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LEGAL NOTICE NO. 116

THE MERCHANT SHIPPING ACT, 2009
(No. 4 of 2009)

THE MERCHANT SHIPPING (SAFE MANNING) REGULATIONS, 2012

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THE MERCHANT SHIPPING ACT
(No. 4 of 2009)

IN EXERCISE of the powers conferred by section 170 read with 450 of the Merchant Shipping Act, the Minister for Transport makes the following Regulations:—

THE MERCHANT SHIPPING (SAFE MANNING) REGULATIONS, 2012

Citation.

1. These Regulations may be cited as the Merchant Shipping (Safe Manning Regulations), 2012.

Interpretation.

2. (1) In these Regulations, meaning in the Act shall have, unless the context indicates otherwise required —

“able seafarer deck” means a rating qualified for service on a seagoing ship of 500GT or more;

“able seafarer engine” means a rating qualified for service on a seagoing ship powered by main propulsion machinery of 750 Kw propulsion power or more;

"accredited institution" means a training institution accredited under regulation 70 of the Merchant Shipping (Training and Certification) Regulations, 2012;

“Authority” means the Kenya Maritime Authority established under the Kenya Maritime Authority Act, 2006;

"certificated", except in relation to a radio operator, means duly certificated under the Act or deemed under the Act to be so certificated, and, in relation to a radio operator, means holding a valid appropriate certificate of proficiency issued or recognized by or on behalf of the Communications Commission of Kenya;

"contravene" in relation to a provision of these regulations, includes failing or refusing to comply with that provision;

"deck officer" means a person who is qualified for service as a ship's officer in the deck department on a ship, and includes the master;

"defined fishing zone" means the Kenya Fishery Waters as defined in the Fisheries Act.

“electro technical officer” means an officer qualified and certificated for service in a ship powered by main propulsion machinery of 759Kw propulsion power or more;

“electro technical rating” means a rating qualified and certificated for service on a ship powered by main propulsion machinery of 750kW or more ;

"engineer officer" means a person who is qualified for service as a ship's officer in the engine-room department on a ship;

"examiner" means a person appointed under section 170 of the Act;

"fast rescue boat" means a rigid or semi-rigid inflatable boat used for rescue work and capable of maneuvering, for at least 4 hours, at a speed of 20 knots in calm water with a crew of at least three persons and at a speed of at least 8 knots with a full complement;

"fishing vessel" means a ship that is used for catching fish or other living resources of the sea for financial gain or reward;

"foreign ship" means any ship that is not registered in Kenya;

"GMDSS" means the global maritime distress and safety system;

"GT" in relation to a ship, means its gross tonnage calculated in accordance with the Merchant Shipping (Tonnage Measurement) Regulations, 2012;

"length", in relation to a ship, has the same meaning as in regulation 2 of the Merchant Shipping (Tonnage Measurement) Regulations, 2012;

"offshore exploration operations" means the exploitation, whether by mining or otherwise, of mineral resources of the seabed or subsoil thereof, excluding oil and gas resources;

"officer" means a person engaged as an officer on a ship;

"offshore" means seaward measured from the low-water line along a coast;

"owner", in relation to a ship, includes any person such as the manager, or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner;

"port operations" means voyages confined to the sea area within a 15 mile radius of a port;

"propulsion power" means the total maximum continuous rated output power in kilowatts of all a ship's main propulsion machinery

appearing on the ship's certificate of registry or other official document;

"radio operator" means a person having responsibility for the operation of the radio installations on a ship;

"rating" means a seafarer other than an officer;

"ro-ro passenger ship" means a passenger ship with ro-ro cargo spaces or special category spaces as defined in regulation II-2/3 of the Safety Convention;

"safe manning document" means a document that describes the minimum manning considered necessary to ensure that a ship is sufficiently and efficiently manned, and that is issued-

(a) in the case of a Kenyan ship, by the Authority; and

(b) in the case of any other ship, by or under the authority of the flag State;

"Safety Convention" means the Safety of Life At Sea Convention of 1974;

"seagoing ship" means a ship other than one that navigates exclusively in inland waters or in a sea area contemplated in the definition of port operations;

"ship to which the Safety Convention applies" means any seagoing ship, except—

(a) warships, naval auxiliaries or other ships owned or operated by a state and engaged only on government non-commercial service;

(b) ships of less than 500 GT, other than passenger ships;

(c) ships not propelled by mechanical means;

(d) wooden ships of traditional build;

(e) ships used solely for sport or recreation; and

(f) fishing vessels;

“ship to which the STCW Convention applies” means any seagoing ship, except—

- (a) warships, naval auxiliaries or other ships owned or operated by a state and engaged only on government non-commercial service;
- (b) fishing vessels;
- (c) ships used solely for sport or recreation; and
- (d) wooden ships of traditional build;

“STCW Convention” means the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, as amended and “Convention” shall be construed accordingly;

“STCW Code” means the Seafarers’ Training, Certification and Watchkeeping Code, as amended;

"tanker" means a ship—

- (a) constructed or adapted and used for the carriage in bulk of any liquid product listed in chapter 17 of the latest edition of the *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* published by the International Maritime Organization, constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in chapter 19 of the latest edition of the *International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk* published by the International Maritime Organization,
- (b) constructed and used for the carriage in bulk of petroleum or petroleum products;

"the Code" means the Code for Kenyan Maritime Qualifications published by the Authority as amended from time to time;

"the Training and Certification Regulations" means the Merchant Shipping (Training and Certification) Regulations, 2012;

"unlimited voyage" means a voyage other than one contemplated in the definitions of near-coastal voyage and port operations;

"Kenyan waters" includes—

- (a) the internal and territorial waters of Kenya; and
- (b) the exclusive economic zone of Kenya.

(2) A reference in these regulations to the holder of any certification or document or to holding any certification or document shall be read as a reference to the lawful holder of the certification or document or to lawfully holding the certification or document, as the case may be.

(3) For the purposes of these regulations, a ship shall be taken to be at sea at any time when it is not securely ashore or moored in a safe berth, provided that a ship shall not be taken to be at sea by reason only that the ship has been got underway for the purpose of moving the ship from one berth in a port to another berth in the port.

Application.

3. (1) Subject to this regulation—

- (a) these regulations shall apply to every Kenyan ship wherever it may be;
- (b) Regulation 24 shall apply, in addition to every Kenyan ship wherever it may be, to every foreign ship to which the Safety Convention applies, when in Kenyan waters.
- (c) Regulations 6, 7, 25 and 26 shall apply, in addition to every Kenyan ship wherever it may be, to every foreign ship to which the STCW Convention applies, when in Kenya or its territorial waters.

(2) A provision of these regulations shall not apply to a Kenyan ship in the waters of another State where the provision is inconsistent with a law of that State which, by its terms, applies to the ship when in the waters of that State.

(3) These regulations shall not apply to—

- (a) vessels of less than 25 GT;
- (b) any vessel of less than 100 GT that is used solely for sport or recreation; or any vessel of 100 GT or more which is classified in terms of the life-saving equipment regulations as a Class XII yacht, if there is employed on the vessel an adequate number and description of persons to ensure that the vessel is sufficiently and efficiently manned.

Responsibilities of owners and masters.

4. (1) The owner of every ship shall ensure that—

- (a) no ship's officer takes charge of a navigational or engineering watch on the ship unless the officer holds appropriate valid certification entitling him to do so; and
- (b) no rating forms part of a navigational or engineering watch on the ship unless he holds appropriate valid certification entitling him to do so;
- (c) the master and every ship's officer all have appropriate experience of the type of ship on which they are employed;
- (d) the master and every seafarer employed on the ship, before being allowed to assume their assigned duties, are familiarized with their specific duties and with all the ship's arrangements, installations, equipment, procedures and characteristics relevant to their routine and emergency duties;
- (e) every rating employed on the ship and designated to have safety or pollution prevention duties holds documentary evidence of having—

- (i) served in a capacity designated to have safety or pollution prevention duties for a period of an aggregate of not less than twelve months during the preceding five years; or
 - (ii) successfully completed approved training relating to those duties during the preceding five years;
- (f) the ship's crew can effectively co-ordinate activities in an emergency situation and perform functions vital to safety or to the prevention or mitigation of pollution;
- (g) documentation and data relevant to the master and seafarers employed on the ship are maintained and readily available for inspection, including documentation and data relevant to their experience, training, medical fitness and competency in assigned duties; and
- (h) every seafarer employed on the ship and going to sea for the first time holds documentary evidence of having successfully completed approved safety induction training and, in the case of a fishing vessel, that the master and every seafarer other than a seafarer going to sea for the first time employed on the ship hold such evidence for a period not more than twenty four months preceding the engagement of such master or seafarer on the ship.

(2) Without limiting the owner's obligations under sub-regulation (1), it is the duty of the master to ensure that the requirements of that sub-regulation are complied with in relation to the seafarers employed on the ship.

(3) Nothing in sub-regulation (1) (a) to (7) prohibits the allocation of tasks for training under supervision or in the event of *force majeure*.

(4) The owner and the master of every ship shall ensure that, in addition to the ship's officers and other persons prescribed by these regulations or elsewhere in terms of the Act, there are employed as

crew of the ship an adequate number and description of persons to ensure that the ship is sufficiently and efficiently manned.

(5) For the purposes of paragraph (4) a ship shall be taken to be sufficiently and efficiently manned if, in the opinion of the proper officer, it has as crew suitably qualified persons to enable it to go to sea with due regard to the requirements of the life-saving equipment regulations, the collision regulations, the radio regulations, and any other safety provisions that may be applicable to the ship.

(6) The proper officer shall, when determining the adequacy of the crew in accordance with this sub-regulation, take the following into account—

- (a) the complement normally carried by similar ships employed on similar voyages or operations;
- (b) the complement that the ship in question has recently carried on previous voyages or operations;
- (c) the complement adequate to ensure compliance with regulations 6 and 7 (if applicable); and
- (d) the nature of the service for which the ship is intended.

(7) The Authority shall, as and when necessary, issue a marine notice specifying the number of persons to constitute the crew of a ship and the capacities in which those persons are to serve other than persons prescribed in these regulations or elsewhere in terms of the Act.

Watchkeeping standards.

5. The owner and master of a ship shall ensure that the watchkeeping standards set out in the Schedule are complied with on the ship at all times.

Hours of work: general duty of owners, masters and others.

6. (1) The owner of every ship shall ensure, so far as is reasonably practicable, that the master and seafarers employed on the

ship do not work more hours than is safe in relation to the safety of the ship and the master's and the seafarers' performance of their duties.

(3) The master of every ship shall ensure, so far as is reasonably practicable, that the seafarers employed on the ship do not work more hours than is safe in relation to the safety of the ship and the seafarers' performance of their duties.

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

Hours of work: schedules of duties.

7. (1) The owner of every ship of 100 GT or more shall produce a schedule of duties complying with this regulation.

(5) Where the owner is not also the employer of the master and seafarers, the owner shall consult the person who is the employer of the master or any of the seafarers before producing the schedule of duties.

(6) The owner may arrange with any such employer that the employer is to produce a schedule of duties complying with this regulation, and in that case, that employer shall also be subject to the duties of the owner under this regulation.

(7) Before producing a schedule of duties, the owner shall seek the views of the master, and the master shall seek, and convey to the owner, the views of—

- (a) the ship's safety committee;
- (b) the seafarers or their representatives; or
- (c) a trade union with one or more members aboard ship.

(8) A schedule of duties shall be deemed to comply with this regulation if—

- (a) it sets out the hours of work for—

- (i) masters and seafarers whose work includes regular watchkeeping duties or ship handling; and
 - (ii) the ship's chief engineer, chief mate and second engineer, so as to provide that they do not work more hours than is safe in relation to the safety of the ship and the master's and seafarers's performance of their duties;
- (b) it specifies the maximum period of continuous watchkeeping, the minimum rest period between watches, and the total daily, weekly and monthly hours of work; and
 - (c) it provides a minimum of ten hours of rest in any twenty four hour period, which period may be divided into no more than two periods, one of which shall be at least six hours duration:

Provided that the minimum period of ten hours may be reduced to not less than six consecutive hours on condition that any such reduction shall not extend beyond two days and not less than seventy hours of rest are provided in each seven day period.

(9) The owner shall give consideration to the category of shipping operation undertaken in arranging the hours of work.

(10) The schedule of duties may be changed by the owner, or by an employer who by virtue of sub-regulation (3) is subject to the duties of the owner, on condition that—

- (a) other employers and the owner, as the case may be, have been consulted;
- (b) the owner or the employer has sought the views of the master on the proposed changes and the master has sought and conveyed to the owner the views of persons mentioned in sub-regulation (4)(a), (b) or (c); and
- (d) the schedule of duties as changed complies with sub-regulation (5).

(11) The owner shall ensure that the schedule of duties is displayed prominently in the crew accommodation for the information of all seafarers.

(12) It is the duty of the master to ensure, as far as reasonably practicable, that the hours of work specified in the schedule of duties are not exceeded.

(10) The owner and the master shall keep on board the ship a copy of the schedule of duties and a record of all deviations from its requirements.

(11) The owner for the time being shall ensure that a copy of the schedule of duties and the record of all deviations from its requirements are preserved for a period of five years from the date the schedule of duties was introduced, and that they are available for inspection by a proper officer or a surveyor. If during the five year period there ceases to be an owner in relation to the ship, the duty to preserve the copies of the schedule and of the record shall remain with the last such owner.

Hours of work: exception for emergencies.

8. (1) The requirements for rest periods provided for in regulation 7(5) (c) need not be maintained in case of emergency or drill or in other overriding operational conditions.

(2) When in pursuance of sub-regulation (1) the master or a seafarer has worked within a rest period provided for by the schedule of duties, the master shall cause to be entered in the ship's official logbook the master's or seafarer's name, as the case may be, together with the reason why he so worked.

Employment of persons holding foreign certificates.

9. (1) For the purposes of section 170 of the Act, the owner of a ship to which the STCW Convention applies shall not employ on the

ship, as master or ship's officer, any person who holds a certificate issued by or on behalf of the government of another country, unless—

- (a) that person's certificate has been endorsed in accordance with regulation 10; or
- (b) in the absence of such an endorsement, the certificate was issued and is valid in accordance with the STCW Convention, the period of employment does not exceed three months and the owner makes application to the Authority within that period for an endorsement in accordance with regulation 10.

(13) For the purposes of section 170(5) of the Act, the owner of a ship to which the STCW Convention does not apply shall not employ on the ship, as master or ship's officer, any person who holds a certificate of competency issued by or on behalf of the government of another country, unless the Authority has, under section 170(5) of the Act, authorized that person's employment on the ship.

(14) Application for an authorization under section 170(5) of the Act shall be made by the owner of the ship and shall be directed to the proper officer nearest to the ship's intended port of departure, and the application shall—

- (i) be made before the person assumes duty on the ship; and
- (ii) be accompanied by the person's original certificate (together with a certified translation into the English language where the certificate is in a language other than English), a medical examination report complying with the requirements specified by marine notice and attesting to the person's medical fitness and, in the case of a deck officer, a valid eyesight test certificate.

(4) The proper officer may require the person referred to in sub-regulations (3) and (4) to appear before an examiner, who shall satisfy himself or herself that the person is adequately qualified and that he or she has the ability to converse, issue and understand orders and written instructions in the English language.

(5) An authorization granted under section 170 of the Act shall be in writing and shall specify the period, not exceeding six months, for which it is to remain in force.

(6) The Authority may revoke an authorization granted under section 170 of the Act if—

- (a) the person in question shows, through any inability, that he or she is not adequately qualified or that he or she is not able to converse, issue and understand orders and written instructions in the English language;
- (b) the person's certificate expires or is cancelled or suspended by or on behalf of the government under whose authority the certificate was originally issued;
- (c) the person fails to comply with any condition on which the authorization was granted;
- (d) an admiralty court holding a marine enquiry or a disciplinary hearing recommends the revocation of the authorization; or

the person is convicted of an offence in terms of the Act or any other law administered by the Authority.

Recognition of foreign certificates.

10. (1) The holder of a certificate as master or ship's officer, being a certificate issued in terms of the STCW Convention by or on behalf of another party to that Convention, may apply to the Authority, in accordance with sub-regulation (2), for the certificate to be recognized as equivalent to a certificate of competency issued under the Act.

(2) An application contemplated in sub-regulation (1) shall be accompanied by—

- (a) a letter of motivation requesting the specific equivalency;

- (b) a statement by the applicant, confirmed by or on behalf of another party to the STCW Convention, that his level of proficiency in the English language meets the relevant requirements of the STCW Convention;
- (c) a medical certificate, issued by an approved medical practitioner, declaring that the medical fitness of the applicant complies with the medical standards set out in the Code;
- (d) a certified copy of the applicant's original certificate;
- (e) two passport-size photographs of the applicant; and
- (f) if the applicant is applying for an equivalency as master, chief mate, chief engineer officer or second engineer officer, documentary proof that he or she has attained the level of knowledge of the Republic's maritime legislation required for the equivalent certificate desired. A certificate issued by an accredited institution stating that the applicant has satisfied the institution's examiner that he or she has attained the required level of knowledge shall be accepted as sufficient proof of such knowledge.

(3) The Authority may issue an endorsement recognizing an applicant's certificate, which endorsement shall have effect as an authorization under section 170 of the Act, if it is satisfied that—

- (a) the certificate is authentic and valid;
- (b) the level of competence and knowledge evidenced by the certificate is not inferior to that required for the equivalent certificate issued under the Act;
- (c) the applicant, if applying for an equivalency as master, chief mate, chief engineer officer or second engineer officer, has attained the level of knowledge of the Kenyan maritime legislation required for the equivalent certificate issued under the Act; and

(d) prompt notification shall be given to the Authority of any significant change in the arrangements for training and certification provided in compliance with the STCW Convention.

(4) Every endorsement issued under sub-regulation (3) shall be a separate document and shall state, with reference to the Training and Certification Regulations and the STCW Convention, the capacity in which the holder is entitled to serve.

(5) The Authority may cancel an endorsement issued under sub-regulation (3) if—

(a) the holder shows, through any inability, that he or she does not meet the level of competency or knowledge required for the equivalent certificate of competency, or that his or her level of proficiency in the English language does not meet the relevant requirements of the STCW Convention;

(b) the holder's certificate expires or is cancelled or suspended by or on behalf of the government under whose authority the certificate was originally issued;

(c) an admiralty court marine enquiry or a disciplinary hearing recommends the cancellation of the endorsement; or

(d) the holder is convicted of an offence in terms of the Act or any other law administered by the Authority.

(6) Where the Authority cancels an endorsement under sub-regulation (5), it shall inform the government under whose authority the certificate was originally issued of the cancellation.

Employment of certificated deck officers on ships other than fishing vessels.

11. (1) The owner and the master of every ship, other than a fishing vessel or a ship referred to in sub-regulation (2), shall ensure that there is employed on the ship in their appropriate capacities the

number and description of appropriately certificated deck officers specified in the applicable item of the following table:

Item	Voyage / Operation	Tonnage of ship (GT)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
				Certification	Number
1	Port operation	< 200	Master	Coxswain (Port operations)	1
2		≥ 200 but < 500	Master	Master (Port operations)	1
3		≥ 500	Master	Master (Port operations)	1
	Master		Coxswain (Port Operations)	1	
4	Near-Coastal	≤ 100	Master	Coxswain (Coastal)	1
			Master	Coxswain (Coastal)	1
5		≥ 100 but < 500	Master	Master (Coastal)	1
	Mate		Master (Coastal)	1	
6	Unlimited		Master	Coxswain (Unlimited)	1
			Mate	Coxswain (Unlimited)	1
7			Master	Deck Officer (A)	1
			Master	Deck Officer	1
8			Master	Chief Master (B)	1
			Master	Deck Officer (C)	1
			Watchkee	Deck Officer	1

			ping Officer		
9			Master	Master	1
			Master	Chief Master	1
			Watchkee ping Officer	Deck Officer	2
<p>Notes:</p> <p>(A) Certification to include the endorsement “Master of a ship of less than 500 GT on unlimited voyages”.</p> <p>(B) Certification to include the endorsement “Master of a ship of less than 3 000 GT on unlimited voyages”.</p> <p>(C) Certification to include the endorsement “Chief mate of a ship of less than 3 000 GT on unlimited voyages”.</p>					

(2) The owner and the master of every ship of 100 GT or more that—

(a) is engaged in offshore exploitation operations within waters under Kenyan jurisdiction; and

(b) so operates at anchor for two-thirds or more of the time spent at sea between port calls, shall ensure that there is employed on the ship in their appropriate capacities the number and description of appropriately certificated deck officers specified in the applicable item of the following table—

Item	Tonnage of ship (GT)	Capacity of employment	Appropriate minimum certification and number of persons employed	
			Certification	Number

Item	Tonnage of ship (GT)	Capacity of employment	Appropriate minimum certification and number of persons employed	
			Certification	Number
1	≥ 100 but < 500	Master	Master (Coastal)	1
		Mate	Mate (Coastal)	1
2	≥ 500 but < 3 000	Master	Chief Mate (A)	1
		Mate	Deck Officer (B)	1
3	≥ 3 000	Master	Master	1
		Mate	Mate	1
		Watchkeeping Officer	Deck Officer	1
<p>Notes:</p> <p>(A) Certification includes the endorsement “Master of a ship of less than 3 000 GT on unlimited voyages”.</p> <p>(B) Certification includes the endorsement “Chief mate of a ship of less than 3 000 GT on unlimited voyages”.</p> <p>The certification referred to in the table may be the kind limited to offshore operations.</p>				

Employment of certificated deck officers on fishing vessels operating wholly within defined fishing zone.

12. The owner and the master of every fishing vessel that operates wholly within the defined fishing zone shall ensure that there is employed on the vessel in their appropriate capacities the number and description of appropriately certificated deck officers specified in the applicable item of the following table-

			Appropriate minimum
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Item	Length of vessel (metres)	Capacity of employment	certification and number of persons to be employed	
			Certification	Number
1	≤ 12.7	Master	Fisherman Grade 4 (Skipper)	1
		Mate	Small vessel certificate of competence (vessels > 9 metres in length)	1
2	≥ 12.7 but < 24	Master	Fisherman Grade 4 (Skipper)	1
		Mate	Fisherman Grade 4 (Watchkeeper)	1(A)
3	≥ but < 30	Master	Fisherman Grade 3	1
		Mate	Fisherman Grade 4 (Watchkeeper)	1
4	≥ 30	Master	Fisherman Grade 2	1
		Mate	Fisherman grade 3	1
		Watchkeeping officer	Fisherman grade (Watchkeeper)	1
<p>Note:</p> <p>(A) Not required on vessels < 50 GT going to sea for periods not exceeding 12 consecutive hours.</p>				

Employment of certificated deck officers on fishing vessels operating outside defined fishing zone.

13. The owner and the master of every fishing vessel that operates, at any time, outside the defined fishing zone shall comply with regulation 12, provided that, in all cases, the appropriate minimum certification applicable to the master shall include the high seas command endorsement.

Employment of certificated engineer officers on ships other than fishing vessels.

14. (1) The owner and the master of every ship, other than a fishing vessel or a ship referred to in sub-regulation (2), shall ensure that there is employed on the ship in their appropriate capacities the number and description of appropriately certificated engineer officers specified in the applicable item of the following table-

Item	Voyage/ Operation	Registered propulsion power of ship (kW)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
				Certification	Number
1	Port Operations	< 350	Chief engineer	Marine Motorman Grade 1	1
2		< 350 but < 750	Chief engineer	Marine Motorman Higher Grade	1
3		≥ 750 but < 1 500	Chief Engineer	Second Engineer Officer (Port operations)	1
4		≥ 1500	Chief engineer	Chief engineer Officer (Port	1

				operations	
			Second engineer	Marine Motorman grade 1	1
5		< 350	Chief engineer	Marine Motorman grade 1	1
6	Near-Coastal	< 350 but < 750	Chief engineer	Marine Motorman Higher grade	1
			Second engineer	Marine motorman Grade 1	1
7		≥ 750 but < 1500	Chief engineer	Second engineer officer (≥ 3 000 kW)(A)	1
			Second engineer	Engineer officer	1
			Watchkeeping officer	Engineer officer	1
8		≥ 1500	Chief engineer	Chief engineer officer (≥ 3 000 kW)	1
			Second engineer	Second engineer officer (≥ 3 000 kW)	1
			Watchkeeping officer	Engineer officer	1

(2) The owner and the master of every ship of 100 GT or more that—

- (a) is engaged in mining operations within waters under Kenyan jurisdiction; and

(b) so operates at anchor for two-thirds or more of the time spent at sea between port calls, shall ensure that there is employed on the ship in their appropriate capacities the number and description of appropriately certificated engineer officers specified in the applicable item of the following table-

Item	Registered propulsion power of ship (kW)	Capacity of employment	Appropriate minimum certification and number of persons employed	
			Certification	Number
1	< 750	Chief engineer	Marine Motorman Higher grade	1
		Second engineer	Marine Motorman Grade 1	1
2	≥ 750 but < 3000	Chief engineer	Second engineer officer (≥ 3 0000 kW)(A)	1
		Second engineer	Engineer officer	1
		Watchkeeping officer	Engineer officer	1
3	≥ 3000	Chief engineer	Chief engineer officer (≥ 3 0000 kW)	1
		Second engineer	Second engineer officer (≥ 3 0000 kW)	1
		Watchkeeping officer	Engineer officer	1
Note: (A) Certification to include the endorsement: "Chief engineer officer of a ship of less than 3 000 kW"				

propulsion power.

Employment of certificated engineer officers on fishing vessels.

15. The owner and the master of every fishing vessel shall ensure that there is employed on the vessel in their appropriate capacities the number and description of appropriately certificated engineer officers specified in the applicable item of the following table-

Item	Registered propulsion power of ship (kW)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
			Certification	Number
1	< 150	Chief engineer	Marine Motorman Grade 3	1(A)
2	≥ 150 but < 350	Chief engineer	Marine Motorman grade 2	1(A)
3	≥ 350 but < 1000	Chief engineer	Marine Motorman Grade 1	1
		Second engineer	Marine Motorman Grade 2	1
4	≥ 1000 but < 2000	Chief engineer	Marine Motorman Higher Grade	1
		Second engineer	Marine Motorman grade 1	1
5	≥ 2000 but < 3000	Chief engineer	Marine Engineer officer (Class 4)(B)	1
		Second engineer	Marine Motorman	1

Item	Registered propulsion power of ship (kW)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
			Certification	Number
			Grade 1	
6	≥ 3000	Chief engineer	Marine engineer officer (Class 3)(C)	1
		Second engineer	Engineer officer	1

Notes:

(A) Not required on vessels ≤ 12.7 metres in length if the master has passed a level 3 assessment (oral examination) in basic engineering knowledge.

(B) Certification to include the class 4 service endorsement.

(C) Certification to include the class 3 service endorsement

Employment of certificated radio operators.

16. The owner and the master of every ship shall ensure that there is employed on the ship the number and description of appropriately certificated radio operators specified in the following table as appropriate, provided that-

- (a) if the ship is of 300 GT or more, is engaged on a near-coastal voyage and is not equipped in accordance with GMDSS requirements of the radio regulations, there shall be employed on the ship at least two radio operators who are appropriately certificated for the type of radio installation on the ship;
- (b) if the ship is equipped in accordance with the GMDSS requirements of the radio regulations and at-sea

maintenance of radio equipment is to be conducted to ensure availability, at least one radio operator on the ship shall hold a valid Radio Electronic Certificate (First Class), or a recognized equivalent certificate;

- (c) if the ship is fitted with radio equipment capable of operating within the GMDSS (whether or not so fitted in compliance with statutory requirements), there shall be employed on the ship at least one radio operator who is the holder of a valid GMDSS General Operators Certificate, or a recognized equivalent certificate;
- (d) when the radio equipment on the ship is being used for general communications, other than distress, urgency or safety communications, such general communications shall not be conducted by the deck officer on watch.

Item	Voyage/ Operation	Tonnage/ length of ship	Appropriate certification and number of persons to be employed	
			Certification	Number
1	Port Operations	≥ 25 GT	Restricted Radiotelephone Operator	1
2	Near-Coastal	≥ 25 GT but < 300 GT	Restricted Radiotelephone Operator	2
3		≥ 300 GT	GMDSS General Operator	2
4	Fishing operations within 40 nautical miles offshore	≥ 25 GT	Restricted Radio telephone Operator (VHF only)	1

5	Fishing operations beyond 40 but within 200 nautical miles offshore	≥ 25 GT	Restricted Radiotelephone Operator	2
6	Fishing operations beyond 200 nautical miles offshore	≥ 25GT but < 45 metres	Restricted Radiotelephone Operator	2
7		≥ 45 metres	GMDSS General Operator	2
8	Unlimited	≥ 100 GT but < 300 GT	Restricted Radiotelephone Operator	2
9		≥ 300 GT	GMDSS General Operator	2

Employment of certificated ratings on ships other than fishing vessels.

17. The owner and the master of every ship other than a fishing vessel shall ensure that there is employed on the ship in their appropriate capacities the number and description of appropriately certificated ratings specified in the table below as appropriate, provided that—

- (a) where a combination of ratings qualified as ordinary seafarers and as able seafarers are employed in the deck department, at least half the combined number of ratings so employed shall be persons qualified as able seafares;
- (b) where a combination of ratings qualified as wipers and as oilers is employed in the engine-room department, at least one of the ratings so employed shall be persons qualified as an oiler;

- (c) on passenger ships the prescribed number of ratings qualified as proficient in survival craft and as proficient in fast rescue boats shall be in addition to the number of ratings qualified as able seafarers and as oilers;
- (d) on ships having only inflatable appliances as survival craft there may be employed, instead of the number of ratings qualified as proficient in survival craft, an equal number of ratings qualified as proficient in inflatable appliances only;
- (e) owners and masters shall, considering that the table below specifies minimum requirements only shall have regard to the requirements of regulation 4(4) when determining the appropriate manning;
- (f) in respect of a ship engaged solely in port operations, and instead of meeting the requirements specified in the table below, application may be made to the proper officer at the ship's port of operation for the number of certificated ratings to be determined, with the necessary changes, in accordance with regulation 4(4);
- (g) on ships engaged solely in port operations, there may be employed, instead of the number of ratings qualified as able seafarers or as oilers, an equal number of ratings holding the qualification as General Purpose Rating (Port Operations)

Item	Type of ship	Voyage / Operation	Minimum certification and number to be employed			
			Ordinary seafarer/ Able seafarer	Wiper/oiler	Proficient in survival craft	Efficient cook
1	Passenger	Unlimited or near-coastal	Sufficient to man each 4 hour watch with a 12	Sufficient to man each 4 hour	One for every 50 passenger	1

Item	Type of ship / Operation	Voyage	Minimum certification and number to be employed			
			Ordinary seafarer/ Able seafarer	Wiper/oiler	Proficient in survival craft	Efficient cook
	ger		hour period with a rating, plus one (i.e. 4)	watch in a 12 hour period with a rating (i.e. 3)	gers, or part of such number, on board	
2		Port operations	Sufficient to man each 6 hour watch with a 12 hour period with a rating, plus one (i.e. 3)	Sufficient to man each 6 hour watch with a 12 hour period with a rating (i.e. 2)		-
3	Other	Unlimited	Sufficient to man each 4 hour watch with a 12 hour period with a rating, plus one (i.e. 4)	Sufficient to man each 4 hour watch in a 12 hour period with a rating (i.e. 3)		1
4		Near-coastal	Sufficient to man each 6 hour watch with a 12 hour period	Sufficient to man each 6 hour watch		

Item	Type of ship / Operation	Voyage	Minimum certification and number to be employed			
			Ordinary seafarer/ Able seafarer	Wiper/oiler	Proficient in survival craft	Efficient cook
			with a rating, plus one (i.e. 3)	with a 12 hour period with a rating (i.e. 2)		
5		Port Operations	1 Able seafarer (Port Operations) and 1 ordinary seafarer (Port Operations) or 2 Able seafarers (Port Operations)	1 Oiler (Port Operations)		-

Employment of certificated ratings on fishing vessels of 100GT or more.

18. The owner and the master of every fishing vessel of 100 GT or more shall ensure that there is employed on the vessel in their appropriate capacities the number and description of appropriately certificated ratings as specified in the following table:

Item	Number of persons on vessel	Minimum certification and number to be employed		
		Able seafarer	Proficient in survival craft	Efficient cook
1	≥ 15 but <	1	1	-

	30			
2	≥ 30	1	2	1
<p>Notes:</p> <p>The number of ratings to be qualified as proficient in survival craft shall be in addition to the number required to be qualified as able seafarer.</p> <p>The certification as able seafarer and as proficient in survival raft and fast rescue boats may be the local certification or the certification issued in accordance with the STCW Convention.</p>				

Employment of qualified personnel on tankers and passenger ships

19. (1) The owner and the master of every tanker shall ensure that—

- (a) every seafarer assigned in specific duties and responsibilities related to cargo or cargo equipment on the ship; and
- (b) the master, chief engineer officer, chief mate, second engineer officer and every other seafarer with immediate responsibility for loading, discharging and care in transit or handling of cargo on the ship, holds—
 - (i) the appropriate certificate or endorsement evidencing compliance with the provisions of regulation 52 of the Training and Certification Regulations relative to their capacity, duties and responsibilities on the ship; or
 - (ii) the appropriate certificate or endorsement, issued by or on behalf of another party to the STCW Convention, evidencing compliance with the provisions of regulation V/1 of that Convention relative to their capacity, duties and responsibilities on the ship.

(2) The owner and the master of every ro-ro passenger ship shall ensure that the master and every seafarer employed on the ship hold—

- (a) the appropriate certificate or endorsement evidencing compliance with the provisions of regulation 53 of the Training and Certification Regulations relative to their capacity, duties and responsibilities on the ship; or
- (b) the appropriate certificate or endorsement, issued by or on behalf of another party to the STCW Convention, evidencing compliance with the provisions of regulation V/2 of that Convention relative to their capacity, duties and responsibilities on the ship.

(3) The owner and the master of every passenger ship, other than a ro-ro passenger ship, engaged on unlimited voyages shall ensure that the master and every seafarer employed on the ship hold-

- (a) the appropriate certificate or endorsement evidencing compliance with the provisions of regulation 53 of the Training and Certification Regulations relative to their capacity, duties and responsibilities on the ship; or
- (b) the appropriate certificate or endorsement, issued by or on behalf of another party to the STCW Convention, evidencing compliance with the provisions of regulation V/3 of that Convention relative to their capacity, duties and responsibilities on the ship.

Employment of qualified medical personnel.

20.(1) The owner and the master of every ship on an unlimited voyage that carries one hundred or more persons shall ensure that at least one medical practitioner is employed on the ship.

(2) The owner and the master of every ship to which the STCW Convention applies shall ensure that—

- (a) every seafarer designated to take charge of medical care on the ship, in the absence of a qualified medical practitioner, holds—
 - (i) a valid Ship Captain's Medical Training Certificate issued in accordance with the Code; or
 - (ii) a valid certificate in medical care issued in accordance with regulation VI/4, paragraph 2 of the STCW Convention by or on behalf of another party to that Convention; and
- (b) every seafarer designated to provide medical first aid on the ship holds—
 - (i) a valid First Aid at Sea Certificate issued in accordance with the Code; or
 - (ii) a valid certificate in medical first aid issued in accordance with regulation VI/4, paragraph 1 of the STCW Convention by or on behalf of another party to that Convention.

(3) Every person who is designated the duties referred to sub-regulation (2) (a) or (b) shall undertake approved refresher training at intervals not exceeding five years.

Employment of qualified fire-fighting personnel.

21. (1) The owner and the master of every ship shall ensure that every seafarer designated to take charge of a fire-fighting party on the ship holds—

- (a) in the case of a ship of 100 GT or more, a valid Fire-Fighting Certificate issued in accordance with the Code, or an approved equivalent qualification;
- (b) in the case of a tanker of 100 GT or more, a valid Tanker Fire-Fighting Certificate issued in accordance with the Code, or an approved equivalent qualification; and

(c) in the case of a ship of less than 100 GT, a valid Fire-Fighting (Small Vessels) Certificate issued in accordance with the Code, or an approved equivalent qualification.

(2) The owner and the master of every ship to which the STCW Convention applies shall ensure that every seafarer designated to control fire-fighting operations on the ship holds—

(a) a valid Advanced Fire-Fighting Certificate issued in accordance with the Code; or

(b) a valid certificate in advanced fire-fighting issued in accordance with regulation VI/3, paragraph 1 of the STCW Convention by or on behalf of another party to the Convention.

(3) Every person who is designated the duties referred to in sub-regulation (1) or (2) shall undertake approved refresher training at intervals not exceeding five years.

Employment of qualified personnel on ships equipped with fast rescue boat.

22. The owner and master of every ship that is equipped with one or more fast rescue boats shall ensure that there are employed on the ship at least two persons per boat who hold-

(a) a valid certificate of qualification as proficient in fast rescue boats issued in accordance with regulation 48 of the Training and Certification Regulations; or

(b) a valid certificate of proficiency in fast rescue boats issued in accordance with regulation VI/2, paragraph 2 of the STCW Convention by or on behalf of another party to that Convention.

Exemptions.

23.(1) The Director -General may, if in his opinion no danger would result to persons, property or the environment, grant exemption, on such terms (if any) as it may specify, from any of the provisions of these regulations (as may be specified in the exemption) for classes of cases or individual cases.

(2) However, an exemption permitting a person to serve in a capacity for which he is not certificated—

- (a) may be granted only if the person is certificated to serve in the next lower capacity, provided that if the next lower capacity is an uncertificated capacity, exemption may be granted only if the person's knowledge and experience, in the opinion of the Authority, are appropriate for the capacity to be filled;
- (b) shall not be granted in respect of-

- (ii) the capacity of master of a passenger ship; or

- (iii) the capacities of master or chief engineer of any ship to which the STCW Convention applies, except in the event of *force majeure* and then only for the shortest possible time; and

- (c) shall, in all cases, cease to have effect on the earlier of the following two dates:

- (i) the date of expiry (if any) in terms of the exemption; or

- (ii) the date on which the period of six months after the grant of exemption expires.

(3) The Director- General may, after reasonable notice, alter or cancel any exemption granted under this regulation.

Equivalence of certificates and endorsements.

24.(1) Subject to sub-regulation (2), each certificate or endorsement specified in a column of an item in the table below is

taken to be equivalent to the certificate or endorsement, as the case may be, specified in the other columns of that item.

(2) If the certificate or endorsement specified in column 3 of an item in the table is subject to additional qualification requirements in terms of the Training and Certification Regulations, documentary evidence of compliance with those requirements, or so much thereof as the Authority requires, is to be produced within the time and in the manner that the Authority directs.

<i>Item</i>	<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>Title of certificate issued before commencement of these new regulations</i>	<i>Equivalent certificate or endorsement under any previous regulations</i>	<i>Equivalent certificate or endorsement under Training and Certification Regulations</i>
1	Master of a foreign-going ship	Deck Officer Class 1	Master
2	-	Deck Officer class 2 endorsed master (Limited Trade)	Chief Mate endorsed - Master of a ship of less than 3000 GT on unlimited voyages.
3	Chief navigating Officer of a foreign-going ship	Deck Officer Class 2 endorsed Master (Short Sea Trade)	Chief Mate endorsed - Master of a ship of less than 500 Gt on near-

Item	Column 1	Column 2	Column 3
	<i>Title of certificate issued before commencement of these new regulations</i>	<i>Equivalent certificate or endorsement under any previous regulations</i>	<i>Equivalent certificate or endorsement under Training and Certification Regulations</i>
			<i>coastal voyages</i>
4	-	Deck Officer class 2	Chief Mate
5	-	Deck Officer class 3 endorsed Master (Limited Trade)	Chief Mate endorsed - Master of a ship of less than 500 GT on unlimited voyages. - Chief Mate of a ship of less than 3 000 GT on unlimited voyages.
6	-	Deck Officer Class 3 endorsed Master (Limited trade)	Deck Officer endorsed - Master of a ship of less than 500 GT on near-coastal voyages.

Item	Column 1	Column 2	Column 3
	<i>Title of certificate issued before commencement of these new regulations</i>	<i>Equivalent certificate or endorsement under any previous regulations</i>	<i>Equivalent certificate or endorsement under Training and Certification Regulations</i>
			- Chief Mate of a ship of less than 3 000 GT on unlimited voyages.
7	Second navigating Officer of a foreign-going ship	Deck Officer Class 3	Deck Officer
8	-	Deck Officer class 4 endorsed Master (Limited Trade)	Deck Officer endorsed - Master of a ship of less than 500 GT on unlimited voyages.
9	Master of a coasting ship of 100 GT or more	Deck Officer class 4 endorsed Master (Short Sea Trade)	Deck Officer endorsed - Master of a ship of less than 500 GT on near-coastal voyages.

Item	Column 1	Column 2	Column 3
	<i>Title of certificate issued before commencement of these new regulations</i>	<i>Equivalent certificate or endorsement under any previous regulations</i>	<i>Equivalent certificate or endorsement under Training and Certification Regulations</i>
10	-	Deck Officer class 4 endorsed Master (Port Operations)	Deck Officer endorsed - <i>Master of a ship of any tonnage operating within a port operations area.</i>
11	-	Deck Officer class 4 endorsed Port Operation Service	Master (Port Operations)
12	-	Deck Officer Class 4	Deck Officer
13	-	Deck officer class 5 endorsed Master (Short Sea trade)	Mate (Coastal) endorsed - <i>Master of a ship of less than 500 GT on near-coastal voyages.</i>

Item	Column 1	Column 2	Column 3
	<i>Title of certificate issued before commencement of these new regulations</i>	<i>Equivalent certificate or endorsement under any previous regulations</i>	<i>Equivalent certificate or endorsement under Training and Certification Regulations</i>
14	-	Deck officer class 5 endorsed Master (Port Operations)	Mate (Coastal) endorsed - Master of a ship of any tonnage operating within a port operations area.
15	-	Deck officer class 5 endorsed Master (Short Sea trade)	Master (Port Operations)
16	Navigating Officer of a coasting ship of 100 GT or more	Deck Officer Class 5	Mate (Coastal)
17	-	Deck Officer Class 6 (Unlimited Trade)	Coxswain (Unlimited)
18	-	Deck Officer Class 6 (Short Sea Trade)	Coxswain (Coastal)

Item	Column 1	Column 2	Column 3
	<i>Title of certificate issued before commencement of these new regulations</i>	<i>Equivalent certificate or endorsement under any previous regulations</i>	<i>Equivalent certificate or endorsement under Training and Certification Regulations</i>
19	-	Deck Officer Class 6 (Restricted trade)	Coxswain (Port Operations)
Item	Column 1	Column 2	Column 3
	Title of certificate issued before commencement of these new regulations	Equivalent certificate or endorsement under any old regulations	Equivalent certificate or endorsement under Training and Certification Regulations
20	Chief Engineer of a foreign-going ship	Marine Engineer-Officer Class 1	Chief Engineer Officer (≥ 3000 kW)
21	Second Engineer Officer of a foreign-going ship	Marine Engineer-Officer Class 2	Second Engineer officer (≥ 3000 kW) endorsed - Chief Engineer

Item	Column 1	Column 2	Column 3
	Title of certificate issued before commencement of these new regulations	Equivalent certificate or endorsement under any previous regulations	Equivalent certificate or endorsement under Training and Certification Regulations
			officer of a ship less than 3 000 kW propulsion power
22	-	Marine Engineer Officer class 3 with a Service Endorsement	<p>Second Engineer officer (< 3 000 kW) endorsed:</p> <ul style="list-style-type: none"> - Chief Engineer officer of a ship less than 750 kW propulsion power - Chief Engineer Officer of a ship of any kilowatt propulsion power operating within a port

Item	Column 1	Column 2	Column 3
	<i>Title of certificate issued before commencement of these new regulations</i>	<i>Equivalent certificate or endorsement under any previous regulations</i>	<i>Equivalent certificate or endorsement under Training and Certification Regulations</i>
			<i>operations area</i>
23	Chief Engineer Officer of a coasting Ship	Marine Engineer-Officer class 3	(a) Second Engineer officer (< 3 000 kW) endorsed: - Chief Engineer Officer of a ship of any kilowatt propulsion power operating within a port operations area Chief Engineer Officer (Port Operations)
24	Second Engineer Officer of a coasting ship	Marine Engineer-Officer Class 4	(a) Engineer Officer endorsed;

Item	Column 1	Column 2	Column 3
	<i>Title of certificate issued before commencement of these new regulations</i>	<i>Equivalent certificate or endorsement under any previous regulations</i>	<i>Equivalent certificate or endorsement under Training and Certification Regulations</i>
			- Chief Engineer Officer of a ship of less than 1 500 kW propulsion power operating within a port operations area (b) Second Engineer Officer (Port Operations)

(3) Where the holder of a certificate of competency issued under the Act before the commencement of these regulations has served in a certificated capacity for at least 12 months in the preceding five years but is prohibited from continued employment in that capacity owing to the tonnage, propulsion power or area of operation of the ship exceeding the applicable tonnage, propulsion power or area of operation limitation, the Authority may endorse the certificate, or the equivalent certificate in terms of this regulation, as the case may be, so as to entitle the holder to continued employment in

the capacity concerned on a ship having an appropriately greater tonnage, propulsion power or area of operation.

Safe manning document.

25. (1) The owner of every ship shall ensure that—

- (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; and
- (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 every ship shall ensure that the ship does not go to sea unless there is on board and in force in respect of the ship a valid safe manning document and the manning of the ship complies with that document.

Carriage of documents.

26. Without prejudice to the provisions of limitation to regulation 4, the owner and the master of every ship shall ensure that there are carried at all times on board the ship all original certificates and other documents issued pursuant to the Act or the STCW Convention, as the case may be, showing the qualification of the master and any member of the crew to perform functions which they are required to perform aboard ship in the course of their designated duties.

Offences, penalties and defences.

27.(1) Every owner who contravenes regulation 4(1) or (4), 6, 7(1), 9, 25(1) or 26 commits an offence.

(2) Every employer, being an employer who in terms of regulation 7(3) has become subject to the duties of the owner under that regulation, who contravenes regulation 6(2) commits an offence.

(3) Every master commits an offence who contravenes regulation 4(2) or (4), 6, 7(2) or (3), 8(9) or (10), 9, 25(2) or 26, commits an offence.

(4) Every seafarer who contravenes regulation 7(3) commits an offence.

(5) A person who commits an offence in terms of sub-regulation (1), (2) or (3) is liable on conviction to a fine of one hundred thousand shillings or to imprisonment for a period not exceeding twelve months, or both.

(6) A person who commits an offence in terms of sub-regulation (4) is liable on conviction to a fine of one hundred thousand shillings or to imprisonment for a period not exceeding twelve months, or both.

(7) In proceedings for an offence in terms of this regulation it is a defence to prove that the accused took reasonable precautions and exercised due diligence to avoid committing the offence.

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

Director -General may impose penalty upon admission of guilt.

28. (1) If any person —

- (a) admits to the Director General that he has contravened any provision of these regulations or Act, or that he has failed to comply with any such provision with which it was his duty to comply; and
- (b) agrees to abide by the decision of the Director General ; and
- (c) deposits with the Authority such sum as may be required of him, but not exceeding the maximum fine which may be imposed upon a conviction for the contravention or failure in question, the Director General may, after such

enquiry as it deems necessary, determine the matter summarily and may, without legal proceedings, order by way of penalty the whole or any part of the said deposit to be forfeited.

(2) The imposition of a penalty under sub-regulation (1) shall be deemed to be a conviction of a criminal offence, but no prosecution for the relative offence shall thereafter be competent.

(3) Nothing in this regulation shall in any way affect liability to forfeiture of ships, shares therein or cargo.

SCHEDULE

(r.5)

PART I—WATCHKEEPING PRINCIPLES AND ARRANGEMENTS

Planning the voyage

Voyage to be planned in advance.

1. The intended voyage shall be planned in advance, taking into consideration all pertinent information, and any course laid down shall be checked before the voyage commences.

Requirements for voyage.

2. The chief engineer officer shall, in consultation with the master, determine in advance the requirements for the intended voyage, taking into consideration the requirements for fuel, water, lubricants, chemicals, expendable and other spare parts, tools, supplies and any other requirements.

Charts.

3. Before each voyage the master of a ship shall ensure that the intended route from the port of departure to the first port of call is planned using adequate and appropriate charts and other nautical publications necessary for the intended voyage, containing accurate, complete and up-to-date information regarding those navigational limitations and hazards that are of a permanent or predictable nature and that are relevant to the safe navigation of the ship.

Display of route charts.

4. When the route planning is verified taking into consideration all pertinent information, the planned route shall be clearly displayed on appropriate charts and shall be continuously available to the officer in charge of the watch, who shall verify each course to be followed before using it during the voyage.

Deviation from planned route.

5. If a decision is made during a voyage to change the next port of call of the planned route, or if it becomes necessary for the ship to deviate substantially from the planned route for other reasons, then an amended route shall be planned before deviating substantially from the route originally planned.

Watchkeeping at Sea

Principles of watchkeeping.

6. Owners, masters, chief engineer officers and watchkeeping personnel shall observe the principles set out in this part to ensure that safe watches are maintained at all times.

Duty of master.

7. The master of a ship shall ensure that watchkeeping arrangements are adequate for maintaining a safe navigational watch and, under the master's general direction, the officers of the navigational watch are responsible for navigating the ship safely during their periods of duty, during which they shall be particularly concerned with avoiding collision and stranding.

Duty of chief engineer officer.

8. The chief engineer officer of a ship shall, in consultation with the master, ensure that watchkeeping arrangements are adequate to maintain a safe engineering watch.

Prevention of pollution.

9. The master, officers and ratings shall be aware of the serious effects of operational or accidental pollution of the marine environment and shall take all possible precautions to prevent such

pollution, particularly within the framework of relevant international and port regulations.

PART II—PRINCIPLES TO BE OBSERVED IN KEEPING NAVIGATIONAL WATCH

Duty of officer in charge.

10. The officer in charge of the navigational watch is the master's representative and is primarily responsible at all times for the safe navigation of the ship and for complying with the collision regulations.

Look-out.

11. A proper look-out shall be maintained at all times in compliance with rule 5 of the annex to the collision regulations, and shall serve the purpose of—

- (a) maintaining a continuous state of vigilance by sight and hearing as well as by all other available means, with regard to any significant change in the operating environment;
- (b) fully appraising the situation and the risk of collision, stranding and other dangers to navigation; and
- (c) detecting ships or aircraft in distress, shipwrecked persons, wrecks, debris and other hazards to safe navigation.

Look-out not to be assigned other task.

12. The look-out shall give full attention to the keeping of a proper lookout and no other duties shall be undertaken or assigned which could interfere with that task.

Helmsman not to be considered a look-out

13. The duties of the look-out and helmsman are separate and the helmsman shall not be considered to be the look-out while steering, except in small ships where an unobstructed all-round view is provided at the steering position and there is no impairment of night vision or other impediment to the keeping of a proper look-out. The officer in charge of the navigational watch may be the sole look-out in daylight provided that on each such occasion—

- (a) the situation has been carefully assessed and it has been established without doubt that it is safe to do so;
- (b) full account has been taken of all relevant factors, including, but not limited to—
 - (i) the state of the weather;
 - (ii) visibility;
 - (iii) traffic density;
 - (iv) proximity of dangers to navigation; and
 - (v) the attention necessary when navigating in or near traffic separation schemes; and
- (c) assistance is immediately available to be summoned to the bridge when any change in the situation so requires.

Considerations for maintaining proper look-out

14. In determining that the composition of the navigational watch is adequate to ensure that a proper look-out can continuously be maintained, the master shall take into account all relevant factors, including those described in this Schedule, as well as the following factors-

- (a) the hours of darkness, requiring in addition to the watchkeeping officer, a look-out;
- (b) visibility, state of weather and sea;
- (c) traffic density, and other activities occurring in the area in which the ship is navigating;
- (d) the attention necessary when navigating in or near traffic separation schemes and other routing measures;
- (e) the additional workload caused by the nature of the ship's functions, immediate operating requirements and anticipated manoeuvres;
- (f) the fitness for duty of any crew members on call who are assigned as members of the watch;
- (g) knowledge of and confidence in the professional competence of the ship's officers and crew;
- (h) the experience of each officer of the navigational watch, and the familiarity of that officer with the ship's equipment, procedures, and manoeuvring capability;

- (i) activities taking place on board the ship at any particular time, including radio communication activities, and the availability of assistance to be summoned immediately to the bridge when necessary;
- (j) the operational status of bridge instrumentation and controls, including alarm systems;
- (k) rudder and propeller control and ship manoeuvring characteristics;
- (l) the size of the ship and the field of vision available from the conning position;
- (m) the configuration of the bridge, to the extent that such configuration might inhibit a member of the watch from detecting by sight or hearing any external development; and
- (n) any other relevant standard, procedure or guidance relating to watchkeeping arrangements and fitness for duty which has been promulgated by regulation.

Factors for watch on bridge.

15. When deciding the composition of the watch on the bridge, which may include appropriately qualified ratings, the following factors, *inter alia*, shall be taken into account:

- (a) at no time shall the bridge be left unattended;
- (b) weather conditions, visibility and whether there is daylight or darkness;
- (c) proximity of navigational hazards which may make it necessary for the officer in charge of the watch to carry out additional navigational duties;
- (d) use and operational condition of navigational aids such as radar or electronic position indicating devices and any other equipment affecting the safe navigation of the ship;
- (e) whether the ship is fitted with automatic steering;
- (f) whether there are radio duties to be performed;
- (g) unmanned machinery space (UMS) controls, alarms and indicators provided on the bridge, procedures for their use and limitations; and
- (h) any unusual demands on the navigational watch that may arise as a result of special operational circumstances.

Hand-over watch.

16. The officer in charge of the navigational watch shall not hand over the watch to the relieving officer if there is reason to believe that the latter is not capable of carrying out the watchkeeping duties effectively, in which case the master shall be notified.

Duties of relieving officer.

17. The relieving officer shall ensure that the members of the relieving watch are fully capable of performing their duties, particularly as regards their adjustment to night vision. Relieving officers shall not take over the watch until their vision is fully adjusted to the light conditions.

Relieving officer to confirm speed.

18. Before taking over the watch, relieving officers shall satisfy themselves as to the ship's estimated or true position and confirm its intended track, course and speed, and UMS controls as appropriate and shall note any dangers to navigation expected to be encountered during their watch.

Issues for relieving officer.

19. Relieving officers shall personally satisfy themselves regarding—

- (a) standing orders and other special instructions of the master relating to navigation of the ship;
- (b) position, course, speed and draught of the ship;
- (c) prevailing and predicted tides, currents, weather, visibility and the effect of these factors upon course and speed;
- (d) procedures for the use of main engines to manoeuvre when the main engines are on bridge control; and
- (e) navigational situation, including but not limited to—
 - (i) the operational condition of all navigational and safety equipment being used or likely to be used during the watch;
 - (ii) the errors of gyro- and magnetic compasses;

- (iii) presence and movement of ships in sight or known to be in the vicinity,
- (iv) the conditions and hazards likely to be encountered during the watch, and
- (v) the possible effects of heel, trim, water density and squat on under-keel clearance.

When navigational watch is relieved.

20. If at any time the officer in charge of the navigational watch is to be relieved when a manoeuvre or other action to avoid any hazard is taking place, the relief of that officer shall be deferred until such action has been completed.

Officer in charge of navigational watch.

21. The officer in charge of the navigational watch shall—

- (a) keep the watch on the bridge;
- (b) in no circumstances leave the bridge until properly relieved;
- (c) continue to be responsible for the safe navigation of the ship, despite the presence of the master on the bridge, until informed specifically that the master has assumed that responsibility and this is mutually understood; and
- (d) notify the master when in any doubt as to what action to take in the interest of safety.

Checks during watch.

22. During the watch the course steered, position and speed shall be checked at sufficiently frequent intervals, using any available navigational aids necessary, to ensure that the ship follows the planned course.

Officer to check equipment.

23. The officer in charge of the navigational watch shall have full knowledge of the location and operation of all safety and navigational equipment on board the ship and shall be aware and take account of the operating limitations of such equipment.

Officer not to be assigned other tasks.

24. The officer in charge of the navigational watch shall not be assigned or undertake any duties which would interfere with the safe navigation of the ship.

Use of navigational equipment.

25. Officers of the navigational watch shall make the most effective use of all navigational equipment at their disposal.

Use of radar.

26. (1) The officer in charge of the Navigational watch shall use the radar at times of restricted visibility and at all times in congested water having due regard to its limitations.

(2) When using radar, the officer in charge of the navigational watch shall bear in mind the necessity to comply at all times with the provisions on the use of radar contained in the collision regulations.

(3) The officer in charge of the navigational watch shall, when radar is in use, select an appropriate range scale and observe the display, and ensure that plotting or systematic analysis is commenced in ample time.

Use of helm, engines, other apparatus.

27. In cases of need, the officer in charge of the navigational watch shall not hesitate to use the helm, engines and sound signalling apparatus, but timely notice of intended variations of engine speed shall be given where possible or effective use made of UMS engine controls provided on the bridge in accordance with the applicable procedures.

28. Officers of the navigational watch shall know the handling characteristics of their ship, including its stopping distances, and should appreciate that other ships may have different handling characteristics.

Record of watch.

29. A proper record shall be kept during the watch of the movements and activities relating to the navigation of the ship.

Proper Look-outs.

30. It is of special importance that at all times the officer in charge of the navigational watch ensures that a proper look-out is maintained and in a ship with a separate chartroom the officer in charge of the navigational watch may visit the chartroom, when essential, for a short period for the necessary performance of navigational duties, but shall first ensure that it is safe to do so and that proper look-out is maintained.

Operational tests.

31. Operational tests of shipboard navigational equipment shall be carried out at sea as frequently as practicable and as circumstances permit, in particular before hazardous conditions affecting navigation are expected and before port arrival and departure where appropriate, and shall be recorded.

Checks on Navigational watch.

32. The officer in charge of the navigational watch shall make regular checks to ensure that—

- (a) the person steering the ship, or the automatic pilot, is steering the correct course;
- (b) the standard compass error is determined at least once a watch and, when possible, after any major alteration of course; the standard and gyro-compasses are frequently compared and repeaters are synchronized with their master compass;
- (c) the automatic pilot is tested manually at least once a watch;
- (d) the navigation and signal lights and other navigational equipment are functioning properly;
- (e) the radio equipment available in the bridge is functioning properly in accordance with paragraph 82 of this Schedule; and
- (f) the UMS controls, alarms and indicators are functioning properly.

Considerations for Navigational watch.

33. The officer in charge of the navigational watch shall bear in mind the necessity to comply at all times with the requirements in force of the Safety Convention, and shall take into account—

- (a) the need to station a person to steer the ship and to put the steering into manual control in good time to allow any potentially hazardous situation to be dealt with in a safe manner; and
- (b) that with a ship under automatic steering it is highly dangerous to allow a situation to develop to the point where the officer in charge of the navigational watch is without assistance and has to break the continuity of the look-out in order to take emergency action.

Use of Electronic Navigational aids.

34. Officers of the navigational watch shall be thoroughly familiar with the use of all electronic navigational aids carried, including their capabilities and limitations, and shall use each of these aids when appropriate and shall bear in mind that the echo sounder is a valuable navigational aid.

Change of range Scales.

35. The officer in charge of the navigational watch shall ensure that range scales employed are changed at sufficiently frequent intervals so that echoes are detected as early as possible. It shall be borne in mind that small or poor echoes may escape detection.

Officer to notify Master.

36. The officer in charge of the navigational watch shall notify the master immediately—

- (a) if restricted visibility is encountered or expected;
- (b) if the traffic conditions or the movements of other ships are causing concern;
- (c) if difficulty is experienced in maintaining course;
- (d) on failure to sight land, a navigational mark or to obtain soundings by the expected time;

- (e) if, unexpectedly, a land or a navigation mark is sighted or a change in sounding occurs;
- (f) on breakdown of the engines, propulsion machinery remote control, steering gear or any essential navigational equipment, alarm or indicator;
- (g) if the radio equipment in the bridge malfunctions;
- (h) in heavy weather, if in any doubt about the possibility of weather damage;
- (i) if the ship meets any hazard to navigation, such as ice or a derelict; and
- (j) in any other emergency or if in any doubt.

Office may take action.

37. Despite the requirement to notify the master immediately in the foregoing circumstances, the officer in charge of the navigational watch shall in addition not hesitate to take immediate action for the safety of the ship, where circumstances so require.

Instruction for safe watch.

38. The officer in charge of the navigational watch shall give watchkeeping personnel all appropriate instructions and information which will ensure the keeping of a safe watch, including a proper look-out.

Officer to take compass bearings.

39. In clear weather the officer in charge of the navigational watch shall take frequent and accurate compass bearings of approaching ships as a means of early detection of risk of collision and bear in mind that such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large ship or a tow or when approaching a ship at close range. The officer in charge of the navigational watch shall also take early and positive action in compliance with the applicable collision regulations and subsequently check that such action is having the desired effect.

Radar practice.

40. In clear weather, whenever possible, the officer in charge of the navigational watch shall carry out radar practice.

Action in restricted visibility.

41. When restricted visibility is encountered or expected, the first responsibility of the officer in charge of the navigational watch is to comply with the relevant rules of the collision regulations with particular regard to the sounding of fog signals, proceeding at a safe speed and having the engines ready for immediate manoeuvre. In addition, the officer in charge of the navigational watch shall-

- (a) inform the master;
- (b) post a proper look-out;
- (c) exhibit navigation lights; and
- (d) operate and use the radar.

Watch in hours of darkness.

42. During the hours of darkness the master and the officer in charge of the navigational watch, when arranging lookout duty, shall have due regard to the bridge equipment and navigational aids available for use, their limitations and procedures and safeguards implemented.

Watch in coastal and congested waters.

In coastal and congested waters the largest scale chart on board, suitable for the area and corrected with the latest available information, shall be used. Fixes shall be taken at frequent intervals, and shall be carried out by more than one method whenever circumstances allow. The officer in charge of the navigational watch shall positively identify all relevant navigational marks.

Co-operation with pilots.

44. (1) Despite the duties and obligations of pilots, their presence on board does not relieve the master or officer in charge of the navigational watch from their duties and obligations for the safety of the ship, but the master and the pilot shall exchange information regarding navigation procedures, local conditions and the ship's characteristics.

(2) The master or the officer in charge of the navigational watch shall co-operate closely with the pilot and maintain an accurate check on the ship's position and movement.

Actions of Pilot.

45. If in any doubt as to the pilot's actions or intentions, the officer in charge of the navigational watch shall seek clarification from the pilot and, if doubt still exists, shall notify the master immediately and take whatever action is necessary before the master arrives.

Duties of Officer at Anchor.

46. While at anchor, the officer in charge of the navigational watch shall—

- (a) determine and plot the ship's position on the appropriate chart as soon as practicable;
- (b) when circumstances permit, check at sufficiently frequent intervals whether the ship is remaining securely at anchor by taking bearings of fixed navigational marks or readily identifiable shore objects;
- (c) ensure that proper look-out is maintained;
- (d) ensure that inspection rounds of the ship are made periodically;
- (e) observe meteorological and tidal conditions and the state of the sea;
- (f) notify the master and undertake all necessary measures if the ship drags anchor;
- (g) ensure that the state of readiness of the main engines and other machinery is in accordance with the master's instructions;
- (h) if visibility deteriorates, notify the master;
- (i) ensure that the ship exhibits the appropriate lights and shapes and that appropriate sound signals are made in accordance with all applicable regulations;
- (j) take measures to protect the environment from pollution by the ship and comply with applicable pollution regulations; and
- (k) maintain a listening watch on VHF channel 16 and/or the port operations working channel.

PART III—PRINCIPLES TO BE OBSERVED IN KEEPING ENGINEERING WATCH

Engineering Watch.

47. The term *engineering watch* as used in parts 2, 6 and 8 of this Schedule means either a person or a group of personnel comprising the watch or a period of responsibility for an officer during which the physical presence in machinery spaces of that officer may or may not be required.

Officer in charge of Engineering watch.

48. The officer in charge of the engineering watch is the chief engineer officer's representative and is primarily responsible, at all times, for the safe and efficient operation and upkeep of machinery affecting the safety of the ship and is responsible for the inspection, operation and testing, as required, of all machinery and equipment under the responsibility of the engineering watch.

Composition of Engineering Watch.

49. (1) The composition of the engineering watch shall, at all times, be adequate to ensure the safe operation of all machinery affecting the operation of the ship, in either automated or manual mode, and be appropriate to the prevailing circumstances and conditions.

(2) When deciding the composition of the engineering watch, which may include appropriately qualified ratings, the following criteria, *inter alia*, shall be taken into account:

- (a) The type of ship and the type and condition of the machinery;
- (b) the adequate supervision, at all times, of machinery affecting the safe operation of the ship;
- (c) any special modes of operation dictated by conditions such as weather, ice, contaminated water, shallow water, emergency conditions, damage containment or pollution abatement;
- (d) the qualifications and experience of the engineering watch;
- (e) the safety of life, ship, cargo and port, and protection of the environment;

- (f) the observance of international, national and local regulations; and
- (g) maintaining the normal operations of the ship.

When relieving officer is incapable.

50. The officer in charge of the engineering watch shall not hand over the watch to the relieving officer if there is reason to believe that the latter is obviously not capable of carrying out the watchkeeping duties effectively, in which case the chief engineer officer shall be notified.

Responsibility of relieving officer.

51. The relieving officer of the engineering watch shall ensure that the members of the relieving engineering watch are apparently fully capable of performing their duties effectively.

Taking over engineering watch.

52. Before taking over the engineering watch, relieving officers shall satisfy themselves regarding at least the following:

- (a) The standing orders and special instructions of the chief engineer officer relating to the operation of the ship's systems and machinery;
- (b) the nature of all work being performed on machinery and systems, the personnel involved and potential hazards;
- (c) the level and, where applicable, the condition of water or residues in bilges, ballast tanks, slop tanks, reserve tanks, fresh water tanks, sewage tanks and any special requirements for use or disposal of the contents thereof;
- (d) the condition and level of fuel in the reserve tanks, settling tanks, day tanks and other fuel storage facilities;
- (e) any special requirements relating to sanitary system disposals;
- (f) condition and mode of operation of the various main and auxiliary systems, including the electrical power distribution system;
- (g) where applicable, the condition of monitoring and control console equipment, and which equipment is being operated manually;

- (h) where applicable, the condition and mode of operation of automatic boiler controls such as flame safeguard control systems, limit control systems, combustion control systems, fuel-supply control systems and other equipment related to the operation of steam boilers;
- (i) any potentially adverse conditions resulting from bad weather, ice, or contaminated or shallow water;
- (j) any special modes of operation dictated by equipment failure or adverse ship conditions;
- (k) the reports of engine-room ratings relating to their assigned duties;
- (l) the availability of fire-fighting appliances; and
- (m) the state of completion of engine-room log.

Organising Engineering watch.

53. The officer in charge of the engineering watch shall ensure that the established watchkeeping arrangements are maintained and that, under direction, engine-room ratings, if forming part of the engineering watch, assist in the safe and efficient operation of the propulsion machinery and auxiliary equipment.

Responsibility for machines.

54. The officer in charge of the engineering watch shall continue to be responsible for machinery-space operations, despite the presence of the chief engineer officer in the machinery spaces, until specifically informed that the chief engineer officer has assumed that responsibility and this is mutually understood.

Duties of members of Engineering watch..

55.(1) All members of the engineering watch shall be familiar with their assigned watchkeeping duties ,and in addition, every member shall with respect to the ship they are serving in, have knowledge of—

- (a) the use of appropriate internal communication systems;
- (b) the escape routes from machinery spaces;
- (c) the engine-room alarm systems and be able to distinguish between the various alarms, with special reference to the fire-extinguishing media alarm; and

(d) the number, location and types of fire-fighting equipment and damage-control gear in the machinery spaces, and their use and the various safe precautions to be observed.

(2) Any machinery not functioning properly, expected to malfunction or requiring special service shall be noted along with any action already taken and plans shall be made for any further action if required.

Manning Machinery Spaces.

56. (1) When the machinery spaces are in the manned condition, the officer in charge of the engineering watch shall at all times be readily capable of operating the propulsion equipment in response to needs for changes in direction or speed.

(2) When the machinery spaces are in the periodic unmanned condition, the designated duty officer in charge of the engineering watch shall be immediately available and on call to attend the machinery spaces.

Bridge Orders.

57.(1) All bridge orders shall be promptly executed, and except in ships of less than 500 GT, changes in direction or speed of the main propulsion units shall be recorded.

(2) The officer in charge of the engineering watch shall ensure that the main propulsion unit controls, when in the manual mode of operation, are continuously attended under stand-by or manoeuvring conditions.

Maintenance of Machinery.

58. Due attention shall be paid to the ongoing maintenance and support of all machinery, including mechanical, electrical, electronic, hydraulic and pneumatic systems, their control apparatus and associated safety equipment, all accommodation service systems, equipment and the recording of stores and spare gear usage.

Responsibility of Chief Engineer.

59. The chief engineer officer shall ensure that the officer in charge of the engineering watch is informed of all preventive

maintenance, damage control, or repair operations to be performed during the engineering watch, and the officer in charge of the engineering watch shall be responsible for the isolation, bypassing and adjustment of all machinery under the responsibility of the engineering watch that is to be worked on, and shall record all work carried out.

Stand –by condition.

60. When the engine-room is put in a stand-by condition, the officer in charge of the engineering watch shall ensure that all machinery and equipment which may be used during manoeuvring is in a state of immediate readiness and that an adequate reserve of power is available for steering gear and other requirements.

Officer not to be assigned other duties.

61. Officers in charge of an engineering watch shall not be assigned or undertake any duties which would interfere with their supervisory duties in respect of the main propulsion system and ancillary equipment, and shall-

- (a) They shall keep the main propulsion plant and auxiliary systems under constant supervision until properly relieved;
- (b) periodically inspect the machinery in their charge, and
- (c) also ensure that adequate rounds of the machinery and steering-gear spaces are made for the purpose of observing and reporting equipment malfunctions or breakdowns, performing or directing routine adjustments, required upkeep and any other necessary tasks.

Information on hazardous conditions.

62. Officers in charge of an engineering watch shall direct any other member of the engineering watch to inform them of potentially hazardous conditions which may adversely affect the machinery or jeopardize the safety of life or of the ship.

Containing Effects of Damage.

63. The officer in charge of the engineering watch shall take the action necessary to contain the effects of damage resulting from equipment breakdown, fire, flooding, rupture, collision, stranding, or other cause.

Record of events.

64. Before going off duty, the officer in charge of the engineering watch shall ensure that all events related to the main and auxiliary machinery which have occurred during the engineering watch are suitably recorded.

Co-operation in maintenance work.

65. The officer in charge of the engineering watch shall co-operate with any engineer in charge of maintenance work during all preventive maintenance, damage control or repairs. This shall include but not necessarily be limited to—

- (a) isolating and bypassing machinery to be worked on;
- (b) adjusting the remaining plant to function adequately and safely during the maintenance period;
- (c) recording, in the engine-room log or other suitable document, the equipment worked on and the personnel involved, and which safety steps have been taken and by whom, for the benefit of relieving officers and for record purposes; and
- (d) testing and putting into service, when necessary, the repaired machinery or equipment.

Assistance by ratings.

66. The officer in charge of the engineering watch shall ensure that any engine-room ratings who perform maintenance duties are available to assist in the manual operation of machinery in the event of automatic equipment failure.

Reports to the Bridge.

67. The officer in charge of the engineering watch shall bear in mind that changes in speed, resulting from machinery malfunction, or any loss of steering, may imperil the safety of the ship and life at sea

and shall immediately notify the bridge in the event of fire and of any impending action in machinery spaces that may cause reduction in the ship's speed, imminent steering failure, stoppage of the ship's propulsion system or any alteration in the generation of electric power, or similar threat to safety.

(2) The notification under paragraph (1), where possible, shall be accomplished before changes are made, in order to afford the bridge the maximum available time to take whatever actions possible to avoid a potential marine casualty.

Notification to chief engineering officer.

68. The officer in charge of the engineering watch shall notify the chief engineer officer without delay—

- (a) when engine damage or a malfunction occurs which may be such as to endanger the safe operation of the ship;
- (b) when any malfunction occurs which, it is believed, may cause damage or breakdown of propulsion machinery, auxiliary machinery or monitoring and governing systems; and
- (c) in any emergency or if in any doubt as to what decision or measures to take.

Emergency action.

69. Despite the requirement to notify the chief engineer officer in the foregoing circumstances, the officer in charge of the engineering watch shall not hesitate to take immediate action for the safety of the ship, its machinery and crew where circumstances require.

Responsibility of officer in charge.

70. (1) The officer in charge of the engineering watch shall give the watchkeeping personnel all appropriate instructions and information which will ensure the keeping of a safe engineering watch.

(2) Routine machinery upkeep, performed as incidental tasks as a part of keeping a safe watch, shall be set up as an integral part of the watch routine, and detailed repair maintenance involving repairs to electrical, mechanical, hydraulic, pneumatic or applicable electronic equipment throughout the ship shall be performed with the

cognizance of the officer in charge of the engineering watch and chief engineer officer and recorded.

Signals in Restricted Visibility.

71. In restricted visibility the officer in charge of the engineering watch shall ensure that permanent air or steam pressure is available for sound signals and that at all times bridge orders relating to changes in speed or direction of operation are immediately implemented and, in addition, that auxiliary machinery used for manoeuvring is readily available.

Manual mode in coastal and congested waters.

72. In coastal and congested waters the officer in charge of the engineering watch shall ensure that all machinery involved with the manoeuvring of the ship can immediately be placed in the manual mode of operation when notified that the ship is in congested waters. The officer in charge of the engineering watch shall also ensure that an adequate reserve of power is available for steering and other manoeuvring requirements. Emergency steering and other auxiliary equipment shall be ready for immediate operation.

Unsheltered anchorage.

73. At an unsheltered anchorage the chief engineer officer shall consult with the master whether or not to maintain the same engineering watch as when under way.

When ship is at anchor.

74. When a ship is at anchor in an open roadstead or in any other virtually "at-sea" condition, the engineer officer in charge of the engineering watch shall ensure that—

- (a) an efficient engineering watch is kept;
- (b) periodic inspection is made of all operating and stand-by machinery;
- (c) main and auxiliary machinery is maintained in a state of readiness in accordance with orders from the bridge;

- (d) measures are taken to protect the environment from pollution by the ship, and that applicable pollution-prevention regulations are complied with; and
- (e) all damage-control and fire-fighting systems are in readiness.

PART IV—PRINCIPLES TO BE OBSERVED IN KEEPING RADIO WATCH

Arrangements for Radio Watch.

75. In deciding the arrangements for the radio watch, the master of every seagoing ship shall—

- (a) ensure that the radio watch is maintained in accordance with the relevant provisions of the radio regulations and the Safety Convention.
- (b) ensure that the primary duties for radio watchkeeping are not adversely affected by attending to radio traffic not relevant to the safe movement of the ship and safety of navigation; and
- (c) take into account the radio equipment fitted on board and its operational status.

Responsibilities of radio operator.

76. The radio operator performing radio watchkeeping duties shall—

- (a) ensure that watch is maintained on the frequencies specified in the radio regulations and, where applicable, the Safety Convention;
- (b) while on duty, regularly check the operation of the radio equipment and its sources of energy and report to the master any observed failure of this equipment; and
- (c) maintain and keep the appropriate radio log.

Duty of maintaining records.

77. The maintenance of radio records, in compliance with the requirements of the radio regulations and where applicable, the Safety Convention, is the responsibility of the radio operator designated as

having primary responsibility for radiocommunications during distress incidents.

(2) The following shall be recorded, together with the times at which they occur:

- (a) A summary of distress, urgency and safety radiocommunications;
- (b) important incidents relating to the radio service;
- (c) where appropriate, the position of the ship at least once per day; and
- (d) a summary of the condition of the radio equipment, including its sources of energy.

Radio Records.

78. The radio records shall be kept at the distress communications operating position, and shall be made available—

- (a) for inspection by the master; and
- (b) for inspection by any authorized official during a port state inspection and during a radio equipment survey.

PART V—WATCHKEEPING IN PORT

Watchkeeping in Port.

79. On any ship safely moored or safely at anchor under normal circumstances in port, the master shall arrange for an appropriate and effective watch to be maintained for the purpose of safety. Special requirements may be necessary for special type of ships' propulsion systems or ancillary equipment and for ships carrying hazardous, dangerous, toxic or highly flammable materials or other special types of cargo.

Deck Watch.

80. Arrangements for keeping a deck watch when the ship is in port shall at all times be adequate to—

- (a) ensure the safety of life, of the ship, the port and the environment, and the safe operation of all machinery related to cargo operations;
- (b) observe international, national and local rules; and
- (c) maintain order and the normal routine of the ship.

Master to Decide on deck watch.

81. (1) The master shall decide the composition and duration of the deck watch depending on the conditions of mooring, type of the ship and character of duties.

(2) If the master considers it necessary, a qualified officer shall be in charge of the deck watch.

(3) The necessary equipment shall be so arranged as to provide for efficient watchkeeping.

Responsibility of Chief Engineer.

82. The chief engineer officer, in consultation with the master, shall ensure that engineering watchkeeping arrangements are adequate to maintain a safe engineering watch while in port.

(2) When deciding the composition of the engineering watch, which may include appropriate engine-room ratings, the following points are among those to be taken into account:

- (a) On all ships of 3 000 kW propulsion power or more there shall always be an officer in charge of the engineering watch;
- (b) on ships of less than 3 000 kW propulsion power there may be, at the master's discretion and in consultation with the chief engineer officer, no officer in charge of the engineering watch; and
- (c) officers, while in charge of an engineering watch, shall not be assigned or undertake any task or duty which would interfere with their supervisory duty in respect of the ship's machinery system.

Handing over of watch.

83. Officers in charge of the deck or engineering watch shall not hand over the watch to their relieving officer if they have any reason to believe that the latter is obviously not capable of carrying out watchkeeping duties effectively, in which case the master or chief engineer shall be notified accordingly.

(2) Relieving officers of the deck or engineering watch shall ensure that all members of their watch are apparently fully capable of performing their duties effectively.

Operations to be completed before handing over.

84. If, at the moment of handing over the deck or engineering watch, an important operation is being performed it shall be concluded by the officer being relieved, except when ordered otherwise by the master or chief engineer officer.

PART VI—TAKING OVER DECK WATCH

85. Before taking over the deck watch, the relieving officer shall be informed of the following by the officer in charge of the deck watch as to—

- (a) the depth of the water at the berth, the ship's draught, the level and time of high and low waters; the securing of the moorings, the arrangement of anchors and the scope of the anchor chain, and other mooring features important to the safety of the ship, the state of main engines and their availability for emergency use;
- (b) all work to be performed on board the ship, the nature, amount and disposition of cargo loaded or remaining, and any residue on board after unloading the ship;
- (c) the level of water in bilges and ballast tanks;
- (d) the signals or lights being sounded or exhibited;
- (e) the number of crew members required to be on board and the presence of any other persons on board;
- (f) the state of fire-fighting appliances;
- (g) any special port regulations;
- (h) the master's standing and special orders;
- (i) the lines of communication available between the ship and shore personnel, including port authorities, in the event of an emergency arising or assistance being required;
- (j) any other circumstances of importance to the safety of the ship, its crew, cargo or protection of the environment from pollution; and

- (k) the procedures for notifying the appropriate authority of any environmental pollution resulting from ship activities.

Information for relieving officer by deck watch officer.

86. Relieving officers, before assuming charge of the deck watch, shall ensure that—

- (a) the securing of moorings and anchor chain is adequate;
- (b) the appropriate signals or lights are properly sounded or exhibited;
- (c) safety measures and fire protection regulations are being maintained;
- (d) they are aware of the nature of any hazardous or dangerous cargo being loaded or discharged and the appropriate action to be taken in the event of any spillage or fire; and
- (e) no external conditions or circumstances imperil the ship and that it does not imperil others.
- (f) they are aware of any ballasting/de-ballasting operations in progress and the current status of anti-heeling pumps and systems (where installed).

PART VII —TAKING OVER ENGINEERING WATCH

Information for relieving officer by engineering watch officer.

87.(1) Before taking over the engineering watch, the relieving officer shall be informed by the officer in charge of the engineering watch as to—

- (a) the standing orders of the day, any special orders relating to the ship operations, maintenance functions, repairs to the ship's machinery or control equipment;
- (b) the nature of all work being performed on machinery and systems on board ship, personnel involved and potential hazards;
- (c) the level and condition, where applicable, of water or residue in bilges, ballast tanks, slop tanks, sewage tanks, reserve tanks and special requirements for the use or disposal of the contents thereof;

- (d) any special requirements relating to sanitary system disposals;
- (e) the condition and state of readiness of portable fire-extinguishing equipment and fixed fire-extinguishing installations and fire-detection systems;
- (f) authorized repair personnel on board engaged in engineering activities, their work locations and repair functions and other authorized persons on board and the required crew;
- (g) any port regulations pertaining to ship effluents, fire-fighting requirements and ship readiness, particularly during potential bad weather conditions;
- (h) the lines of communication available between the ship and shore personnel, including port authorities, in the event of an emergency arising or assistance being required;
- (i) any other circumstances of importance to the safety of the ship, its crew, cargo or the protection of the environment from pollution; and
- (j) the procedures for notifying the appropriate authority of environmental pollution resulting from engineering activities.

(2) Relieving officers, before assuming charge of the engineering watch, shall satisfy themselves that they are fully informed by the officer being relieved, as outlined above, and shall—

- (a) be familiar with existing and potential sources of power, heat and lighting and their distribution;
- (b) know the availability and condition of ship's fuel, lubricants and all water supplies; and
- (c) be ready to prepare the ship and its machinery, as far as is possible, for stand-by or emergency conditions as required.

PART VIII—PERFORMING DECK WATCH

Duties of officer in charge of deck watch.

88. The officer in charge of the deck watch shall—

- (a) make rounds to inspect the ship at appropriate intervals;
- (b) pay particular attention to—

- (i) the condition and securing of the gangway, anchor chain and moorings, especially at the turn of the tide and in berths with a large rise and fall, if necessary, taking measures to ensure that they are in normal working condition;
 - (ii) the draught, under-keel clearance and the general state of the ship, to avoid dangerous listing or trim during cargo handling or ballasting;
 - (iii) the weather and sea state;
 - (iv) the observance of all regulations concerning safety and fire protection;
 - (v) the water level in bilges and tanks;
 - (vi) all persons on board and their location, especially those in remote or enclosed spaces; and
 - (vii) the exhibition and sounding, where appropriate, of lights and signals;
- (c) in bad weather, or on receiving a storm warning, take the necessary measures to protect the ship, persons on board and cargo;
- (d) take every precaution to prevent pollution of the environment by the ship;
- (e) in an emergency threatening the safety of the ship, raise the alarm, inform the master, take all possible measures to prevent any damage to the ship, its cargo and persons on board, and, if necessary, request assistance from the shore authorities or neighbouring ships;
- (f) be aware of the ship's stability condition so that, in the event of fire, the shore fire fighting authority may be advised of the approximate quantity of water that can be pumped on board without endangering the ship;
- (g) Offer assistance to ships or persons in distress;
- (h) Take necessary precautions to prevent accidents or damage when propellers are to be turned; and

- (i) enter in the appropriate log-book all important events affecting the ship.

PART IX—PERFORMING ENGINEERING WATCH

Duties of officer in charge of Engineering Watch.

89. Officers in charge of the engineering watch shall pay particular attention to—

- (a) the observance of all orders, special procedures and regulations concerning hazardous conditions and their prevention in all areas in their charge;
 - (b) the instrumentation and control systems, monitoring of all power supplies, components and systems in operation;
 - (c) the techniques, methods and procedures necessary to prevent violation of the pollution regulations of the local authorities; and
 - (d) the state of the bilges.
- (2) Officers in charge of the engineering watch shall—
- (a) in emergencies, raise the alarm when in their opinion the situation so demands, and take all possible measures to prevent damage to the ship, persons on board and cargo;
 - (b) be aware of the deck officer's needs relating to the equipment required in the loading or unloading of the cargo and the additional requirements of the ballast and other ship stability control systems;
 - (c) make frequent rounds of inspection to determine possible equipment malfunction or failure, and take immediate remedial action to ensure the safety of the ship, of cargo operations, of the port and the environment;
 - (d) ensure that the necessary precautions are taken, within their area of responsibility, to prevent accidents or damage to the various electrical, electronic, hydraulic, pneumatic and mechanical systems of the ship; and
 - (e) ensure that all important events affecting the operation, adjustment or repair of the ship's machinery are satisfactorily recorded.

PART X—WATCH IN PORT ON SHIPS CARRYING HAZARDOUS CARGO

Duty of Master where there is hazardous Cargo.

90. The master of a ship carrying cargo that is hazardous, whether explosive, flammable, toxic, health-threatening or environment-polluting, shall ensure that safe watchkeeping arrangements are maintained. On ships carrying hazardous cargo in bulk, this will be achieved by the ready availability on board of a duly qualified officer or officers, and ratings where appropriate, even when the ship is safely moored or safely at anchor in port

(2) On ships carrying hazardous cargo other than in bulk, the master shall take full account of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions on board, afloat and ashore.

Dated the 2nd October, 2012.

AMOS KIMUNYA,
Minister for Transport.

