

# The Regulations

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# Which Regulations?

- Principles of Minimum Safe Manning
- STCW and MLC, 2006 provisions on hours of work or rest



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# IMO Resolution A.1047(27)

- Dated 20 December 2011
- Guidelines, not mandatory
- Recommends, urges..
- But also urges PSC to regard compliance with Resolution as evidence of safe manning



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**E**

ASSEMBLY  
27th session  
Agenda item 9

A 27/Res.1047  
20 December 2011  
Original: ENGLISH

## Resolution A.1047(27)

Adopted on 30 November 2011  
(Agenda item 9)

### PRINCIPLES OF MINIMUM SAFE MANNING

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization regarding the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO Article 28(a) of that Convention which requires the Maritime Safety

# Annex 1

- Objectives:
  - Adoption of a goal-based approach
  - Standard procedures for effective implementation
  - Effective enforcement
- Principles:
  - Capability, to maintain, manage and perform
  - Ability, to operate
  - Other onboard functions



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# Annex 2

- Guidelines for Determination of Minimum Safe Manning
  - Non-exhaustive list of relevant factors to take into account
  - Performance of functions at the appropriate level of responsibility, as specified in STCW Code
- In addition to the factors and functions:
  - “except in ships of limited size, the provision of qualified deck officers to ensure that it is not necessary for the master to keep regular watches by adopting a three-watch system”



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# Annex 3 – Responsibilities of Companies

- The Administration may require the company to prepare and submit its proposal for the minimum safe manning of a ship...
- In preparing that proposal, the company should apply the principles, recommendations and guidelines contained in the Resolution:
  - Assessment of tasks, duties and responsibilities
  - Ensure that fitness for duty and record of hours are implemented
  - Ensure that minimum safe manning is adequate at all times



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# Annex 3 – Approval by the Administration

## 2 Approval by the Administration

2.1 A proposal for the minimum safe manning of a ship submitted by a company to the Administration should be evaluated by the Administration to ensure that:

- .1 the proposed ship's complement contains the number and grades/capacities of personnel to fulfil the tasks, duties and responsibilities required for the safe operation of the ship, for its security, for protection of the marine environment and for dealing with emergency situations; and
- .2 the master, officers and other members of the ship's complement are not required to work more hours than is safe in relation to the performance of their duties and the safety of the ship and that the requirements for work and rest hours, in accordance with applicable national regulations, can be complied with.



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# Annex 3 – Approval by the Administration

- The initial review of the Owners' proposal checks that work hours will not be exceeded, even in peak workload situations.
- How is this checked in practice?

2.6 The Administration should review and may withdraw, as appropriate, the minimum safe manning document of a ship which persistently fails to be in compliance with rest hours requirements.



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# How to check safe manning?

- That the right grades and qualifications are on board to handle all capabilities and abilities, etc
- Through the record of hours of work or rest
- In the initial submission, to ensure that manning levels are safe at all times
- In the regular review of work/rest hour records



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# STCW

- Watchkeeping personnel (officers and ratings) and those whose duties involve designated safety, security and prevention of pollution duties..
- Minimum of 10 hours rest in any 24 hour period
- And 77 hours in any 7 day period
- Exceptions may be permitted, provided that rest period is not less than 70 hours in any 7 day period
- But for no more than 2 consecutive weeks



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# MLC

- All seafarers
- Hours of work, or hours of rest
- Minimum 10 hours of rest in any 24 hour period
- And 77 hours in any 7 day period
- National laws or regulations, or a procedure to authorise exceptions, must follow the provisions of the Standard, but may take account of more frequent or longer leave periods, etc.



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# STCW and MLC

- Records of daily hours of (work or) rest must be maintained to allow monitoring of compliance
- In a standardised format



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# Port State Control - IMO

- Resolution A.1052(27)
- Inability to provide ... sufficiently rested and otherwise fit for duty
- Appendix 11 – Minimum Manning Standards and Certification



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ASSEMBLY  
27th session  
Agenda item 9

A 27/Res.1052  
20 December 2011  
Original: ENGLISH

## **Resolution A.1052(27)**

**Adopted on 30 November 2011  
(Agenda item 9)**

### **PROCEDURES FOR PORT STATE CONTROL, 2011**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization regarding the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,



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# Port State Control - AMSA



Marine Notice 14/2017  
Supersedes 9/2012

## Fitness for Duty

### Purpose

The purpose of this marine notice is to draw the attention of vessel owners, operators and seafarers to the need to comply with the fitness for duty requirements, including hours of rest, under the *International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention)* and the *Maritime Labour Convention, 2006 (MLC)*.

The potential for serious threats to health and safety and pollution of the marine environment as a result of fatigue is well known. Hence, the principles of safe manning are intended to ensure that each vessel is adequately manned for all operations, not just the voyage between ports. However, operational pressures and

The maximum hours of work or minimum hours of rest over given rest periods for seafarers must be established as provided under standard A2.3 of the MLC Regulations and section A-VIII/1 of the STCW Code.

For Australian vessels, Marine Order (MO) 28 (Operations standards and procedures) sets out the minimum hours of rest required for a seafarer:

- 10 hours in any 24-hour period and 77 hours in any 7-day period; where
- the minimum hours of rest may be divided into no more than two periods, of which one must be at least 6 hours, and the interval between consecutive periods of rest must not exceed 14 hours.



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# Port State Control – MLC, 2006

- PSC of MLC can only be undertaken by States that have ratified the Convention
- Title 5, Compliance and Enforcement
- Maritime Labour Certificate and Declaration are prima facie evidence of compliance



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# Port State Control – MLC, 2006

- A5.2.1 lists four conditions to be met for a more detailed inspection
  - Required documents are not produced or maintained, or
  - Clear grounds for believing that working/living conditions do not comply, or
  - Reasonable grounds to believe ship has changed flag to avoid compliance, or
  - Complaint alleging that ship does not conform
- Record of hours of work or rest is one of 16 items that could be subject to more detailed inspection



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# Summary

- Owner prepares submission to describe his proposal for the safe manning of his ship, at all times
- Administration checks the submission against the recommendations of the Resolution
- Ship maintains work/rest hour records in standardised format
- PSC inspects ship against STCW and, where concerns are raised, MLC
- Administration checks work/rest hour records to ensure safe manning is maintained



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Does this work in practice?



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