

THE MERCHANT SHIPPING ACT, 2009

(No. 4 of 2009)

THE MERCHANT SHIPPING (SURVEY AND CERTIFICATION)
REGULATIONS 2014

ARRANGEMENT OF THE REGULATIONS

- 1—Citation.
- 2—Interpretation.
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- 4—Survey of passenger ships.
- 5—Surveys of cargo ship safety equipment.
- 6—Surveys of cargo ship radio installations.
- 7—Surveys of cargo ship structure, machinery and equipment.

Schedule

THE MERCHANT SHIPPING ACT, 2009

(No. 4 of 2009)

IN EXERCISE of the powers conferred by sections 8, 232, 233 and 450 of the Merchant Shipping Act, 2009, the Cabinet Secretary for Transport and Infrastructure makes the following Regulations –

THE MERCHANT SHIPPING (SURVEY AND CERTIFICATION)
REGULATIONS 2014

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| <p>1. These Regulations may be cited as the Merchant Shipping (Survey and Certification) Regulations 2014.</p> | Short Title and Commencement. |
| <p>2. In these Regulations, unless the context otherwise requires-
“Authority” means the Kenya Maritime Authority;
“cargo ship”, “passenger ship”, “Safety Convention”, and “tons” have the meanings given by section 2 of the Act.</p> | Interpretation. |
| <p>3. (1) Subject to sub-regulation (2), these Regulations apply to</p> <p>(a) Kenyan passenger ships and cargo ships, wherever they may be; and</p> <p>(b) other passenger ships and cargo ships, when in any port in Kenya.</p> <p>(2) These Regulations do not apply to cargo ships of less than 500 tons not engaged on international voyages or passenger ships of less than 24 metres in length.</p> | Application. |
| <p>4. A Kenyan passenger ship shall be subject to the following surveys:</p> <p>(a) before the ship is put in service, a passenger ship initial survey as set out in the Schedule,</p> <p>(b) before the end of every period of 12 months following the issue of the ship's Passenger Ship Safety Certificate, a passenger ship renewal survey as set out in the Schedule,</p> <p>(c) inspections of the ship's bottom, out of the water, to take place:</p> <p>(i) within any five year period, and</p> <p>(ii) at intervals not exceeding 36 months, and</p> <p>(d) after a repair resulting from investigations prescribed in the Act, or whenever any important repairs or renewals are made, an additional survey as set out in the Schedule.</p> | Survey of passenger ships. |
| <p>5. A Kenyan cargo ship of 500 tons or more engaged on international voyages shall be subject to the following surveys of its life-saving appliances and other equipment:</p> <p>(a) before the ship is put in service, a cargo ship safety equipment initial survey as set out in the Schedule;</p> <p>(b) at the intervals specified in the Schedule which, subject to the provisions of the Act, shall be no more than five years, a cargo ship safety equipment renewal survey as set out in the Schedule;</p> <p>(c) within three months before or after the second or third anniversary date of a Cargo Ship Safety Equipment Certificate first being issued, a cargo ship safety equipment periodical survey as set out in the Schedule;</p> | Surveys of cargo ship safety equipment. |

- (d) within three months before or after each anniversary date of the issue of the ship's Cargo Ship Safety Equipment Certificate, other than where a periodical survey is required to be carried out within that period, an annual survey as set out in the Schedule; and
- (e) after a repair resulting from investigations prescribed in the Act, or whenever any important repairs or renewals are made, an additional survey as set out in the Schedule.

6. A Kenyan cargo ship of 300 tons or more engaged on international voyages shall be subject to the following surveys of its radio installations:

Surveys of cargo ship radio installations.

- (a) before the ship is put in service, a cargo ship radio installations initial survey as set out in the Schedule,
- (b) at the intervals specified in the Schedule which, subject to the provisions of the Act, shall be no more than five years, a cargo ship radio installations renewal survey as set out in the Schedule,
- (c) within three months before or after each anniversary date of the issue of the ship's Cargo Ship Safety Radio Certificate, a cargo ship radio installations periodical survey as set out in the Schedule; and
- (d) after a repair resulting from investigations prescribed in the Act, or whenever any important repairs or renewals are made, an additional survey as set out in the Schedule.

7. (1) A Kenyan cargo ship shall be subject to the following surveys of its structure, machinery and equipment, other than equipment to which regulations 5 and 6 apply:

Surveys of cargo ship structure, machinery and equipment.

- (a) before the ship is put in service, a cargo ship structure etc. initial survey, including an inspection of the outside of the ship's bottom, as set out in the Schedule;
- (b) at the intervals specified in the Schedule (which subject to the Act, shall be no more than five years), a cargo ship structure etc. renewal survey as set out in the Schedule;
- (c) within three months before or after the second or third anniversary date of a Cargo Ship Safety Construction Certificate being issued, a cargo ship structure etc. intermediate survey as set out in the Schedule;
- (d) within three months before or after each anniversary date of the issue of the ship's Cargo Ship Safety Construction Certificate, other than where a cargo ship structure etc. renewal or intermediate survey is required to be carried out within that period, a cargo ship structure etc. annual survey as set out in the Schedule;
- (e) two inspections of the ship's bottom, as set out in the Schedule, to take place:
 - (i) subject to sub-regulation (2), within any five year period, and

(ii) at intervals not exceeding 36 months; and

(f) after a repair resulting from investigations prescribed in the Act, or whenever any important repairs or renewals are made, an additional survey as set out in the Schedule.

(2) For the purpose of sub-regulation (1)(e), where a cargo ship structure renewal survey takes place within three months after the end of the five year period of validity of a Convention Certificate, and that certificate has been extended in accordance with the Act, the period of extension of the certificate shall be deemed to be within the five year period.

SCHEDULE

TYPES OF SURVEY

INTRODUCTION

1. There are seven types of survey -
 - 1.1 Initial Survey;
 - 1.2 Renewal Survey;
 - 1.3 Periodical Survey;
 - 1.4 Intermediate Survey;
 - 1.5 Annual Survey;
 - 1.6 Inspection of the Outside of the Ship's Bottom;
 - 1.7 Additional Survey

SCOPE OF SURVEYS

1. Passenger ships
 - 2.1 An initial survey of a passenger ship shall consist of a complete inspection of the ship's structure, machinery and equipment, including the outside of the ship's bottom and the inside and outside of the boilers, such as to ensure that the arrangements, materials and scantlings of the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installation, radio installations including those used in life-saving appliances, fire protection, fire safety systems and appliances, life-saving appliances and arrangements, shipborne navigational equipment, nautical publications, means of embarkation for pilots, lights, shapes, means of making sound and distress signals and other equipment fully comply with the requirements of the relevant regulations, and that the workmanship of all parts of the ship and its equipment is in all respects satisfactory.
 - 2.2 A renewal survey of a passenger ship shall include an inspection of the structure, boilers and other pressure vessels, machinery and equipment, including the outside of the ship's bottom, such as to ensure that the arrangements, materials and scantlings of the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical

installation, radio installations including those used in life-saving appliances, fire protection, fire safety systems and appliances, life-saving appliances and arrangements, shipborne navigational equipment, nautical publications, means of embarkation for pilots, lights, shapes, means of making sound and distress signals and other equipment is in satisfactory condition and is fit for the service for which it is intended, and fully complies with the requirements of the relevant regulations.

- 2.3 An additional survey, either general or partial, according to the circumstances, shall be made following a repair or renewal. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively carried out, that the material and workmanship are in all respects satisfactory, and that the ship complies with the provisions of the relevant regulations.

CARGO SHIPS

2. Cargo ship safety equipment

- 2.1 An initial survey of cargo ship safety equipment shall include an inspection of the fire safety systems and appliances, life-saving appliances and arrangements except radio installations, the shipborne navigational equipment, means of embarkation for pilots and other equipment to which Chapters II-1 II-2, III and V of the Safety Convention apply, to ensure that they comply with the requirements of the relevant regulations, and they are in satisfactory condition and are fit for the service for which the ship is intended. In addition the fire control plans, nautical publications, lights, shapes, means of making sound signals and distress signals shall also be subject to this survey.
- 2.2 An annual survey shall include a general inspection of the equipment referred to above to ensure that it has been maintained to conform with the provisions of the relevant regulations to ensure that the ship in all respects will remain fit to proceed to sea without danger to the ship or persons on board and that it remains satisfactory for the service for which the ship is intended.
- 2.3 A renewal survey and a periodical survey shall include an inspection of the equipment referred to in the initial survey to ensure that it complies with the relevant requirements of the relevant regulations, is in satisfactory condition and is fit for the service for which the ship is intended.

3. Cargo ship radio installations

- 3.1 An initial survey of cargo ship radio installation equipment shall include a complete inspection of the radio installations of cargo ships, including those used in lifesaving appliances, to ensure that they comply with the requirements of the relevant regulations.
- 3.2 A renewal survey and a periodical survey will include an inspection of the radio installations of cargo ships, including those used in life-saving appliances, to ensure that they comply with the requirements of the relevant regulations.

4. Cargo ship structure, machinery and equipment

- 4.1 An initial survey shall include a complete inspection of the structure, machinery and equipment, including an inspection of the outside of the ship's bottom, before the ship enters service. The survey shall be such as to ensure that the arrangements, materials, scantling and workmanship of the structure, boilers and other pressure vessels, their appurtenances, main and auxiliary machinery including steering gear and associated control systems, electrical installation and other equipment, and in the case of tankers, the pump-rooms, cargo, bunker and ventilation piping systems and associated safety devices comply with the requirements of the relevant regulations, are in satisfactory condition and are fit for the service for which the ship is intended and that the required stability information is provided. In the case of tankers such a survey shall also include an inspection of the pump-rooms, cargo, bunker and ventilation piping systems and associated safety devices.
- 4.2 A renewal survey will include an inspection of the ship's structure, machinery and equipment such as to ensure that they comply with the requirements of the relevant regulations, are in satisfactory condition and are fit for the service for which they are intended.
- 4.3 An intermediate survey will include an inspection of the structure, boilers and other pressure vessels, machinery and equipment, the steering gear and the associated control systems and electrical installations, and in the case of tankers, the pump-rooms, cargo, bunker and ventilation piping systems and associated safety devices and the testing of insulation resistance of electrical installations in dangerous zones to ensure that they remain satisfactory for the service for which the ship is intended.
- 4.4 An annual survey will include a general inspection of the structure, machinery and equipment referred to above to ensure that they have been maintained to conform with the provisions of the relevant regulations to ensure that the ship in all respects will remain fit to proceed to sea without danger to the ship or persons on board, and that they remain satisfactory for the service for which the ship is intended.
5. Inspection of the outside of the ship's bottom

The inspection of the outside of the ship's bottom is a separate survey.

- 5.1 *Passenger ships*: For passenger ships the inspection is required every year. On the years in which the out of water inspection does not take place, an in water inspection of the ship's bottom shall be carried out. As a minimum, two of these surveys in any five year period, at intervals not exceeding 36 months, shall be conducted with the ship out of the water.
- 5.2 *Cargo ships*: For cargo ships there shall be a minimum of two inspections during any five year period at intervals not exceeding 36 months. Inspections should normally be carried out with the ship out of the water, however consideration may be given to alternate inspections being carried out with the ship afloat.

6. OUTLINE OF HSSC

The main points of the Harmonised System of Survey and Certification (see Annex for a diagrammatic overview) are as follows:

- 6.1 The maximum period of validity of all certificates except the passenger ship safety certificate is five years. The passenger ship safety certificate shall be renewed annually.
- 6.2 Each full term of five years (or one year) will follow directly on from the previous one (unless a ship is laid up or undergoing major repairs); each certificate will be dated from the expiry date of the previous one.
- 6.3 In order to provide the necessary flexibility, the renewal survey may be carried out up to three months before the expiry of the existing certificate. The new certificate will still be dated from the expiry date of the old certificate.
- 6.4 A certificate may also be extended by a period of up to three months (or for ships engaged on short voyages there is a period of grace of one month) in order that the renewal survey may be carried out. However, the new certificate will still be dated from the expiry date of the old certificate before the extension was granted.
- 6.5 Where a renewal survey has been completed and a certificate cannot be issued or placed aboard the ship before the expiry date of the existing certificate, the existing certificate may be endorsed and shall be accepted as the new certificate for a period of up to five months from the expiry date.
- 6.6 A certificate (other than a passenger certificate) that has been issued initially for a period of less than five years may be extended to the maximum period of five years provided that the minimum pattern of surveys is maintained.
- 6.7 Every certificate will be subject to an Annual, Intermediate or Periodical survey each year within three months of its anniversary date (the day and month of each year corresponding to the date of expiry) as follows:
 - 6.7.1 The Passenger Certificate (PC) requires a Renewal survey each year.
 - 6.7.2 The Cargo Ship Safety Radio Certificate (RADIO) requires a Periodical survey each year.
 - 6.7.3 The International Load Line Certificate (LOADLINE) requires an Annual survey each year.
 - 6.7.4 The Cargo Ship Safety Equipment Certificate (SEC) requires an Annual survey every year. On either the second or third year this is replaced with a Periodical survey.
 - 6.7.5 The Cargo Ship Safety Construction Certificate (SAFCON), the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk (IGC/GC), the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk (IBC/BCH), the International Oil Pollution Prevention Certificate (IOPPC) and the International Pollution Prevention Certificate for the Carriage of

Noxious Liquid Substances in Bulk all require Annual surveys each year. On either the second or third year this is replaced with an Intermediate survey.

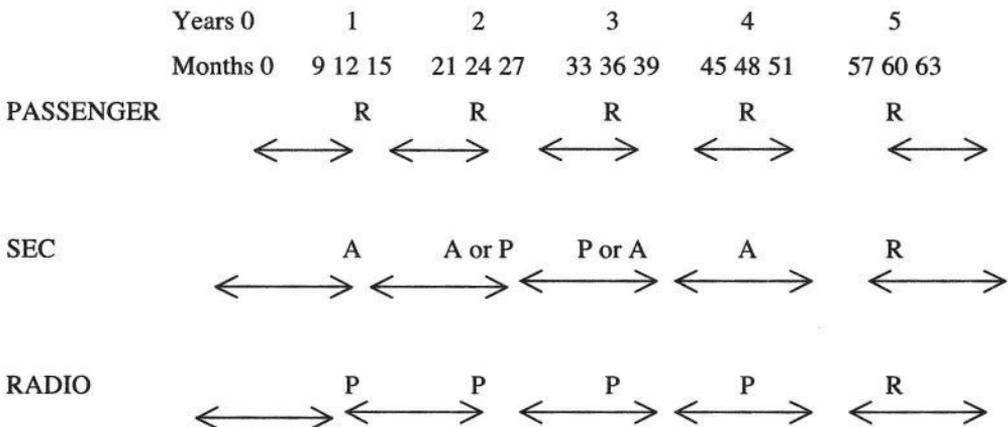
- 6.8 Where an Annual, Intermediate or Periodical Survey is completed more than three months before the anniversary date, the anniversary date may be amended to suit and the expiry date of the certificate brought forward by a corresponding period or, if the expiry date is to remain unchanged, additional surveys, as appropriate, carried out so that the pattern of surveys remains the same and the maximum intervals between the various types of surveys are not exceeded.
- 6.9 A new Cargo Ship Safety Certificate (CSSC), which includes provision for recording all the surveys required for the Cargo Ship Safety Equipment Certificate, the Cargo Ship Safety Radio Certificate and the Cargo Ship Safety Construction Certificate, may be issued as an alternative to the existing cargo ship safety certificates.
- 6.10 In conducting the surveys referred to in these Regulations surveyors shall follow the Survey Guidelines referred to in the Harmonised System of Survey and Certification adopted by IMO Resolution A. 746 (18), as amended or replaced.
7. Declarations of survey

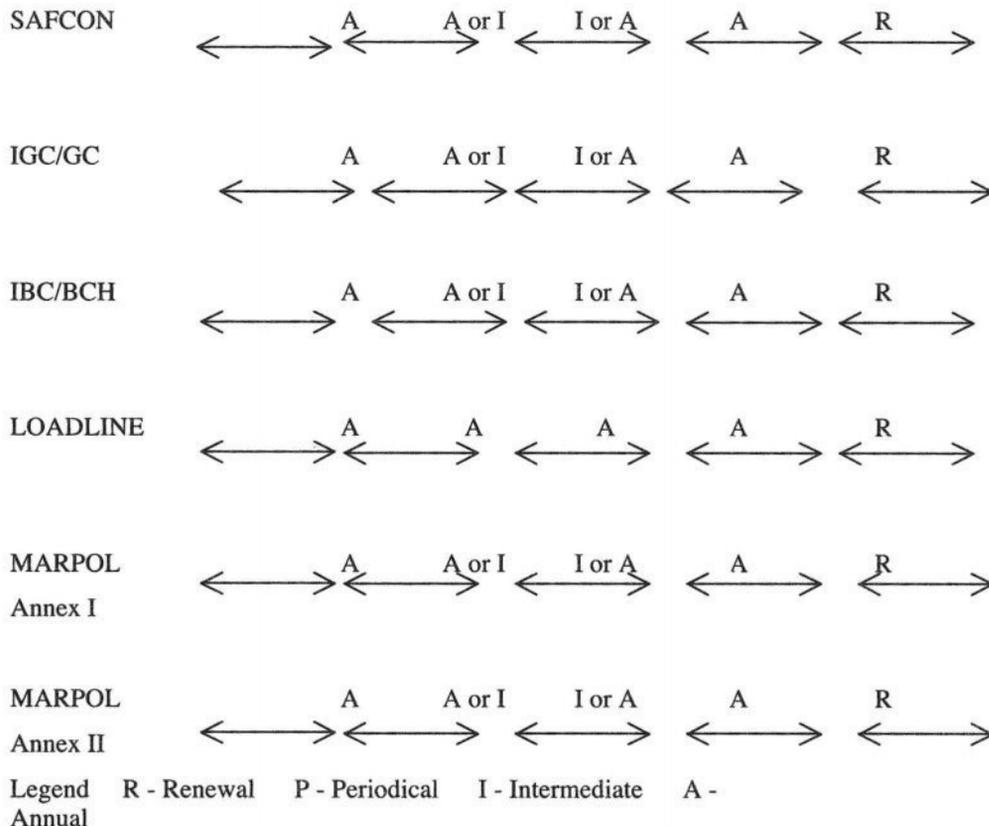
In complying with the provisions of paragraph 5(1) as they apply to the Cargo Ship Safety Certificate, the Certifying Authority should ensure that they have in their possession declarations of satisfactory survey before the issue of the CSSC.

ANNEX

THE HARMONISED SYSTEM OF SURVEY AND CERTIFICATION

Diagrammatic Arrangement





This diagram can be found in the Survey Guidelines cited in Paragraph 7.10 above.

Dated the 22nd May, 2014.

M. S. M. KAMAU,
Cabinet Secretary for Transport and Infrastructure.