

is maintained in accordance with the relevant provisions of the Merchant Shipping (Maritime  
Labour Convention) Regulations, 2019 giving effect to Standard A5.1.3 of the Convention.  
The undersigned declares, on behalf of the abovementioned competent authority, that

- (a) the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
- (c) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- (d) any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

- 1. Minimum age (Regulation 1.1) \_\_\_\_\_
- 2. Medical certification (Regulation 1.2) \_\_\_\_\_
- 3. Qualifications of seafarers (Regulation 1.3) \_\_\_\_\_
- 4. Seafarers' employment agreements (Regulation 2.1) \_\_\_\_\_

5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4) \_\_\_\_\_
6. Hours of work or rest (Regulation 2.3) \_\_\_\_\_
7. Manning levels for the ship (Regulation 2.7) \_\_\_\_\_
8. Accommodation (Regulation 3.1) \_\_\_\_\_
9. On-board recreational facilities (Regulation 3.1) \_\_\_\_\_
10. Food and catering (Regulation 3.2) \_\_\_\_\_
11. Health and safety and accident prevention (Regulation 4.3) \_\_\_\_\_
12. On-board medical care (Regulation 4.1) \_\_\_\_\_
13. On-board complaint procedures (Regulation 5.1.5) \_\_\_\_\_
14. Payment of wages (Regulation 2.2) \_\_\_\_\_
15. Financial Security for Repatriation (Regulation 2.5) \_\_\_\_\_
16. Financial security relating to shipowners' liability (Regulation 4.2) \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_

(Seal or Stamp)

### Substantial equivalencies

(Note: Strike out the statement which is not applicable)

The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted (insert description if applicable):

.....  
 .....

No equivalency has been granted.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_  
(Seal or Stamp)

### Exemptions

(Note: Strike out the statement which is not applicable)

The following exemptions granted by the competent authority as provided in Title 3 of the Convention are noted:

.....  
.....

No exemption has been granted.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Place: \_\_\_\_\_  
Date: \_\_\_\_\_  
(Seal or Stamp)

### DECLARATION OF MARITIME LABOUR COMPLIANCE – PART II

#### *Measures adopted to ensure ongoing compliance between inspections*

The following measures have been drawn up by the shipowner, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

*(State below the measures drawn up to ensure compliance with each of the items in Part I)*

1. Minimum age (Regulation 1.1)

\_\_\_\_\_

2. Medical certification (Regulation 1.2)

\_\_\_\_\_

3. Qualifications of seafarers (Regulation 1.3)

\_\_\_\_\_

4. Seafarers' employment agreements (Regulation 2.1)

5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)

6. Hours of work or rest (Regulation 2.3)

7. Manning levels for the ship (Regulation 2.7)

8. Accommodation (Regulation 3.1)

9. On-board recreational facilities (Regulation 3.1)

10. Food and catering (Regulation 3.2)

11. Health and safety and accident prevention (Regulation 4.3)

12. On-board medical care (Regulation 4.1)

13. On-board complaint procedures (Regulation 5.1.5)

14. Payment of wages (Regulation 2.2)

15. Financial Security for Repatriation (Regulation 2.5)



16. Financial security relating to shipowners' liability (Regulation 4.2)

---

I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

Name of shipowner<sup>1</sup> \_\_\_\_\_

Company address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of the authorised signatory:

Title: \_\_\_\_\_

Signature of the authorised signatory:

\_\_\_\_\_  
Date: \_\_\_\_\_

(Stamp or seal of the shipowner<sup>1</sup>)

The above measures have been reviewed by the Director and, following inspection of the ship, have been determined as meeting the purposes of the relevant provisions of the Merchant Shipping (Maritime Labour Convention) Regulations, 2016 giving effect to Standard A5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_

(Seal or Stamp)

---

<sup>1</sup> *Shipowner* has the meaning given in regulation 2(1) of the Merchant Shipping (Maritime Labour Convention) Regulations, 2016.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_

(Seal or stamp of the Director)

## INTERIM MARITIME LABOUR CERTIFICATE

Issued under the provisions of Article V and Title 5 of the  
Maritime Labour Convention, 2006  
(referred to below as “the Convention”)  
under the authority of the Government of the British Virgin Islands  
by the Director appointed under section 414 of the Merchant Shipping Act, 2001

---

(full address)

### Particulars of the ship

Name of ship \_\_\_\_\_  
Distinctive number or letters \_\_\_\_\_  
Port of registry \_\_\_\_\_  
Date of registry \_\_\_\_\_  
Gross tonnage<sup>11</sup> \_\_\_\_\_  
IMO number \_\_\_\_\_  
Type of ship \_\_\_\_\_  
Name and address of the shipowner<sup>12</sup> \_\_\_\_\_

---

---

This is to certify, for the purposes of regulation 139 of the Merchant Shipping (Maritime Labour Convention) Regulations, 2019 giving effect to Standard A5.1.3, paragraph 7, of the Convention, that:

- (a) this ship has been inspected, as far as reasonable and practicable, for the matters listed in Schedule 5 of the Merchant Shipping (Maritime Labour Convention) Regulations, 2019 giving effect to Appendix A5-I to the Convention, taking into account verification of items under (b), (c) and (d) below;
- (b) the shipowner has demonstrated to the competent authority or recognised organisation that the ship has adequate procedures to comply with the Convention;
- (c) the master is familiar with the requirements of the Convention and the responsibilities for implementation; and

---

<sup>11</sup> For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is defined in the Merchant Shipping (Tonnage) Regulations, 1996.

<sup>12</sup> *Shipowner* has the meaning given in regulation 2(1) of the Merchant Shipping (Maritime Labour Convention) Regulations, 2016.

(d) relevant information has been submitted to the Director to produce a Declaration of Maritime Labour Compliance.

This Certificate is valid until \_\_\_\_\_ subject to inspections in accordance with the relevant provisions of the Merchant Shipping (Maritime Labour Convention) Regulations, 2019 giving effect to Standards A5.1.3 and A5.1.4.

Completion date of the inspection referred to under (a) above was \_\_\_\_\_

Issued at \_\_\_\_\_ on \_\_\_\_\_

Signature of the Director \_\_\_\_\_

(Seal or stamp)

## **SCHEDULE 5**

(Regulations 120, 123, 124, 128)

### **INSPECTION LIST**

The working and living conditions of seafarers that shall be inspected and approved by the British Virgin Islands before certifying a ship in accordance with the relevant provisions of the Merchant Shipping (Maritime Labour Convention) Regulations, 2019 giving effect to Regulation 5.1.3 of the Convention:

Minimum age

Medical certification

Qualifications of seafarers

Seafarers' employment agreements

Use of any licensed or certified or regulated private recruitment and placement service

Hours of work or rest

Manning levels for the ship

Accommodation

On-board recreational facilities

Food and catering

Health and safety and accident prevention

On-board medical care

On-board complaint procedures

Payment of wages

Financial Security relating to shipowners liability

Financial Security for repatriation

**SCHEDULE 6**

(Regulation 78)

**MASTER'S CONFIDENTIAL MEDICAL REPORT FORM**

**In accordance with the  
Maritime Labour Convention, 2006, Title 4 (Standard A4.1.2)**

**SHIP'S DETAILS**

Name of Vessel: \_\_\_\_\_

IMO Number: \_\_\_\_\_ Distinguishing  
Numbers or Letters: \_\_\_\_\_

Owner  
(As given in DMLC  
Part II): \_\_\_\_\_

Name & address of  
on-shore agent: \_\_\_\_\_

Vessel Position: Port  At Sea   
(at onset of illness) (Latitude /  
Longitude)  
\_\_\_\_\_

Destination / Estimated Time of  
Next Port of Call: Arrival:  
(ETA)  
\_\_\_\_\_

**DETAILS OF THE PATIENT**

Given Name: \_\_\_\_\_ Family Name: \_\_\_\_\_

Sex: Male  Date of birth  
Female  (dd/mm/yyyy): \_\_\_\_\_

Nationality: \_\_\_\_\_ Rank / Position: \_\_\_\_\_

Identity Document Issuing Country:  
No.: \_\_\_\_\_

Date & Time (Off Date & Time  
Duty): \_\_\_\_\_ (Return): \_\_\_\_\_

**INJURY OR ILLNESS**

Date & time of injury or onset of illness: \_\_\_\_\_

Date & time of first examination or  
treatment on board: \_\_\_\_\_

Location on ship where injury occurred: \_\_\_\_\_  
 Circumstances of injury: \_\_\_\_\_  
 Symptoms: \_\_\_\_\_  
 Findings of physical examination: \_\_\_\_\_  
 Patient Condition before treatment on board: \_\_\_\_\_  
 Treatment administered on board: \_\_\_\_\_  
 Patient Condition after treatment on board: \_\_\_\_\_

Medical Advice Required: Yes  No       Shore Treatment Required: Yes  No   
 MEDIVAC Required: Yes  No       Date & Time of MEDIVAC: \_\_\_\_\_

Master's signature:       Ship's Stamp:

Master's Name (in full): \_\_\_\_\_      Date: \_\_\_\_\_

**MARITIME TELEMEDICAL ASSISTANCE SERVICE**

Method of communication: Telephone  Radio  Please Specify: \_\_\_\_\_  
 Fax  Other

Full Name of Medical Adviser: \_\_\_\_\_

Date and Time of initial contact: \_\_\_\_\_

Details of medical advice received: \_\_\_\_\_

**TO THE EXAMINING DOCTOR**

*Upon completion of the examination, please complete this section of the form and return the original to the ship's Master (or local agent named above). Please enclose all relevant medical reports with this form.*

Diagnosis: \_\_\_\_\_

Treatment: \_\_\_\_\_

*(Please specify exactly all medicines to be taken including the generic name of the medicine, the required dose, frequency of the dose, the manner in which it should be taken and any other treatments required)*

Should patient see another doctor? Yes  No       Date & Time: \_\_\_\_\_

Contagious or Yes  No       Precautions: \_\_\_\_\_

infectious disease?

necessary for other crew:

\_\_\_\_\_  
\_\_\_\_\_

Estimated duration of illness (days)

\_\_\_\_\_

***If FIT for Work***

Fit for work now: Yes  No

Fit for work from (Date & Time):

\_\_\_\_\_

Fit for restrictive work: Yes  No

What restrictions?

\_\_\_\_\_

***If UNFIT for Work***

Unfit for work: Yes  No

Number of Days:

\_\_\_\_\_

Bed rest necessary: Yes  No

Number of Days:

\_\_\_\_\_

Recommended to be signed off: Yes  No

Repatriation recommended:

Yes  No

Air transport recommended: Yes  No

Hospitalisation recommended:

Yes  No

**DECLARATION BY THE EXAMINING DOCTOR**

Date Patient was Seen: \_\_\_\_\_

Payment Received: Yes  No

Location of examination: Doctor's Office  On Board

Other  (Please specify):

Doctor's Name: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Doctor's Address: \_\_\_\_\_

Doctor's Signature:

Date: \_\_\_\_\_



## SCHEDULE 7

(Regulation 57)

### FINANCIAL SECURITY

Evidence of financial security under Regulation 57

- (a) The certificate or other documentary evidence referred under Regulation 57, shall include the following information:
- (b) name of the ship;
- (c) port of registry of the ship;
- (d) call sign of the ship;
- (e) IMO number of the ship;
- (f) name and address of the provider or providers of the financial security;
- (g) contact details of the persons or entity responsible for handling seafarers' requests for relief;
- (h) name of the shipowner;
- (i) period of validity of the financial security; and
- (j) an attestation from the financial security provider that the financial security meets the requirements of Maritime Labour Convention 2006 (as amended) Standard A2.5.2.

**SCHEDULE 8**

(Regulation 96)

**MODEL RECEIPT AND RELEASE FORM**

Ship (name, port of registry and IMO number): \_\_\_\_\_

Incident (date and place): \_\_\_\_\_

Seafarer/legal heir and/or dependent: \_\_\_\_\_

Shipowner: \_\_\_\_\_

I, [Seafarer] [Seafarer's legal heir and/or dependent]\* hereby acknowledge receipt of the sum of [currency and amount] in satisfaction of the Shipowner's obligation to pay contractual compensation for personal injury and/or death under the terms and conditions of [my] [the Seafarer's]\* employment and I hereby release the Shipowner from their obligations under the said terms and conditions.

The payment is made without admission of liability of any claims and is accepted without prejudice to [my] [the Seafarer's legal heir and/or dependent's]\* right to pursue any claim at law in respect of negligence, tort, breach of statutory duty or any other legal redress available and arising out of the above incident.

Dated: \_\_\_\_\_

Seafarer/legal heir and/or dependent: \_\_\_\_\_

Signed: \_\_\_\_\_

*For acknowledgement:*

Ship-owner/Ship-owner representative:

Signed: \_\_\_\_\_

Financial security provider: \_\_\_\_\_

Signed: \_\_\_\_\_

\* Delete as appropriate.

## SCHEDULE 9

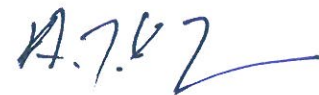
(Regulation 96)

### FINANCIAL SECURITY

Evidence of financial security under Regulation 96

- (a) The certificate or other documentary evidence referred under Regulation 96, shall include the following information:
- (b) name of the ship;
- (c) port of registry of the ship;
- (d) call sign of the ship;
- (e) IMO number of the ship;
- (f) name and address of the provider or providers of the financial security;
- (g) contact details of the persons or entity responsible for handling seafarers' requests for relief;
- (h) name of the shipowner;
- (i) period of validity of the financial security; and
- (j) an attestation from the financial security provider that the financial security meets the requirements of Standard A4.2.1.

Made by the Governor this 17<sup>th</sup> day of October, 2019.



Governor.

