

**REPUBLIC OF
THE MARSHALL ISLANDS**

MARITIME ADMINISTRATOR

**FAMILIARIZATION
WITH
NATIONAL MARITIME LEGISLATION**



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NOTICE

THIS DOCUMENT IS INTENDED AS A GUIDE FOR SHIPOWNERS, SHIP MANAGERS AND MANAGEMENT LEVEL SHIPS OFFICERS AS TO PRACTICES ESTABLISHED BY THE MARITIME ADMINISTRATOR. IT IS NOT INTENDED TO DEROGATE FROM OR SUBSTITUTE FOR ANY OF THE FULL REQUIREMENTS OF THE REPUBLIC OF THE MARSHALL ISLANDS MARITIME [ACT](#) 1990, OR [REGULATIONS](#) BY WHICH THEY SHOULD ALSO BE GUIDED.



**REPUBLIC OF
THE MARSHALL ISLANDS**
MARITIME ADMINISTRATOR

Marine Notice

No. 1-004-1

Rev. Jun/2017

**TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF
MERCHANT SHIPS, AGENTS AND RECOGNIZED ORGANIZATIONS**

SUBJECT: Familiarization with Marshall Islands National Maritime Legislation

- References:**
- (a) *STCW, International Convention on Standards of Training, Certification and Watchkeeping, 1978*, as amended
 - (b) ISPS Code, International Ship and Port Facility Security Code, as amended
 - (c) **IMO Assembly Resolution [A.1079\(28\)](#)**, *Recommendations for the Training and Certification of Personnel on Mobile Offshore Units (MOUs)*, adopted 04 December 2013
 - (d) *RMI Maritime Act 1990* ([MI-107](#))
 - (e) *RMI Maritime Regulations* ([MI-108](#))
 - (f) *RMI Requirements for Seafarer Certification* ([MI-118](#))
 - (g) *RMI Familiarization with National Maritime Legislation* ([MI-105A](#))

PURPOSE

This Notice advises of the requirements for seafarers' familiarization with Republic of the Marshall Islands (RMI) National Maritime Legislation to ensure the safe and effective ship operations and protection of the marine environment.

This Notice supersedes Rev. 3/15 and reflects the updating of the References section, new formatting, and the hyperlinking of referenced documents where possible.

APPLICABILITY

These requirements apply to: (1) Masters and Chief Mates intending to sail on ships of 500 gross tonnage or more, and (2) Chief Engineers and First Assistant Engineers, who intend to sail on ships powered by main propulsion machinery of 750 kW propulsion power or more, and who are applicants for an officer's Certificate of Competence at the management level under the provisions of the International Convention on Standards of Training, Certification and Watchkeeping (STCW), Regulation I/10, 2, and to the Offshore Installation Manager on Mobile Offshore Units (MOUs) under the provisions of IMO Assembly Resolution [A.1079\(28\)](#), paragraph 6.2.2.

REQUIREMENTS

In order to be considered eligible for an equivalent RMI Certificate, a person holding a valid certificate issued by a State fully applying the provisions of the STCW, as amended, and who is not otherwise disqualified in the opinion of the RMI Maritime Administrator must become familiar with relevant RMI National Maritime Legislation. This requirement is also found in IMO Assembly Resolution [A.1079\(28\)](#), as a condition for the issuance of a Certificate of Competence (CoC) as Offshore Installation Manager for service on MOUs.

The RMI [MI-105A](#), *Familiarization with National Maritime Legislation*, is available for review online, and after submitting an application for endorsement of a national CoC, it is expected the applicant will review it to ensure that he or she becomes familiar with the RMI National Maritime Legislation relevant to the functions to be performed by the applicant for which they have applied to be certificated.

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**FAMILIARIZATION WITH NATIONAL MARITIME LEGISLATION
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1.0 MI-300

A dedicated webpage ([MI-300](#)) on www.register-iri.com contains links to all the major publications, Marine Notices, Marine Guidelines, forms and referenced ILO and IMO documents that managing companies for Republic of the Marshall Islands (RMI) flagged vessels will require. It is up to the managing company to ensure that the RMI flagged vessels under their management have all necessary and pertinent information issued by RMI Notification of changes regarding any of the below publications will be sent electronically to all DPAs of RMI flagged vessels.

- (a) MI-107 RMI Maritime Act 1990, as amended (“Maritime Act”)
- (b) MI-108 RMI Maritime Regulations, as amended
- (c) RMI Marine Notices
- (d) RMI Marine Guidelines
- (e) MI-118 Requirements for Seafarer Certification
- (f) MI-118E Requirements for Seafarer Certification by Examination
- (g) MI-260 Rules for Marine Investigations
- (h) MI-264 Rules for Marine Administrative and Adjudicatory Proceedings
- (i) MI-100 Vessel Registration Requirements, Mortgage Recording Procedures
- (j) MI-103 Yacht Code
- (k) MI-293 Mobile Offshore Unit Standards

2.0 MARITIME ACT, [MI-107](#)

Management level ship’s officer candidates should be familiar with the following provisions of the Maritime Act:

Section 102(4) Law Governing Matters Affecting Economy of Republic of the Marshall Islands Flagged Ships.

All matters affecting the internal order and economy of vessels registered under the laws of the Republic engaged in foreign trade, including labor relations, shall be governed by this Act.

Section 109(4) Penalty for Non-compliance.

Failure of an owner of a vessel, other than a vessel under construction, of the Republic to ensure that each officer employed on the vessel is the holder of a valid license of competence of the Republic to fill the position held by him shall subject the owner to a fine of one thousand five hundred US dollars (US\$1,500) for each officer so employed who is not the holder of such license of the Republic. Where such failure is admitted, or is established by any required report, the fine shall be automatic. If, however, a proper license of the Republic for each such officer is obtained within thirty (30) days of notice from the Maritime Administrator, the fine with respect thereto may be waived by the Maritime Administrator. Until paid, each fine shall constitute a maritime lien on the vessel.

Section 110 Suspension and Revocation Proceedings.

The Maritime Administrator shall have power to suspend or to revoke any licenses, certificates, permits or documents issued under the provisions of this Act, and it may from time to time make such Rules and Regulations as are deemed by it necessary and appropriate to the conduct of suspension and revocation proceedings.

Section 115 General Penalty for Violation.

- (1) Any person who is in violation of any of the provisions of this Title or of any Rule or Regulation promulgated in accordance with this Title, shall, unless specified elsewhere in this Title or in any Rule or Regulation promulgated in accordance with this Title, be subject to a fine not exceeding one million US dollars (US\$1,000,000).
- (2) Any person upon conviction by the High Court of the Republic for a knowing and willing violation of section 154, 216, 804, 843, 846, 849, 850, or 855 of this Title shall, unless specified elsewhere in this Title, or in any Rule or Regulation promulgated in accordance with this Title, be subject to a penalty not exceeding one million US dollars (US \$1,000,000), imprisonment for a term not exceeding ten (10) years, or both.
- (3) The following factors may be considered, among others, by the Maritime Administrator or by the High Court of the Republic when determining the proper penalty for a violation of any provision of this Title, or of any Rule or Regulation promulgated in accordance with this Title:
 - (a) the nature and seriousness of the offence, including the risk of harm to human life and the environment;
 - (b) timely, voluntary, and complete disclosure of wrongdoing, including a willingness to cooperate in any subsequent investigation(s);
 - (c) the existence and effectiveness of a pre-existing compliance program;
 - (d) remedial actions, including any efforts to implement an effective compliance program or to improve an existing one;

- (e) the pervasiveness of wrongdoing, including the complicity in, or the condoning of, the wrongdoing by the Master, seafarer, crewing agent, vessel owner, vessel operator, vessel manager, or any other party;
- (f) history of similar misconduct or any prior criminal, civil, or regulatory enforcement actions.

Section 152 Penalty for Violation of Navigation Rules by Pilot, Engineer, Mate or Master.

Every pilot, engineer, mate, Master, or other person in charge of any vessel, yacht, boat, canoe, or nondescript local craft who neglects or refuses to observe the provisions of this Part shall be subject to a penalty of not more than ten thousand US dollars (US\$10,000), and for all damages sustained by any passenger in his person or baggage resulting from such neglect or refusal; provided, that nothing herein shall relieve any vessel, owner, corporation, or other person from any liability incurred by reason of such neglect or refusal.

Section 153 Penalty for Violation by Vessel.

Every vessel that shall be navigated without complying with the provisions of this Part shall be subject to a monetary penalty as prescribed under section 115(1) of this Title, for which sum the vessel so navigated shall be liable and may be seized and proceeded against before any Court of competent jurisdiction in this Republic, and until paid, such fine shall constitute a maritime lien on the vessel.

Section 154 Assistance in Case of Collision.

In every case of collision between two vessels it shall be the duty of the Master or person in charge of each vessel, if and insofar as he can do so without serious danger to his own vessel, crew, and passengers (if any), to stand by the other vessel until he has ascertained that it needs no further assistance; to render to the other vessel, and to its Master, crew, or passengers (if any), such assistance as may be practicable and necessary to save them from any danger caused by the collision; and to report to the Master or person in charge of the other vessel the name of his own vessel, its port of registry or the port to which it belongs, and the names of the ports from which and to which it is bound. If he fails to do so without reasonable cause for such failure, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default.

Section 233 Inspection of Document.

Any officer designated by the Maritime Administrator, the Commissioner or a Deputy Commissioner, or who within the Republic is concerned in the collection of government revenue, may at all times inspect the Certificate of Registry and tonnage tax receipt of a vessel of the Republic. A Master who fails to exhibit the same, when required by such officer, shall be subject to a penalty of one thousand US dollars (US\$1,000), and if his failure is willful shall be subject to a penalty of not more than ten thousand US dollars (US\$10,000), imprisonment for a term not exceeding one (1) year, or both.

Section 234 Display of Ship's Papers.

- (1) Upon arrival during customary business hours of a documented vessel at any foreign port where there is an agent appointed by the Maritime Administrator, the Master, ship's agent or other authorized person shall, upon request thereof, display to him on board during customary business hours, without payment of any fee, the vessel's Certificate of Registry and Annual Tonnage Tax Receipt.
- (2) Only the Certificate of Registry and Annual Tonnage Tax Receipt shall be required to be so displayed, and this requirement shall be waived when the vessel's papers have been so displayed in the same port within ninety (90) days previously.
- (3) Where a request has been made and the ship's papers have not been properly displayed, the vessel shall not be detained by the agent appointed by the Maritime Administrator making the request, but such non-compliance shall be immediately reported to the Maritime Administrator.
- (4) Whether local port regulations do or do not require clearance of a vessel from an agent appointed by the Maritime Administrator, it shall not be required in relation to such clearance that the signing on or off of crew or the execution of any ship's papers or documents be done before an agent appointed by the Maritime Administrator, or that any ship's papers or documents be witnessed, visaed, stamped or otherwise legalized by a representative appointed by the Maritime Administrator.

Section 235 Perjury.

- (1) If any owner, agent, attorney-in-fact or other party (except for the Master) commits perjury in an oath or affirmation taken to obtain documentation of a vessel, such vessel and her tackle, apparel and furniture shall be forfeited, or the value thereof recovered from such person.
- (2) A Master who commits perjury in taking such oath or affirmation shall be subject to a penalty of not more than ten thousand US dollars (US\$10,000), imprisonment for a term not exceeding one (1) year, or both; but the vessel shall not thereby be forfeited.

Section 239 Jurisdiction and Control of the Republic Exclusive.

From the time of issuance of a Certificate of Registry under this Act and until its expiration, termination, revocation or cancellation, whichever first occurs, the vessel shall be granted and shall enjoy the right to fly the Flag of the Republic exclusively, unless its Certificate of Registry is specifically endorsed so as to withdraw that right. At all times during the period that a vessel has the right to fly the Flag of the Republic, the vessel shall be subject to the exclusive jurisdiction and control of the Republic as the Flag State, in accordance with the applicable international conventions and agreements and with the provisions of this Act and any Regulations or Rules made thereunder.

Section 404 Responsibilities and Liabilities.

- (1) The carrier shall be bound, before and at the beginning of the voyage to exercise due diligence to:
 - (a) make the ship seaworthy;
 - (b) properly man, equip, and supply the ship; and
 - (c) make the holds, refrigerating and cooling chambers, and all other parts of the ship in which goods are carried fit and safe for their reception, carriage and preservation.
- (2) The carrier shall properly and carefully load, handle, stow, carry, keep, care for, and discharge the goods carried.
- (3) After receiving the goods into his charge, the carrier, or the Master or agent of the carrier, shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things:
 - (a) the leading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts, provided, such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage;
 - (b) either the number of packages or pieces, or the quantity or weight as the case may be, as furnished in writing by the shipper; and
 - (c) the apparent order and condition of the goods; provided that no carrier, Master, or agent of the carrier, shall be bound to state or show in the bill of lading any marks, number, quantity, or weight, which he has reasonable ground for suspecting not accurately to represent the goods actually received, or which he has had no reasonable means of checking.
- (4) Such a bill of lading shall be *prima facie* evidence of the receipt by the carrier of the goods as therein described in accordance with subsections (3) (a), (b), and (c) of this Section. However, proof to the contrary shall not be admissible when the bill of lading has been transferred to a third party acting in good faith. Nothing in this Part shall be construed as limiting the application of any part of the law governing bills of lading.
- (8) After the goods are loaded, the bill of lading to be issued by the carrier, Master, or agent of the carrier to the shipper shall, if the shipper so demands, be a “shipped” bill of lading; providing that if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issue of the “shipped” bill of lading, but at the option of the carrier such document of title may be noted at the port of shipment by the carrier, Master, or agent with the name or names of the ship or ships upon which the goods have been shipped and

the date or dates of shipment, and when so noted the same shall for the purpose of this section be deemed to constitute a “shipped” bill of lading.

- (9) Any clause, covenant, or agreement in a contract of carriage relieving the carrier or the ship from liability for loss or damage to or in connection with the goods, arising from negligence, fault, or failure in the duties and obligations provided in this section, or lessening such liability otherwise than as provided in this Act, shall be null and void and of no effect. A benefit of insurance in favor of the carrier, or similar clause, shall be deemed to be a clause relieving the carrier from liability.

Section 803 Definitions.

- (a) “**Master**” means any person having command of a vessel.
- (b) “**Seafarer(s)**” means any and all members of the crew and officers other than the Master and pilot, employed or engaged in any capacity on board any vessel.
- (c) “**Crew**” means collectively the persons, other than officers and the Master serving in any capacity on board a vessel.

Section 806 Penalty for Misuse of Licenses or Certificates.

Any person who shall receive or shall have in his possession any Marshall Islands license, certificate or document issued to officer or crew by the Maritime Administrator, or any certificate or document issued pursuant to Chapter 9 of this Act, to which he is not lawfully entitled, or any false license, certificate or document, with intent to use the same unlawfully; or who without lawful authority shall alter or change any genuine license, certificate or document; or who shall in any manner transfer or arrange for the transfer of any such license, certificate or document; or who shall aid or abet the perpetration of any of the foregoing acts shall, for each offense, be liable to a fine not more than ten thousand dollars (US\$10,000), or imprisonment for not more than one year, or both, and forfeit the right to continued possession of or any future seafarer certification and documentation for service aboard vessels of the Republic.

Section 810 Master: Termination of Employment.

Any contractual provision to the contrary notwithstanding, the shipowner, with or without good cause, may at any time terminate the employment of and dismiss the Master.

Section 811 Duties of the Master.

The Master shall, among others, have the following duties:

- (a) to enter into Shipping Articles with seafarers as hereafter provided;
- (b) to maintain discipline on board the vessel and to take all such steps as are necessary and appropriate in connection therewith;

- (c) to assume responsibility for the receipt of cargo by the vessel, storage of cargo on board the vessel insofar as such storage affects the safety or navigability of the vessel, and for the discharge of cargo from the vessel;
- (d) to assume full responsibility for the safety of the members of the crew and passengers, if any, and to take all necessary and appropriate steps in connection therewith;
- (e) to assume full responsibility for the navigation of the vessel at all times;
- (f) to assume full responsibility for the vessel's funds and disbursement thereof;
- (g) to see that the vessel's log books are properly and accurately kept;
- (h) to keep in his custody all the vessel's documents;
- (i) to make all reports required by laws of the Republic or Regulations or by the regulations of any ports at which the vessel may call; and
- (j) to render assistance in the saving of life and property at sea; and
- (k) to protect the health of seafarers and ensure their prompt access to medical care onboard and ashore.

Section 812 Special Powers of Masters.

When a vessel is at sea, the Master is authorized to:

- (a) marry passengers or other persons aboard;
- (b) issue birth certificates for children born at sea; and
- (c) bury persons who have died on board the vessel while at sea.

Section 822 Penalty for Shipment without Shipping Articles.

If any person shall be carried to sea as an officer or one of the crew on board any vessel making a voyage as hereinafter specified, without entering into Shipping Articles with the Master of such vessel in the form and manner and at the place and times in such cases required, the vessel shall be subject to a penalty of not more than two thousand US dollars (US\$2,000). The vessel shall not be subject to a penalty for failure to enter into Shipping Articles: (i) where the vessel or person is exempt from the requirement to enter into Shipping Articles or (ii) where a person has secretly stowed himself away without the knowledge of the Master, mate, or any of the officers of the vessel, or who shall have falsely represented himself to the Master or officers of the vessel, for the purpose of being carried to sea.

Section 830 Grounds for Discharge.

The Master may discharge a seafarer for justifiable cause, including any of the following grounds:

- (a) unjustified failure to report on board at such times and dates as may be specified by the Master;
- (b) incompetence to perform duties for which the seafarer has represented himself as qualified;
- (c) theft, embezzlement or willful destruction of any part of the vessel, its cargo or stores;
- (d) serious insubordination or willful disobedience or willful refusal to perform assigned duties;
- (e) mutiny or desertion;
- (f) habitual intoxication, quarreling or fighting;
- (g) possession of dangerous weapons, narcotics or contraband articles;
- (h) intentional concealment from the shipowner or Master at or prior to engagement under the Shipping Articles of a condition which resulted in sickness or injury;
- (i) assistance to stowaways; and
- (j) willful violation of the laws of the Republic or applicable local criminal laws.

Section 831 Advances and Allotment of Wages.

- (1) It shall be unlawful to pay any seafarer wages in advance of the time when they are actually earned, or to pay such advance wages or make any order or note or other evidence of the indebtedness therefore to any other person, or to pay to any person for the shipment of any seafarer when payment is deducted or to be deducted from a seafarer's wages. Any person violating any of the provisions of this Section shall be subject to a fine of not more than two hundred and fifty US dollars (US\$250).
- (2) It shall be lawful for the Master and any seafarer to agree that an allotment of a portion of the seafarer's earnings may be payable to a spouse, children, grandchildren, parents, grandparents, siblings, or to a bank account in the name of the seafarer.
- (3) The provisions of this Section shall not apply to, or render unlawful:
 - (a) deductions from the wages of a seafarer pursuant to the laws of the country at whose port the seafarer signed on or of which he is a national;
 - (b) requirements of a labor organization of which the seafarer is a member if such deductions represent dues or other obligations to a labor organization of which the seafarer is a

member and are remitted to such organization; or

- (c) the written consent of the seafarer, if such deductions are paid into a fund established for the exclusive benefit of seafarers and their families and dependents or for the purpose of providing medical or hospital care, pensions on retirement or death of the seafarer, life insurance, employment benefits or compensation for illness or injuries.

Section 836 Wages, Maintenances and Cure for Sick and Injured Seafarer.

- (1) In the event of disabling sickness or injury, while a seafarer is on board a vessel under signed Shipping Articles, or off the vessel pursuant to an actual mission assigned to him by, or by the authority of the Master, the seafarer shall be entitled to:
 - (a) full wages, as long as he is sick or injured and remains on board the vessel;
 - (b) medical and surgical treatment and supply of proper and sufficient medicines and therapeutical appliances, until medically declared to have reached a maximum cure or to be incurable, but in no event more than thirty (30) weeks from the day of the injury or commencement of the sickness;
 - (c) an amount equal to board and lodging up to a maximum period of thirty (30) weeks, and one-third of his or her base wages during any portion of such period subsequent to his or her landing from the vessel but not to exceed a maximum period of sixteen (16) weeks commencing from the day of injury or commencement of the sickness; and
 - (d) repatriation as provided in Section 843 including, in addition, all charges for his or her transportation, accommodation and food during the journey and maintenance up to the time fixed for his departure.
- (2) The shipowner or his representative shall take adequate measures for safeguarding property left on board by sick, injured or deceased seafarers.
- (3) The seafarer shall not be entitled to any of the foregoing benefits:
 - (a) if such sickness or injury resulted from his or her willful act, default or misconduct;
 - (b) if such sickness or injury developed from a condition which was intentionally concealed from the employer at or prior to his engagement under the Articles;
 - (c) if he or she refuses medical treatment for such sickness or injury or is denied such treatment because of misconduct or default; or
 - (d) if at the time of his or her engagement he or she refused to be medically examined.
- (4) The seafarer shall have a maritime lien against the vessel for any wages due him or her under this Section.

Section 839 **Death on Board.**

In the event of a death on board a vessel, an entry shall be made into the vessel's logbook by the Master and one of his officers. He shall also report the death to the authorities at the first port of arrival and shall submit a statement signed by him to the Maritime Administrator for vessels engaged in foreign trade; or to the Minister of Transport and Communications for vessels engaged in domestic commerce pursuant to Chapter 9 of this Act. The logbook entry and statement shall contain the first and last name, sex, nationality, year and place of birth of the deceased person, the cause of death, place of death (latitude, longitude), date and time of death and the names of next-of-kin, if known, and name of the vessel. If the deceased person is a seafarer, the entry and statement shall contain, in addition, his rank or rating, place and address of his residence or domicile and the number of his license with date of issuance. The statement submitted by the Master shall be countersigned by any attending physician aboard, otherwise by one of the ship's officers. A list of personal effects and amounts of money left on board the vessel shall be attached.

Section 844 **Loss of Right of Repatriation.**

A seafarer shall forfeit his right of repatriation in case of:

- (a) desertion;
- (b) entering into a new agreement with the same owner after his discharge;
- (c) entering into a new agreement with another owner within one week after his discharge;
- (d) criminal offenses under Sections 847, 849, and 850 of this Act; or
- (e) unjustifiable repudiation of the Shipping Articles.
- (f) failure of the seafarer to request repatriation within one week from the time that he is in condition to be repatriated.

Section 845 **Offenses Against the Internal Order of the Vessel.**

- (1) Any seafarer on a vessel of the Republic who commits any of the following offenses may, in addition to any criminal penalties provided herein, be punished by the Master as follows:
 - (a) for neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time, without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two (2) days wages or the amount sufficient to defray any expenses which shall have been properly incurred in hiring a substitute;

- (b) for quitting the vessel without leave before she is placed in security, by forfeiture from his wages of not more than one month's wages;
 - (c) for intoxication or willful disobedience to any lawful command by being placed in restraint until such intoxication or disobedience shall cease, and by forfeiture from his wages of not more than four (4) days wages;
 - (d) for continued intoxication or willful disobedience to any lawful command or continued willful neglect of duty being placed in restraint until such intoxication, disobedience or neglect shall cease, and by forfeiture, for every 24 hours' continuance of such intoxication, disobedience or neglect, of a sum of not more than twelve (12) days' wages;
 - (e) for willfully damaging the vessel or embezzling or willfully damaging any part of the stores or cargo, whether on board the vessel, in boats or ashore, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained;
 - (f) for any act of smuggling, whereby loss or damage is occasioned to the Master or shipowner, by payment to such Master or shipowner of such a sum as is sufficient to reimburse the Master or shipowner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability;
 - (g) for assaulting any Master, pilot or officer, by forfeiture from his wages of not more than three (3) months pay; or
 - (h) for mutiny or desertion, by forfeiture of all accrued wages.
- (2) All earnings forfeited as a result of penalties imposed by the Master pursuant to this Section shall be applied to reimburse the Master or shipowner for any loss or damage resulting from the act for which the forfeiture was imposed; and any balance, with an accounting thereof, shall thereupon be forwarded to the Maritime Administrator.

Section 847 Barratry; Drunkenness; Neglect of Duty.

Whoever, being a Master, seafarer, or other person on any vessel, by willful breach of duty or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to, such vessel or her cargo, or tending immediately to endanger the life or limb of any person belonging to or on board such vessel, or by willful breach of duty or by neglect of duty or by reason of drunkenness refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel and her cargo from immediate loss, destruction or serious damage or for preserving any person on such vessel from immediate danger to life or limb, shall be subject to imprisonment and a fine of not more than two thousand five hundred dollars (US\$2,500).

Section 848 Desertion.

- (1) Any seafarer who deserts from his vessel with the intention of not returning to duty and who

remains unlawfully in a foreign country shall be guilty of desertion and shall be liable to answer for any damages or losses suffered by the shipowner as a consequence of such desertion.

- (2) The Master shall make an entry of all desertions in the logbook and file a report with the Maritime Administrator. The local authorities of the port shall be notified and requested to apprehend and deliver the deserter.

Section 849 Incitement of Seafarer to Revolt or Mutiny.

Whoever, being of the crew of a vessel of the Republic, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires or confederates with any other person on board to make such revolt or mutiny, or solicits, incites or stirs up any other of the crew to disobey or resist the lawful orders of the Master or other officers of such vessel, or to refuse or neglect his proper duty on board thereof, or betray his proper trust, or assemble with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the Master or other commanding officer thereof, shall be subject to a monetary penalty and/or imprisonment as prescribed under section 115(2) of this Title.

Section 850 Revolt or Mutiny of Seafarer.

Whoever, being of the crew of a vessel of the Republic, unlawfully and with force, or by fraud or intimidation, usurps the command of such vessel from the Master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, is guilty of a revolt and mutiny and shall be subject to a monetary penalty and/or imprisonment as prescribed under section 115(2) of this Title.

Section 851 Entry of Offenses in Log Book.

Upon the commission of any offense, an entry thereof shall be made in the official Log Book of the vessel of the day on which the offense was committed, and any penalty or fine imposed, and shall be signed by the Master and by the mate or one of the crew; and the offender, if still on the vessel, shall, before her next arrival at any port or, if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry and have the same read over distinctly and audibly to him, and may thereupon make such a reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished or the same has been so read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner.

Section 852 Abandonment of Seafarer.

- (1) Whoever, being Master or in charge of a vessel of the Republic, maliciously and without justifiable cause forces any member of the crew of such vessel on shore in order to leave him behind in any foreign port or place, or refuses to bring to such place as is required under the Articles any member of the crew of such vessel, and such member of the crew is in a condition and willing to proceed when the Master is ready to proceed, shall be subject to a penalty not more than ten thousand US dollars (US\$10,000), imprisonment for a term not exceeding one (1) year, or both.

- (2) The abandoned seafarer shall retain his right to repatriation.

Section 856 Bargaining and Execution of Labor Contract.

- (1) It shall be lawful for any employer or employer organization and any labor organization representing seafarers to bargain and enter into a labor contract concerning wages and other terms and conditions of employment, provided that no labor contract provisions may be contrary to the laws of the Republic or deprive the Republic of any jurisdiction over labor relations.
- (2) A copy of any labor contract between the employer and an organization representing seafarers employed on a vessel shall be placed on board the said vessel and shall be made available to maritime or judicial authorities when requested.

Section 857 Provisions Authorized in Labor Contracts.

It shall be lawful for any employer or employer organization and any labor organization to agree to be bound by any provisions in entering into a labor contract, provided that such provisions are not prohibited by Laws or Regulations of the Republic.

Section 858 Provisions Prohibited in Labor Contracts.

It shall be unlawful for any employer or employer organization or employee or labor organization to attempt to bargain for, or to enter into, any labor contract containing any provision which attempts to set aside the application of or is inconsistent with or is violative of the laws of the Republic, or which prescribes terms or conditions of employment less favorable to seafarers than those set forth in this Chapter, or which discriminates as to terms and conditions of employment on the basis of race, color or creed; and any such prohibited provisions shall be deemed null and void.

Section 859 Protection of Labor Contract.

Whenever an employer organization and a labor organization have entered into a labor contract providing that such labor organization shall be sole bargaining representative of seafarers pursuant to Section 857 of this Act, it shall be unlawful:

- (a) for the employer or employer organization to bargain with or enter into a labor contract pertaining to such seafarers with any other labor organization; or
- (b) for any other labor organization to attempt to bargain with or enter into a labor contract pertaining to such seafarers with the employer or employer organization; prior to thirty (30) days before the termination of such agreement or before the expiration of three (3) years from the effective date of such agreement, whichever event shall first occur.

Section 860 Strikes, Picketing and Like Interference.

- (1) It shall be unlawful for any person or labor organization to promote or to engage in any strike or picketing, or any boycott or like interference with the internal order of operation of a vessel, unless:
 - (a) a majority of seafarers of the vessel involved have voted by secret ballot that such action is to be taken; and
 - (b) at least thirty (30) days written notice of intention to take such action has been given to the employer or the Master; and
 - (c) the procedures of conciliation, mediation and arbitration under Section 861 of this Act, have been followed to conclusion.
- (2) Nothing contained in Subsection (1) hereof shall be deemed to permit any strike or picketing, or any boycott or like interference with the internal order or operation of a vessel contrary to the provisions in any existing labor contract or any contract for seafaring labor.

Section 861 Conciliation, Mediation and Arbitration of Labor Disputes, Differences or Grievances.

- (1) It is declared to be the policy of the Republic to place upon employers and employer organizations and employees and labor organizations the primary responsibility for avoidance of any interruption in foreign or domestic maritime commerce.
- (2) In the event that an agreed settlement between the parties to any dispute, difference or grievance is not effected, the following conciliation, mediation and arbitration procedures, as may be further implemented by Regulation, shall apply:
 - (a) if the dispute is not resolved, crew members shall present their case to the employer through the Master or his appointee, or, if the matter is to the prejudice of the Master, then directly to the employer. Crew members may be represented in the matter by a labor organization which is a party to a labor contract entered into pursuant to Section 856 of this Act, and which covers the crew members. Efforts shall be made to conciliate the matter and to find an agreeable solution thereto;
 - (b) if a conciliation acceptable to both parties cannot be made at this stage, either party may call upon the Maritime Administrator or a representative appointed by the Maritime Administrator, to act as mediator to endeavor to find a solution to the matter satisfactory to the parties;
 - (c) in the event that the dispute cannot be resolved by conciliation or mediation, either party may submit the matter to an independent arbitrator or arbitrators for a final determination, as provided by Regulation. If the parties cannot agree upon a choice of

arbitrator or arbitrators, the matter shall be finally determined by the Maritime Administrator or his appointed representative, acting as sole arbitrator.

- (3) Any arbitration award may be enforced, if necessary, by any Court of competent jurisdiction.

Section 862 Time Bar.

- (1) Claims arising out of the Shipping Articles are subject to a one year's prescription.
- (2) The following rights of action are subject to a two (2) year prescription;
 - (a) the right of action for death of a seafarer caused by wrongful act, neglect or default on the high seas;
 - (b) claims of the shipowner against the Master for acts committed during the performance of his duties; and
 - (c) all other tort claims.
- (3) All other claims are subject to a three (3) year prescription.
- (4) The period of prescription of the claims laid down in the preceding Subsections runs from the time when the right of action accrues

3.0 MARITIME REGULATIONS, [MI-108](#)

Management level ship's officer candidates should be familiar with the following provisions of the RMI Maritime Regulations:

Regulation 1.6 Certificates of Seafarers.

- .4 **Cause for Revocation.** Any Certificate of Competence or Special Qualification may be suspended or revoked in accordance with published Rules upon proof of (a) incompetency; (b) physical or mental disability; (c) habitual drunkenness; (d) willful failure to comply with the provisions of the Maritime Act or these Regulations; (e) falsification or fraudulent duplication of seafarer certification; (f) criminal conduct; (g) violation of any national or international rule or regulation; or (h) other conduct incompatible with proper performance of duties and obligations in service on board a vessel.

Regulation 1.7 Control of the Movement and Operation of Vessels.

- .1 **Authority of Maritime Administrator.** The Maritime Administrator may when necessary prohibit or place restrictions upon the movement or operation of vessels documented under the Maritime Act. The location of the area and/or nature of such prohibition or restrictions shall be officially notified in writing to all Masters, shipowners and officers affected thereby, and effective upon the date specified in such notice of prohibition or restriction, it shall be unlawful

to navigate or operate a vessel of the RMI otherwise than as required by such notice. Where appropriate, conditions for compliance with this Regulation shall also be specified in such notice.

- .7 **Penalty for Violation.** Any violation of this Regulation or of an official notice given pursuant thereto may result in revocation of any license, certificate or document issued by or for the Maritime Administrator, in addition to any penalty otherwise prescribed by law.

Regulation 2.11 Implementation and Compliance with International Conventions, Agreements and National Standards.

.1 **The “IMO Instruments Implementation Code (III Code)”**

- (a) International Maritime Organization (IMO) Resolution A.973 (24), the “IMO Instruments Implementation Code (III Code), is the result of the request of the seventh session of the United Nations Commission on Sustainable Development (CSD 7) to develop measures to ensure that flag States give full and complete effect to the IMO and other relevant conventions to which they are party, so that all ships of all flag States meet international rules and standards. Parties to the relevant international conventions do, as part of the ratification process, accept to fully meet their responsibilities and to discharge their obligations under the conventions and other instruments to which they are party. States have the primary responsibility to have in place an adequate and effective system to exercise control over ships entitled to fly their flag, and to ensure that they comply with relevant international rules and regulations in respect of maritime safety, security and protection of the marine environment.
- (b) Under the provisions of the United Nations Convention on the Law of the Sea, 1982 (UNCLOS) and of IMO conventions, flag States are responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give these instruments full and complete effect so as to ensure that, from the point of view of safety of life at sea and protection of the marine environment, a ship is fit for the service for which it is intended and is manned with competent maritime personnel.
- (c) The ultimate effectiveness of any instrument depends, inter alia, upon all States becoming Parties to all instruments related to maritime safety, security and pollution prevention and control, implementing and enforcing such instruments fully and effectively and reporting to the Organization, as required. In the context of the Voluntary IMO Member State Audit Scheme, the enactment of appropriate legislation, its implementation and enforcement are the three key issues on which a Member State’s performance can be measured. The Voluntary IMO Member State Audit Scheme contains references to the Code, as appropriate; and that the Code, in addition to providing guidance for the implementation and enforcement of IMO instruments, forms the basis of the Audit Scheme, in particular concerning the identification of the auditable areas.
- (d) The objective of this Code is to enhance global maritime safety, security and protection

of the marine environment, the three areas that the Republic holds of prime importance as stated in §102 of the Maritime Act. In order for the Republic to meet the objective of this Code, a strategy based upon its Statement of policy; application must be developed and put into place by the Maritime Administrator covering the following issues:

- (1) implementation and enforcement of relevant international mandatory instruments;
 - (2) adherence to international recommendations, as appropriate;
 - (3) continuous review and verification of the effectiveness of the RMI in respect of meeting its international obligations; and
 - (4) the achievement, maintenance and improvement of overall organizational performance and capability.
- (e) And finally, the RMI must communicate its strategy, as referred to in the previous paragraph d, including information on national legislation to concerned parties; assign responsibilities to the relevant government bodies to update and revise any relevant policies adopted, as necessary; and establish resources and processes capable of providing administrative instructions to implement applicable international rules and regulations as well as develop and disseminate any interpretative national regulations as necessary.

.2 **List of Conventions.** The Maritime Administrator periodically publishes and updates through Marine Notices to the attention of owners and Masters a list of the national standards established by the Maritime Administrator, all applicable international treaties, conventions, protocols, codes, regulations and agreements, which have come into force and to which the RMI is a party or has declared a national standard; and shall publish and periodically update the policy, goals and measures to be taken toward the effective and efficient implementation of mandatory Instruments for the attention of all parties involved in the management and operation of ships entitled to fly the flag of the RMI.

.3 **Responsibility.** It shall be the responsibility of owners and Masters to ensure that their vessels are in compliance with the requirements of all applicable International Treaties, Conventions, Protocols, Codes and Agreements, which have come into force and to which the RMI is a Party, and National Standards. Yachts shall be subject to all applicable international treaties, conventions, protocols, codes and agreements, which have come into force and to which the RMI is a Party, and all applicable national standards including the RMI Yacht Code.

.11 **Non-Compliance – Penalty.** In the event of failure to comply as above, the Maritime Administrator or an official who is authorized to act for and on behalf of the Maritime Administrator, may suspend or cancel a vessel's Certificate of Registry and/or impose a monetary penalty not to exceed US\$1,000,000 per incident or violation, and/or set such other conditions as may be necessary to bring about compliance with these National Standards, maritime or maritime-related Conventions and other International Agreements to which the

RMI is a Party, and which are in force, or the provisions of which are applied by the RMI in advance of the official date of their entry into force.

- .12 **Lien of Penalty.** Any penalty assessed pursuant to paragraph .4 hereof shall constitute a maritime lien upon the vessel, and until such lien has been satisfied or executed the Certificate of Registry of the vessel shall be liable to suspension, and port clearance of such vessel shall be withheld.

Regulation 2.13 MARPOL - Prevention of Pollution from Ships.

- .1 **Compliance.** All vessels to which MARPOL Annexes I, II, III, IV, V and VI, apply shall comply with the design and pollution prevention equipment and operation provisions contained therein. All yachts shall comply with the requirements of Annexes I, IV, V and VI. All yachts and fishing vessels of 400 gross tons and above shall be surveyed to verify compliance and issued certificates as required for Annexes I, IV, V and VI. In accordance with Section 2.13.7, Annex VI is retroactive to 1 January 2000. All vessels and yachts shall comply with the requirements of the local jurisdiction within which they may be operated.

.2 **Annex I - Prevention of Pollution by Oil.**

- (a) **Construction.** Every vessel of 400 gross tons and upwards shall be properly constructed to comply with the requirements for the fitting of a tank or tanks of adequate capacity to receive oil residues (sludge), and associated piping and standard discharge connection to facilitate discharge to reception facilities, as specified under Regulations 12 and 13 of Annex I, and any amendments thereto in force. Furthermore, every oil tank vessel shall be properly constructed to comply with the relevant regulations provided under Chapter 4, Part A of Annex I, and any amendments thereto in force, as applicable.
- (b) **Equipment.** Except as specified otherwise in Regulation 14 of Annex I, and any amendments thereto in force, every vessel of 400 gross tons and upwards shall be fitted with oil filtering equipment complying with the relevant specifications set forth under the aforementioned regulation, as appropriate. Furthermore, subject to the provisions of paragraphs 4 and 5 of Regulation 3, and any amendments thereto in force, every oil tank vessel of 150 gross tons and upwards shall be additionally equipped with the equipment specified under Regulations 31 – 33, where applicable. Such equipment shall be maintained in good working order at all times.
- (c) **Oily Discharges.** Except in cases of emergency, and then only under the circumstances and conditions set forth in Regulation 4 of Annex I and any amendments thereto in force, it shall be unlawful at any time for any vessel to discharge into the sea any oil, oily mixture, or substance which may leave an oily sheen on the water other than as permitted by MARPOL.
- (d) **Oil Record Books.** It shall be unlawful for any oil tank vessel of 150 gross tons and upwards, or for any other vessel of 400 gross tons and upwards, to fail to have and maintain on board at all times the current oil record book required by Regulation 17,

and/or Regulation 36 when applicable, of Annex I and any amendments thereto in force. All other vessels, including yachts and fishing vessels in the registry, shall maintain a similar oil record book.

- (e) **Shipboard Oil Pollution Emergency Plan.** It shall be unlawful for any oil tank vessel of 150 gross tons and upwards, or for any other vessel of 400 gross tons and upwards, to fail to have and maintain on board at all times the current shipboard oil pollution emergency plan required by Regulation 37 of Annex I, and any amendments thereto in force.
- (f) **Transfer of Oil Cargo Between Oil Tankers at Sea (STS operations) Plan.** Oil tank vessels of 150 gross tons and upwards engaged in the transfer of oil cargo between oil tankers at sea (STS operations) and their STS operations conducted on or after 01 April 2012 shall be in accordance with Chapter VIII of Annex I, and any amendments thereto in force.
- (g) **Condition Assessment Scheme.** For those vessels to which it applies, the Condition Assessment Scheme, MEPC.94(46), as amended and consolidated (CAS), shall be properly conducted in accordance with the guidance and instructions to Recognized Organizations, Shipowners and Authorized Representative Surveyors provided by the Maritime Administrator.

.3 **Annex II - Prevention of Pollution by Noxious Liquid Substances in Bulk.**

- (a) **Discharges.** Subject to the provisions of the applicable Regulation 3 of Annex II, and any amendments thereto in force, it shall be unlawful for any vessel to discharge into the sea any noxious liquid substances or mixtures containing such substances otherwise than as permitted by MARPOL.
- (b) **Cargo Record Books.** It shall be unlawful for any vessel to which Annex II applies to fail to have and maintain on board at all times the current cargo record book required by Regulation 15 of Annex II.
- (c) **Procedures and Arrangements Manual.** It shall be unlawful for any vessel to which Annex II applies, which has been certified to carry substances of category X, Y, or Z, to fail to have and maintain on board at all times the current procedures and arrangement manual required by Regulation 14 of Annex II.
- (d) **Shipboard Marine Pollution Emergency Plan.** It shall be unlawful for any vessel of 150 gross tons and upwards to which Annex II applies to fail to have, and maintain on board at all times, the current shipboard marine pollution emergency plan for noxious liquid substances required by Regulation 17 of Annex II. For those vessels to which Regulation 37 of Annex I applies, such a plan may be combined with the SOPEP as required by Regulation 37 of Annex I. In this case, the title of such a plan shall be “Shipboard Marine Pollution Emergency Plan (SMPEP).”

.4 **Annex III - Prevention of Pollution by Harmful Substances in Package Form.**

This Annex was acceded to by the RMI on 01 July 1992 and became effective for all ships on 1 October 1992; therefore vessels in the registry shall comply with all relevant provisions of Chapter VII, Part A of SOLAS as well as the International Maritime Dangerous Goods (IMDG) and the International Maritime Solid Bulk Cargoes (IMSBC) Codes.

.5 **Annex IV - Prevention of Pollution by Sewage.**

- (a) **Equipment.** Every vessel of 400 gross tons and upwards, and every vessel of less than 400 gross tons certified to carry more than 15 persons, shall be fitted with a sewage handling or treatment system and associated piping and standard discharge connection to facilitate discharge to reception facilities as specified under Regulations 9 and 10 of Annex IV, and any amendments thereto in force.
- (b) **Discharges.** Subject to the provisions of Regulation 3 of Annex IV, and any amendments thereto in force, it shall be unlawful for any vessel to discharge sewage into the sea otherwise than as permitted by MARPOL or the laws and regulations of the local coastal State.

.6 **Annex V - Prevention of Pollution by Garbage.**

- (a) **Discharges.** Subject to the provisions of the applicable Regulations 3, 4, and 5 of Annex V, it shall be unlawful for any vessel to discharge into the sea any garbage otherwise than as permitted by MARPOL or the laws and regulations of the local coastal State.
- (b) **Placards.** Every vessel of 12 meters or more in length shall display placards which notify the officers, crew and passengers of the disposal requirements of Regulations 3 and 5 of Annex V, as applicable.
- (c) **Equipment and Waste Management Plans.** As set forth in Regulation 9 of Annex V, every vessel of 400 gross tonnage and above, or vessels which are certified to carry 15 persons or more shall:
 - (1) be fitted with equipment for collecting, storing and disposing of garbage to meet the requirements of the waste management plan as set out in (2) below;
 - (2) develop and follow a shipboard waste management plan ensuring that officers and crew have a written plan to follow outlining the procedures for collecting, storing, processing and disposing of garbage, including the equipment on board the vessel that meets the requirements of Annex V. Such a waste management plan shall be in accordance with International Maritime Organization guidelines, written in the working language of the officers and crew and reviewed by the vessel's classification society.

- (d) **Record of Garbage Discharges.** Every vessel of 400 gross tons and above, or vessels which are certified to carry 15 persons or more and engaged in voyages to ports or offshore terminals under the jurisdiction of other parties to MARPOL shall maintain a Garbage Record Book as specified by the Maritime Administrator.

.7 **Annex VI - Prevention of Air Pollution.**

- (a) **Ozone-depleting Substances.** Subject to the provisions of Regulation 3 of Annex VI, it shall be unlawful for any vessel to deliberately emit ozone-depleting substances otherwise than as permitted by MARPOL. Additionally, the new installation of systems that contain ozone-depleting substances and hydrochlorofluorocarbons shall be prohibited in accordance with the schedule set forth in Regulation 12.3.1 and Regulation 12.3.2 of Annex VI, as amended.
- (b) **Ozone-depleting Substances Record Book.** As from 01 July 2010, every vessel of 400 gross tonnage and above, or platforms and drilling rigs engaged in voyages to waters under the jurisdiction of other parties to MARPOL shall maintain a list of equipment containing ozone-depleting substances and shall maintain an ozone-depleting substances record book, which may form part of an existing log book, as specified in Regulation 12 of Annex VI, as amended.
- (c) **Nitrogen Oxides.** Subject to the provisions of Regulation 3 of Annex VI, as amended, it shall be unlawful for any vessel to operate a marine diesel engine to which Regulation 13 of Annex VI applies, except when the emission of nitrogen oxides are within the relevant limits as specified by Regulation 13 of Annex VI, as amended and where applicable. Except as specified otherwise in Regulation 13 of Annex VI, each marine diesel engine to which Regulation 13 of Annex VI applies shall comply with the procedures for the testing, survey, and certification of engines as provided for in the NO_x Technical Code, as amended.
- (d) **Sulphur Oxides and Fuel Oil.** Subject to the provisions of Regulation 3 of Annex VI, it shall be unlawful for any vessel to use fuel oil with a sulphur content exceeding the limits as specified in Regulation 14.1 of Annex VI, as amended. Additionally, while operating within an emission control area designated for SO_x emission controls as defined under Regulation 14 of Annex VI, it shall be unlawful for any vessel to use fuel oil with a sulphur content exceeding those limits specific to operation within an emission control area, as specified in Regulation 14.4 of Annex VI, as amended. Furthermore, the sulphur content of the fuel oil used shall be documented by the supplier, and such documentation shall be maintained in accordance with Regulation 18 of Annex VI, as amended.
- (e) **Equivalentents.** Any alternative means for complying with the standards set forth under Regulations 13 or 14 of Annex VI shall be implemented in accordance with Regulation 4 of Annex VI, as amended.

- (f) **Fuel Oil Changeover Record.** It shall be unlawful for any vessel using separate fuel oils to comply with operation within an emission control area under Regulation 14.4 to fail to maintain a current written procedure demonstrating the safe and effective fuel over changeover process, and record book of fuel oil changeover operations, which may form part of an existing log book, as specified in Regulation 14.6 of Annex VI, as amended.
 - (g) **Incinerators.** Subject to the provisions of Regulation 3 of Annex VI, it shall be unlawful for any vessel to incinerate substances otherwise than as permitted by Regulation 16 of Annex VI, as amended.
 - (h) **Ship Energy Efficiency Management Plan (SEEMP).** In accordance with Regulation 22 and MEPC 64 Unified Interpretations, each ship shall keep on board a ship specific Ship Energy Efficiency Management Plan (SEEMP). This may form part of the ship's Safety Management System (SMS).
- .8 **Non-Compliance; Penalty.** In the event of failure to comply with paragraphs .2 through .7 hereof, the Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator, may suspend or cancel a vessel's Certificate of Registry and/or impose a monetary penalty not to exceed US\$1,000,000 per incident or violation, and/or set such other conditions as may be necessary to bring about compliance with these National Standards and International Agreements to which the RMI is a Party, and which are in force, or the provisions of which are applied by the RMI in advance of the official date of their entry into force.
- .9 **Lien of Penalty.** Any penalty assessed pursuant to paragraph .8 hereof shall constitute a maritime lien upon the vessel, and until such lien has been satisfied or executed the Certificate of Registry of the vessel shall be liable to suspension, and port clearance of such vessel shall be withheld.

Regulation 2.14 Dumping or Burning of Wastes at Sea.

- .1 **Activities Covered.** Dumping and incineration as defined in the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended (London Dumping Convention and Protocol) shall be carried out by vessels only as permitted in paragraph .3 of this Regulation.
- .2 **Matter Included and Excluded.** Matter covered by the London Dumping Convention and Protocol and its Annexes or Addenda thereto shall be covered by this Regulation, and shall be included in or excluded from the scope of this Regulation in accordance with its status under the London Dumping Convention.
- .3 **Permit Required.** No matter included within the scope of this Regulation shall be loaded aboard a Vessel for dumping or incineration, nor shall any such matter be dumped or incinerated, without a permit for such operation first being issued by the Maritime Administrator or an official who is authorized to act for and on behalf of the Maritime

Administrator. In determining whether such a permit shall be issued and, if so, under what restrictions, the standards of the London Dumping Convention and Protocol shall be applied as a minimum, and the Maritime Administrator may impose such additional conditions as it deems necessary.

.4 **Non-Compliance; Penalty.** In the event of failure to comply with paragraphs .1 through .3 hereof, the Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator, may suspend or cancel a vessel's Certificate of Registry and/or impose a monetary penalty not to exceed US\$1,000,000 per incident or violation, and/or set such other conditions as may be necessary to bring about compliance with this National Standard or related Conventions to which the RMI is a Party, and which are in force, or the provisions of which are applied by the RMI in advance of the official date their entry into force.

5. **Lien of Penalty.**

Any penalty assessed pursuant to paragraph .4 hereof shall constitute a maritime lien upon the vessel, and until such lien has been satisfied or executed the Certificate of Registry of the vessel shall be liable to suspension, and port clearance of such vessel shall be withheld.

Regulation 2.15 International Convention on Load Lines 1966.

.1 **Commercial Vessels.** Compliance with the International Convention on Load Lines 1966, as amended (LL 1966) shall be required for all commercial vessels of new construction 24 meters or more in length or existing commercial vessels of 150 gross tons or over as defined in accordance with that specified in LL 1966.

.2 **Stability and Trim Information.** Under the provisions of Regulation 10, Chapter II of the Load Line Convention, the Master of every vessel shall be supplied with sufficient information, in an approved form, to enable him or her to arrange for the loading and ballasting of the vessel in such a way as to avoid the creation of any unacceptable stresses in the vessel's structure.

.3 **Multiple Load Line Assignments.** More than one (1) load line freeboard assignment may be permitted; however, only one (1) may be displayed at any one (1) time. Any vessel in the registry to which authorization has been given for the assignment of more than one (1) load line freeboard assignment shall be issued an Assignment Book by the Maritime Administrator. The Assignment Book shall apply only to those full term load line certificates issued to a subject vessel and not to single voyage load line certificates. The Assignment Book shall contain data pertaining to the current freeboard assignments together with endorsement pages and instructions to be followed when changing from one (1) load line assignment to another.

.4 **Validity and Reissuance.** An Assignment Book shall be valid for as long as the load line certificates to which it pertains remain valid. A request by a shipowner/operator for reissuance of the Assignment Book must be made to the Maritime Administrator when load line freeboard assignments are added, deleted, or changed and when existing ILLCs are renewed.

.5 **Required Log Entries.** The Master shall enter into the vessel's deck log book prior to the

vessel's departure from her loading port or place:

- (a) a statement of the load line marks applicable to the voyage;
- (b) a statement of the position of the load line mark, port and starboard, at the time of departure from such port or place; and
- (c) the actual drafts of the vessel, forward and aft, as nearly as the same can be ascertained, at the time of departing from such port or place.

.6 **Inspections.** Load Line Inspection of vessels must be conducted annually. The Maritime Administrator shall be provided with the results or proof of said inspections.

Regulation 5.34 Marine Safety Inspections.

.1 **Nautical Inspectors.** (a.) The Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator may, at such times and in such places or areas as may be suitable, appoint officials, Appointed Representatives (AR) or Recognized Organizations (RO), collectively "Nautical Inspectors", to board and examine, inspect or audit vessels registered under the Maritime Act. Nautical Inspectors shall render a report with respect to each such boarding to, and in the manner prescribed by, the Deputy Commissioner in charge of Marine Safety. (b.) Persons appointed to be Nautical Inspectors responsible for, or performing, surveys, inspections and audits on vessels and companies covered by the relevant IMO international instruments shall have as a minimum (1) appropriate qualifications from a marine or nautical institution and relevant seagoing experience as a certificated ship officer holding or having held a valid International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended II/2 or III/3 Certificate of Competence and have maintained their technical knowledge of ships and their operation since gaining their Certificate of Competence and have served for a period of not less than three (3) years at sea as an officer in the deck or engine department; or (2) a degree or equivalent from a tertiary institution within a relevant field of engineering or science recognized by the Maritime Administrator, or an official authorized to act on behalf of the Maritime Administrator, and have worked in a relevant capacity for at least three (3) years or (3) the requisite training on and knowledge of appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant RMI Maritime Law and Regulations and international instruments necessary to perform their duties.

.12 **Responsibilities of Owners and Operators.** It is the responsibility of owners and operators of all vessels subject to inspection or compliance verification and registered under the RMI to present each such vessel for boarding when required, and to cooperate fully with the Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator, particularly in enabling them to board and examine, inspect or audit the condition of each such vessel including any documents and equipment and the use thereof during its operation in the flag and prior to change of ownership. Failure to present such a vessel for inspection prior to a due date, failure to cooperate as above, or allowing the existence of a condition on board in violation of established requirements, may subject the vessel in

question to immediate detention and suspension of registration, in addition to any penalty prescribed by law or these regulations. Such detention and suspension shall only be canceled upon satisfactory completion of the inspection, examination or audit and any required corrective action.

- .13 **Duties of Shipboard Certificated Personnel.** It is the duty of all holders of certificates of competence or other certification issued to seafarers by the Maritime Administrator to cooperate fully with the Maritime Administrator, or an official authorized to act on behalf of the Maritime Administrator, particularly in enabling them to board and examine, inspect or audit vessels registered under the Maritime Act including any documents and equipment and the use thereof. Failure of such cooperation on the part of any holder of a RMI Certificate of Competence or special qualification may subject him or her to formal charges of a marine offense, looking to the possible suspension or revocation of such certification, in addition to any other penalty prescribed by law or these regulations.

Regulation 6.35 Definitions.

- .1 **Investigation Oversight Committee.** The Investigation Oversight Committee (“IOC”) shall oversee the structure and operation of investigations and shall provide guidance on the proper functioning thereof to the Maritime Administrator or its duly designated representative(s).
- .2 **Investigations Review Board.** The Investigations Review Board means a board appointed on a case-by-case basis by the Senior Deputy Commissioner located in the Central Office that shall review and make final determinations on issues pertaining to an investigation conducted by the Maritime Administrator, where necessary or appropriate.
- .3 **Marine Casualty.** Marine Casualty means an event or a sequence of events that has occurred directly in connection with the operation of a vessel documented under the Maritime Act or a ship operating in the navigable waters of the RMI. Marine Casualties include:
- (a) serious injury to, or the death of, a person;
 - (b) the loss of a person from a ship;
 - (c) the loss, presumed loss or abandonment of a ship;
 - (d) material damage to a ship;
 - (e) the stranding or disabling of a ship, or the involvement of a ship in a collision or an allision;
 - (f) material damage to the marine infrastructure external to a ship, that could seriously endanger the safety of the ship, another ship or an individual; and
 - (g) severe damage to the environment, or the potential for severe damage to the environment, brought about by a ship or ships.

It does not include a deliberate act or omission, with the intention to cause harm to the safety of a ship, an individual or the environment.

- .4 **Marine Incident.** A Marine Incident means an event or sequence of events, other than a Marine Casualty, which has occurred directly in connection with the operations of a Ship that endangered, or, if not corrected, would endanger the safety of the ship, its occupants or any other person(s) or the environment. A Marine Incident includes “hazardous incidents” and “near misses.” A Marine Incident does not include a deliberate act or omission, with the intention to cause harm to the safety of a ship, an individual or the environment or other Occurrences.
- .5 **Marine Safety Investigation.** A Marine Safety Investigation means an investigation into a Marine Casualty or Marine Incident conducted with the objective of preventing the occurrence of similar Marine Casualties and Marine Incidents in the future.
- .6 **Marine Safety Record.** A Marine Safety Record consists of evidence collected for a Marine Safety Investigation.
- .7 **Occurrence.** An Occurrence is an event that is not classified as a Marine Casualty or a Marine Incident, but requires investigation on the part of the Maritime Administrator. An Occurrence includes any act, failure to act, or Offense contrary to the Maritime Act, or any Maritime Regulations, including any Rules made as provided by law and those contained in any International Conventions and Agreements to which the RMI is a party or which it has implemented-. This would include an act or intended act of armed robbery, piracy, hijacking or terrorism.
- .8 **Offense.** An Offense means any of the causes for revocation specified in Regulation 1.04.4 and/or the Maritime Act §830 that may result, upon proof of such cause(s) and/or grounds, in the suspension or revocation of a seafarer’s Certificate of Competence or Special Qualification.

Regulation 6.36 Notification and Reporting Requirements.

1. **Initial Notification.** The owner, charterer, manager, operator, Master, agent or person in charge of a vessel registered under the Maritime Act involved in a Marine Casualty, Marine Incident or Occurrence, including an Offense, shall immediately (within 24 hours) advise the Maritime Administrator of the Marine Casualty, Marine Incident, Occurrence or Offense by the fastest means possible, including fax, email, or telephone.
- .2 **Follow-Up Report.** Promptly after submitting initial notification as required in Regulation 6.36, an original report signed by the Master, the highest available officer or ship’s representative, shall be forwarded to the Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator. A follow-up report shall be filed whenever there is:
 - (a) damage to property;
 - (b) material damage affecting the seaworthiness of a vessel;

- (c) collision, allusion, stranding, grounding, abandonment or loss of a vessel;
- (d) severe damage to the environment;
- (e) fire or explosion;
- (f) loss of life;
- (g) injury causing any person(s) to remain incapacitated for a period in excess of 72 hours, including occupational accidents and occupational injuries and diseases, which may not be limited to accidents or incidents involving the vessel;
- (h) acts or attempted acts of armed robbery, piracy, hijacking or terrorism; or
- (i) State action in response to the contravention of or non-compliance with any International Convention and Agreements to which the RMI is a party or which it has implemented.

In all cases, the Master or Shipowner shall submit a report to the Maritime Administrator any instance of an Offense or criminal act.

.3 **Form of Reports.**

- (a) A report of each Marine Casualty, Marine Incident, Occurrence or Offense shall be submitted on the appropriate form obtained from the Maritime Administrator.
- (b) In cases where a form is not available, each report shall set forth the name and Official Number of the vessel; the type of the vessel; the name and address of the owner; the date and time of the Marine Casualty, Marine Incident, Occurrence or Offense; the exact locality of the Marine Casualty, Marine Incident, Occurrence or Offense; and a detailed description of the circumstances under which the event took place. In addition,
 - (1) If a Marine Casualty involves collision with another vessel, the name of such other vessel shall be provided.
 - (2) Where a Marine Casualty involves personal injury or loss of life, the names of all persons injured or whose lives are lost shall be provided.
 - (3) Where damage to property is involved, the nature of the property damaged and an estimate of the extent of the damage shall be supplied.
- (c) The report must be signed by the Master or highest available officer or ship's representative.

.4 **Penalties.** Where there is a failure to execute and file a report as required, the Master and vessel

owner shall each be liable to a fine of one thousand dollars (US \$1,000) and five thousand dollars (US\$5,000) respectively upon notice from the Maritime Administrator.

Regulation 6.38 Marine Investigations.

.1 Conduct

- (a) Marine Safety Investigations shall be conducted by the Office of the Maritime Administrator for:
 - (1) every instance where a ship documented under the RMI is involved in a Very Serious Marine Casualty or where the RMI is otherwise conducting a Marine Safety Investigation as a Substantially Interested State;
 - (2) in other Marine Casualties and Marine Incidents of a ship documented in the RMI, if based on a preliminary investigation, it is considered likely that the investigation will provide information that can be used to prevent such casualties and incidents in the future; and
- (b) The Maritime Administrator shall also investigate Occurrences and Offenses involving a ship documented under the RMI.
- (c) Investigations shall commence as soon as reasonably practicable, so as not to delay a ship unnecessarily.
- (d) Any person or persons that interfere with the conduct of a Marine Safety Investigation or an investigation of an Offense or Occurrence may be subject to fines and penalties under the RMI law.
- (e) All Investigations shall, to the extent reasonable and practicable, be conducted in accordance with IMO resolution A.987(24) and the Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident (IMO Circular Letter No. 2711), as may be amended from time to time.

.4 Duties of Owners.

- (a) It is the duty of all owners of vessels registered under the Maritime Act to cooperate with the Maritime Administrator, or an official authorized to act for or on behalf of the Maritime Administrator, in the investigation of Marine Casualties, Marine Incidents, Occurrences and Offenses to produce, when called upon, witnesses in their employ and relevant books, papers, documents and other records in their possession, and to permit the Maritime Administrator or its appointees to board and examine vessels and their appurtenances.
- (b) In the event of owners' or their representatives' failure to cooperate fully in or attempt to inhibit any marine investigation, any or all of the following consequences may result with respect to the vessel directly involved or to any other vessel of the same

ownership:

- (1) cancellation from the registry of the RMI;
- (2) suspension or revocation of the Certificate of Registry;
- (3) refusal to issue a Certificate of Cancellation from the Registry of the RMI or otherwise to give the consent of the RMI to a transfer of ownership or registry;
- (4) refusal to accept registration or re-registration in the registry of the RMI; or
- (5) liability for a monetary penalty which shall not exceed US\$50,000.

.5 Duties of Shipboard Certificated Personnel.

- (a) It is the duty of all holders of certificates of competence or other certification issued to seafarers by the RMI to cooperate with the Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator, in the investigation of Marine Casualties, Marine Incidents, Occurrences or Offenses, to participate in any administrative proceeding or adjudicatory proceeding as provided in Regulations 6.39 or 6.40 respectively, to which they may be summoned, to testify orally or in writing or to produce, when called upon, relevant books, papers, documents and other records in their possession, and to permit the Maritime Administrator, or its appointees to board and examine vessels and their appurtenances.
- (b) In the event of failure of holders of Certificates of Competence or other certification to cooperate fully in any marine investigation, any or all of the following consequences may result:
 - (1) suspension or revocation of the Certificate of Competence or other certification held;
 - (2) refusal to renew or reissue any certificate of competence or other certification held, before or after expiration; or
 - (3) liability for a monetary penalty which shall not exceed US\$15,000.

.6 Investigation.

- (a) The Maritime Administrator, or other persons appointed by the Maritime Administrator as Investigating Officers, shall make an investigation, as appropriate, under paragraph .1 of this Regulation.
- (b) In connection with any investigation, the Maritime Administrator, an official who is authorized to act for and on behalf of the Maritime Administrator, or Investigating Officers, may collect evidence, interview witnesses, examine relevant papers, documents and records, board and examine vessels or equipment and visit the scene of

the casualty or offense.

- (c) An Investigating Officer shall not be permitted to take original documents or equipment off a vessel documented in the RMI, unless under exceptional circumstances.
- .7 **Retention of Voyage Records.** The persons in charge of any vessel involved in a Marine Casualty or Marine Incident as defined in 6.35, above, shall retain for two (2) years, or until otherwise instructed by the Maritime Administrator, the complete records of the voyage during which the casualty occurred, as well as any other material, including Voyage Data Recorder (VDR) information and other automatically recorded data, which might reasonably be of assistance in investigating and determining the cause and scope of the Marine Casualty or Marine Incident, and said persons shall make all such records and materials available, upon request, to the Maritime Administrator.
- .9 **Invoice After Investigation.** The owner or operator of a vessel boarded for the purposes of an investigation under this Regulation shall pay all costs incidental thereto. All fees and costs chargeable under the provisions of this Regulation shall be invoiced and collected by the Maritime Administrator.

Regulation 6.39 Marine Administrative Proceedings.

- .1 The Maritime Administrator may conduct a non-judicial proceeding, including a suspension and revocation proceeding, regarding alleged violations of the RMI Maritime Act, these Regulations, and/or relevant international conventions and agreements to which the RMI is a party or implements. An Administrative Proceeding may result in the invocation of penalties by the Maritime Administrator.
- .2 An Administrative Proceeding shall be conducted independently of an investigation and shall be governed by rules promulgated by the Maritime Administrator. Such rules shall provide for the non-judicial proceedings to address violations or suspected violations as the result of a marine casualty, marine incident, occurrence or offense.

Regulation 6.40 Marine Adjudicatory Proceedings.

A Marine Adjudicatory Proceeding shall be conducted by an adjudicatory hearing officer or an adjudicatory board in a contested case. Marine Adjudicatory Proceedings shall be governed by rules promulgated by the Maritime Administrator.

Regulation 7.38 Manning Requirements for Vessels Registered under the Maritime Act.

All vessels that fly the RMI flag shall have a sufficient number of seafarers on board to ensure that vessels are operated safely, efficiently and with due regard to security. Every vessel shall be manned by a crew that is adequate, in terms of size and qualifications, to ensure the safety and security of the vessel and its personnel, under all operating conditions, in accordance with minimum safe manning documentation issued by the Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator. When determining, approving or revising manning levels, the need to avoid or minimize excessive hours of work shall be taken into account to ensure sufficient rest

and to limit fatigue. In keeping with these principles in applicable international instruments, the following shall be maintained:

.1 Required Minimum Number of Deck Officers.

- (a) No vessel registered under the provisions of the Maritime Act shall be navigated unless she has on board and in her service a duly certified Master holding a RMI Certificate of Competence.
- (b) On a vessel engaged on an international voyage but in a non-navigational status, there may be on board and in her service, in lieu of the prescribed duly certified Master, an Officer in Charge holding a RMI Certificate of Competence.
- (c) The numbers of Mates and Navigation Watch Officers required, and the grades in which they shall be duly certificated, shall be prescribed for each vessel by the Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator.

.2 Required Minimum Number of Engineers.

- (a) No vessel engaged in commerce propelled by machinery of 750 kilowatts (1000 horsepower) or greater shall be navigated unless she has on board and in her service a duly certificated Chief Engineer.
- (b) The numbers of assistant engineers and engine room watch officers required, and the grades in which they shall be duly certificated, shall be prescribed for each vessel by the Maritime Administrator.
- (c) Refer to 7.38.1b for non-navigational status requirements.

.3 Required Minimum Number and Ratings of Crew. The Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator, may prescribe for any vessel a required minimum number of crew for her safe navigation and operation, and may require a specified number of crew members to be rated and/or certificated as he or she deems necessary.

.4 Required Minimum Number of Certified Persons Proficient in Survival Craft and Crowd Control. Every passenger ship shall have on board for each lifeboat, or other survival craft carried, an assigned number of certified survival craft crewmen and an assigned number of persons designated to assist passengers in an emergency.

.5 Responsibility of Shipowners/Operators. Shipowners and Operators responsible for employing seafarers for service on board vessels shall ensure that:

- (a) seafarers, on being newly employed in service aboard the vessel, are provided with reasonable opportunity to become familiar with their specific duties and with all ship arrangements, installations, shipboard equipment, operating procedures and ship

characteristics that are relevant to their routine or emergency duties before assignment to those duties;

- (b) a knowledgeable officer or crew member shall be designated who will be responsible for ensuring that an opportunity is provided to each newly employed seafarer to receive essential information in a language the seafarer understands;
- (c) verification of ship's officers shall be reported for each vessel as directed by, and on forms obtained from, the Maritime Administrator or an official who is authorized to act for and on behalf of the Maritime Administrator; and
- (d) seafarers who are engaged as ship's cooks are 18 years of age or older, trained, qualified and documented as competent for the position.

.6 **Minimum Safe Manning Certificate.** The Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator, shall issue to each vessel a Minimum Safe Manning Certificate setting forth the required minimum numbers of officers, crew and other persons, in specified grades, ratings and functions, which have been prescribed for the safe navigation and operation of that vessel and the protection of the crew and passengers on board. This Certificate shall be readily available for inspection with a copy conspicuously posted. This section is not applicable to private yachts, except private yachts limited charter and yachts engaged in trade

Regulation 7.39 Temporary Authorization as Officer.

Where it has been established by the Maritime Administrator or an official who is authorized to act for and on behalf of the Maritime Administrator that an emergency situation exists which reasonably precludes the engagement of the required complement of duly certificated Navigation and Engine Watch Officers as prescribed in paragraphs 1 and 2 of this Regulation, the Maritime Administrator may authorize temporary service of qualified persons in Watch Officer capacities on board a vessel, other than a passenger vessel, as follows:

1. **Required Sea Service.** A duly certificated Navigation or Engine Watch Officer, who has completed at least six (6) months of service in the capacity for which he or she is certificated and while holding such certificate, may be authorized to serve temporarily in the capacity next highest to that for which he or she is presently certificated, but not as Master or Chief Engineer, for a period not to exceed six (6) months, provided he or she is in all other respects eligible for examination for a certificate in such higher capacity, has submitted an application for such examination, and undertakes to complete that examination prior to the expiration of the six-month period.
2. **Temporary Period of Service.** A person not duly certificated may be authorized to serve temporarily in capacities not higher than Navigation or Engine Watch Officer, for a period not to exceed six (6) months, provided he or she is in all other respects eligible for examination for a certificate in one of said capacities, has submitted an application for such examination and undertakes to complete said examination prior to the expiration of the six-month period; and

further provided he or she has first successfully completed a preliminary examination as to his or her qualifications and competence as shall be required by the Maritime Administrator or an official who is authorized to act for and on behalf of the Maritime Administrator to whom application is made.

3. **Temporary Permit.** An authorization granted pursuant to this Regulation shall be in the form of a Temporary Permit issued by the Maritime Administrator or an official who is authorized to act for and on behalf of the Maritime Administrator, which Permit shall be valid only for service on board the specific vessel named therein.
4. **Number of Temporary Permits Allowed.** Not more than one (1) Mate and one (1) Assistant Engineer shall be authorized to serve on board the same vessel at the same time under a Temporary Permit.
5. **Prohibited Permits.** Temporary permits shall not be granted in the capacities of Master, Chief Engineer, Radio Officer, GMDSS General Operator or Ship Security Officer.
6. **Revocation or Suspension.** Temporary Permits may be revoked or suspended on the grounds set forth in Regulation 1.04, or at any time upon notice by the Maritime Administrator or an official who is authorized to act for and on behalf of the Maritime Administrator when the Maritime Administrator declares that the emergency situation referred to above no longer exists.

Regulation 7.40 Change of Command Appointment and Log Entry.

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

"I, (name of new Master), a citizen of (country of citizenship), holder of the RMI Certificate of Competence No. (number of certificate) in the grade of Master, assumed command of the vessel on (date on which officially took command) at the port of (port where change effected)."

Regulation 7.41 Master's Duties and Responsibilities.

1. **Master's Authority.** The Master shall have overriding authority and discretion to take whatever action he or she considers to be in the best interest, safety and security of passengers, officers, crew, cargo, ship and marine environment.
2. **Required Log Books for Vessels of 100 Gross Tons and Over.**
 - (a) **Bridge Navigation Log and Engine Room Log.** Every self-propelled vessel of 100 gross tons or over shall keep a bridge navigation and an engine room log book which shall be maintained in bound volumes aboard ship. All entries made in such log books shall be signed by the Master or officer designated by the Master who shall make such

entries, and all such entries shall be made as soon as possible after the occurrences to which they relate.

- (b) **Bell Log.** In addition to keeping of bridge navigation and engine room log books, every vessel shall have a bridge and an engine room record wherein shall be contained the times and nature of all orders passed between the navigation bridge and the engine room.
- (c) **Cargo Log Book.** Bulk carriers shall maintain a cargo log book as prescribed by SOLAS VI/7.8. The requirement may be fulfilled by having it incorporated in relevant shipboard SMS checklists as long as the checklist developed contains all the information required under the SOLAS regulation to be recorded.
- (d) **Radio Logs.** Every vessel shall keep a log of radio service and GMDSS operations convenient to the radio installation during the voyage. Every radio operator shall enter in the radio logs his or her name, the times at which he or she goes on and off watch, and all incidents occurring during his or her watch connected with the radio service and GMDSS operations which are of importance to the safety of life at sea. The Accounting Authority, which has the responsibility for settling radio traffic charges for the vessel, shall receive a copy of the Radio Log each month.
- (e) **Medical Log.** Each vessel shall keep a medical log book wherein shall be entered every case of illness or injury happening to any member of the crew, passenger or other persons engaged in the business of the vessel; the nature thereof; the medical treatment; and the results.
- (f) **Official Log Book and Entries.** Every Master of a vessel shall make or cause to be made in an official log book entries including, but not limited to, the following:
 - (1) every offense and any penalty or fine imposed;
 - (2) every death occurring on board and every burial at sea, with all information required by Section 839 of the Maritime Act;
 - (3) every marriage taking place on board, with the names, citizenship and residences of the parties;
 - (4) every birth occurring on board, with the sex of the infant and names of the parents;
 - (5) the name of every seafarer or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner and cause thereof;
 - (6) wages due any seafarer or apprentice who dies during the voyage, and the gross amount of all deductions made therefrom;

- (7) a statement of any collisions, allisions, groundings, spills or other marine casualties which may have been experienced immediately after the occurrence or as soon thereafter as practicable;
 - (8) before departing from any port, load line and draft information;
 - (9) time of muster of crew at their boat and fire stations, followed by drills or training, respectively, either in port or at sea, or reason why not held;
 - (10) date of enclosed space entry and rescue drills, which must be held at least once every two (2) months;
 - (11) date of security drills and exercises, with details being recorded as specified in Regulation 7.41.7 below;
 - (12) the closing and opening of watertight doors and of all inspections and drills as required by Regulations of the International Convention for the Safety of Life at Sea in force, as amended;
 - (13) drill of ship's crew in the use of the line-throwing apparatus at least once every three (3) months; but the actual firing of the apparatus shall not be required;
 - (14) search for stowaways and contraband, which search shall be conducted prior to the vessel's departure from each port;
 - (15) date and results of area(s) inspected as required under Regulation 7.41.14; and
 - (16) upon each change of Master, the information required under Regulation 7.40.
- (g) **Electronic Log Data and Record Book Systems.** (1) Electronic data systems for recordation and retention of Log Data and Records may be used provided that the design of the equipment and software, including future updates, shall be such as to enable recording of information required by the SOLAS Convention and the Guidelines for the Recording of Events Related to Navigation, MARPOL, STCW Convention, ILO Standards, and that the systems comply with the requirements set by the Maritime Administrator. (2) Electronic log data and record systems software shall provide verifiable security from tampering and inappropriate revisions of data along with back-up arrangements for both the system (means of recording log data or record) and the log data or record itself, once recorded. (3) For the purpose of meeting the intent of the log book requirement to be maintained in bound volumes, the Maritime Administrator shall accept a hard copy (printout) of each day's entry of Log Data, duly signed and dated by the Master or Officer designated by the Master to make such entries, and retained in binders onboard the ship for the duration prescribed in subsection h. below.
- (h) **Log and Record Book Retention.** At the termination of each voyage, or not less frequently than semi-annually, the logs and records shall be forwarded to the shipowner

and/or operator. All such logs and records shall be retained for a period of at least two (2) years from the date of receipt. In the event of a casualty occurring during a voyage covered by such log books or records, they shall be retained for so long as instructed by the Maritime Administrator.

3. **Certificates to be Given by Master.** Each exercise of a special power granted to Masters under Section 812 of the Maritime Act shall be evidenced by an appropriate certificate, referring to a log entry of the event, and shall be signed by the Master and executed upon a form to be supplied, on request and payment of fees, by the Maritime Administrator. The fee structure is contained in RMI Marine Notice 1-005-1.
4. **Manning of Survival Craft.** (a.) The Master shall place in charge of each lifeboat or other survival craft a deck officer (or certificated survival craft crewman if a passenger vessel) and shall also designate a second-in-command. The person so placed in charge shall have a list of the survival craft's crew, and shall assure himself or herself that those individuals placed under his or her orders are acquainted with their duties. The Master shall also assign to each life raft a member of the crew proficient in the handling and operation of life rafts. (b.) The Master shall assign to each motor lifeboat at least one (1) member of the crew capable of working the motor. He or she shall similarly assign to each lifeboat equipped with radio and searchlight apparatus, at least one (1) member of the crew capable of working such equipment.
5. **Muster List and Emergency Procedure.** The Master of each vessel of 500 or more gross tons shall ensure that the ship's complement can effectively coordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention of pollution by allotting to each officer and member of the crew special duties to be undertaken in the event of an emergency or the need for heightened security and shall cause to be drawn up and posted a muster list showing said assignments, which list shall further indicate the particular station to which each crew member must go. The muster list shall assign such duties as the Master deems necessary for the safety and security of the vessel, its crew and cargo. The Master shall further specify and publish definite signals for calling all the crew to their boat and fire stations, and shall give full particulars of these signals to all crew and passengers.
6. **Fire and Abandon Ship Drills.** The Master of each vessel (excluding passenger ships and mobile offshore units (MOUs)) shall cause the crew to be exercised at fire (SOLAS Ch. III/19.3.4) and abandon ship (SOLAS Ch. III/19.3.3) drills at least monthly to satisfy the requirements of SOLAS Ch. III/19.3, or within 24 hours of the vessel leaving port if more than 25% of the crew have not participated in fire and abandon ship drills collectively satisfying the requirements of SOLAS Ch. III – 19.3 on board that particular ship the previous month.

For passenger ships, the Master of each vessel shall cause the crew to be exercised at fire and abandon ship drills at least weekly to satisfy the requirements of SOLAS Ch. III/30.2. The entire crew need not be involved in every drill, but each crew member must participate in at least one (1) abandon ship drill and one (1) fire drill each month as required by SOLAS Ch. III/19.3.2.

Masters of MOUs, as per the IMO 2009 Mobile Offshore Drilling Units Code, Ch. 14.12, shall

cause the crew to be exercised at fire and abandon ship drills weekly, or within 24 hours of a personnel change if more than 25% of the crew have not participated in fire and abandon ship drills collectively satisfying the requirements of SOLAS Ch. III/19.3 on board that particular MOU the previous month.

Such drills, to the extent practicable, shall be conducted as if an actual emergency existed, and as a minimum, consist of the following points:

- (a) Weather permitting, lowering of at least one (1) lifeboat to the embarkation point after any necessary preparation for launching shall be performed to ascertain that the gear is in good working order. The motor and hand-propelling gear of each lifeboat, where fitted, shall be operated sufficiently to ascertain that it is in proper operating condition.
- (b) All fire pumps shall be started and sufficient outlets opened to determine that the system is in proper working order.
- (c) All watertight doors in use while the vessel is underway shall be operated.
- (d) All emergency lighting for mustering and abandonment and communications systems shall be tested at every abandon ship drill.
- (e) Persons assigned to the use of rescue and safety equipment shall demonstrate their proficiency in the use of such equipment.
- (f) In accordance with SOLAS Ch. III/19.2.2 and 19.2.3, as amended, passengers scheduled to be on board for more than 24 hours shall be mustered at their stations within 24 hours after their embarkation and instructed in the use of life preservers and the action to take in an emergency. The crew shall be instructed in crowd control duties.
- (g) In addition to the requirements of SOLAS Ch. III/19.4, at the discretion of the Master, the crew may receive additional on-board training sessions or presentations related to lifesaving and firefighting measures, as appropriate.
- (h) Each lifeboat shall be launched and maneuvered in the water by its assigned crew, at least once in every three (3) months, during an abandon ship drill, and the crew shall be exercised in the use of oars and other means of propulsion where fitted.
- (i) In the case of a lifeboat arranged for free-fall launching from a height of 20 meters or less, at least once every three (3) months during an abandon ship drill the crew shall board the lifeboat, properly secure themselves in their seats and commence launch procedures up to but not including the actual release of the lifeboat (i.e., the release hook shall not be released). The lifeboat shall then either be free-fall launched with only the required operating crew on board, or lowered into the water by means of the secondary means of launching with or without the operating crew on board. In both cases the lifeboat shall thereafter be maneuvered in the water by the operating crew. At intervals of not more than six (6) months, the lifeboat shall either be launched by free-

fall with only the operating crew on board, or simulated launching shall be carried out.

- (j) With regard to free-fall lifeboats being launched from heights greater than 20 meters, launching by falls is acceptable, provided that a simulated free-fall launch is conducted at least every six (6) months.
- (k) For vessels fitted with fast rescue boats, training exercises are to be carried out weekly, whereas actual launch and recovery drills are to be carried out at least every three (3) months.
- (l) Mustering is required for newly embarked passengers who will stay more than 24 hours aboard passenger ships. Mustering at the beginning or during the voyage shall be conducted prior to or immediately upon departure from any port at which an embarkation takes place. Whenever new passengers embark, a passenger safety briefing, which may be included in the muster, shall be given prior to or immediately upon departure.

7. **Enclosed Space Entry and Rescue Drills.** Crew members with enclosed space entry or rescue responsibilities shall participate in an enclosed space entry and rescue drill to be held on board the ship at least once every two (2) months in accordance with SOLAS Ch. III/19.3.3 and 19.3.6.

8. **Security Drills and Exercises.**

- (a) The Master of every Vessel subject to the ISPS Code shall ensure that shipboard personnel are proficient in all assigned security duties at all security levels through the conduct of drills and exercises and shall identify and address security-related deficiencies encountered during such drills and exercises. Drills shall test individual elements of the Ship Security Plan (SSP) such as those listed in the ISPS Code, Part B, Section 8.9. Exercises shall test the connectivity, communications and cooperation among all parties that may be involved in a security incident. When practicable, the Company and ship should participate in the drills or exercises being conducted by a port facility whereat they may be located.
- (b) The Master shall ensure:
 - 1) the effective implementation of the provisions of the SSP;
 - 2) that drills are conducted at least once every three (3) months;
 - 3) in addition, in cases where more than 25% of the ship's personnel have changed, at any one time, with personnel that have not previously participated in any drill on that ship within the last three (3) months, that a drill is conducted within one (1) week of the change;
 - 4) that exercises are carried out at least once each calendar year with no more than

18 months between exercises; and

- 5) that records indicating type of drill or exercises, SSP element(s) covered, and who participated shall be kept by the Ship Security Officer (SSO) and maintained on board for a period of three (3) years. They may be kept in any format but must be protected from unauthorized disclosure. The records shall be in a form to be readily available to port State control officers if so requested.
9. **Person Overboard Drills.** All ships shall conduct a drill or training for person overboard procedures at intervals of not more than three (3) months.
10. **Recovery of Persons from the Water.** All ships shall have ship-specific plans and procedures for recovery of persons from the water, taking into account the guidelines developed by the International Maritime Organization. The plans and procedures shall identify the equipment intended to be used for recovery purposes and measures to be taken to minimize the risk to shipboard personnel involved in recovery operations.
11. **Line-Throwing Apparatus.** On vessels fitted with a line-throwing apparatus, the Master shall cause the crew to be exercised in the use of such apparatus at least once in every three (3) months, except that the actual firing of the apparatus shall not be required. The service line shall not be used for drill purposes. In lieu thereof, any flexible line of proper size and length, suitably flaked or laid out, may be used.
12. **Onboard Familiarization and Training.**
 - (a) All persons employed or engaged aboard vessels documented under the Maritime Act shall receive familiarization training after being assigned to a vessel and prior to assuming routine duties on board. It shall be the responsibility of the shipowner/operator to accomplish this training in accordance with the guidelines provided in the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended and revised from time to time, SOLAS Chapters IX and XI-1 & XI-2 and as established by the Maritime Administrator. Every crew member with assigned emergency or security duties shall be familiar with these duties before the voyage begins.
 - (b) A training manual complying with the requirements of SOLAS Ch. III - 35 shall be provided on board. Onboard training in the use of the vessel's life-saving appliances, including survival craft equipment, the use of the vessel's fire extinguishing appliances and security duties shall be given as soon as possible but not later than two (2) weeks after a crew member joins the vessel.
13. **Accident Prevention.** The Master of each vessel shall appoint from amongst the crew a suitable person or a committee responsible for accident prevention, and such person or committee shall in addition to any other duties assigned by the Master hold safety meetings, conduct routine inspections, and ensure that any conditions aboard the vessel not in substantial compliance with the applicable provisions of the accident prevention code or codes currently

approved by the Maritime Administrator are brought to the prompt attention of the Master.

14. **Ship's Port Arrival/Departure Check List.** Every Master shall establish and review the Ship's Port Arrival/Departure Safety Check List on arrival and before departure and the vessel loading/unloading procedures for the safe navigation and operation of the ship.
15. **Nautical Publications.** The Master shall ensure that adequate and up-to-date charts, sailing directions, lists of lights, notices to mariners, tide tables and all other nautical publications necessary for the intended voyage are carried by the vessel.
16. **Security.**
 - (a) The Master shall have overriding authority and responsibility to make decisions with respect to the security of the ship, and the Company shall ensure that the Company Security Officer (CSO), Master and Ship Security Officer (SSO) are given necessary support.
 - (b) The SSO shall be accountable to the Master, responsible for the security of the ship, including implementation and maintenance of the ship security plan and for the liaison with the CSO and the Port Facility Security Officer (PFSO) and shall, if other than the Master, be accountable to the Master.
17. **Documented Inspections.** Frequent and documented inspections available for review shall be carried out on board vessels, by or under the authority of the Master, with respect to:
 - (a) seafarer accommodations for cleanliness, decently habitable and maintained in good state of repair;
 - (b) sanitary facilities meeting minimum standards of health and hygiene, reasonable standards of comfort and maintained in good working order and state of repair;
 - (c) adequate supplies of food and drinking water;
 - (d) all spaces and equipment used for the storage and handling of food and drinking water meeting minimum standards of health and hygiene; and
 - (e) galley and other equipment for the preparation and service of meals meeting minimum standards of health and hygiene, reasonable standards of comfort and maintained in good working order and state of repair;
18. **Emergency Preparedness.**

The Master shall prepare an annual program for drills and exercises in accordance with the Company Guidelines or SMS to meet the requirements of the ISM Code, Part A-8, to ensure proper training for emergency actions in different types of situations is carried out throughout the year.

Regulation 7.42 Medical Care of Officers and Crew.

- .1 **Responsibility of Shipowner/Operator.** Shipowners and Operators shall ensure that health protection and medical care (including essential dental care) are provided in accordance with the ILO Standards for seafarers working on board vessels taking into consideration cultural and religious backgrounds are maintained which:
 - (a) ensures the application to seafarers of any general provisions on occupational health protection and medical care relevant to their duties, as well as of special provisions specific to work on board vessels;
 - (b) gives health protection and medical care as comparable as possible to that which is generally available to workers ashore, including prompt access to the necessary medicines, medical equipment and facilities for diagnosis and treatment and to medical information and expertise;
 - (c) gives seafarers the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable;
 - (d) ensures that, to the extent consistent with the Maritime Act and practice, medical care and health protection services while a seafarer is on board a vessel or landed in a foreign port are provided free of charge to seafarers;
 - (e) are not limited to treatment of sick or injured seafarers but include measures of a preventive nature; and
 - (f) provide for the use of a standard medical report form, the contents of which shall be kept confidential and shall only be used to facilitate the treatment of seafarers.
- .2 **Hospital.** Vessels carrying 15 or more seafarers and engaged in a voyage of more than three (3) days' duration shall provide separate hospital accommodation to be used exclusively for medical purposes and that will, in all weathers, be easy of access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention. Vessels engaged in coastal trade and capable of reaching qualified medical care and medical facilities within eight (8) hours and vessels or offshore installations capable of providing medical evacuation by helicopter may be exempted from this requirement.
- .3 **Medical Doctor.** Vessels carrying 100 or more persons and ordinarily engaged on international voyages of more than three (3) day' duration shall carry a qualified medical doctor who is responsible for providing medical care.
- .4 **Standard of Competence for Medical First Aid/Medical Care.** Vessels which do not carry a medical doctor shall be required to have one (1) seafarer on board who is in charge of medical care and administering medicine as part of their regular duties and one (1) seafarer on board competent to provide medical first aid. A single individual may serve in both capacities, provided he/she is certified for the two (2) competencies. Seafarers designated to provide

medical first aid or designated to take charge of medical care shall meet the standard of competence respectively specified in the applicable sections of the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended, and as established by the Maritime Administrator, and shall undergo, at approximately five-year intervals, refresher courses to enable them to maintain and increase their knowledge and skills and to keep up-to-date with new developments.

- .5 **Medicine Chest.** Each vessel shall carry and maintain an adequate medicine chest bearing in mind the number of persons aboard and the nature and duration of the voyage. In the determination of the contents of the chest, consideration shall be given to the minimum acceptable recommendations of the International Labor Organization, the World Health Organization or as established by the Maritime Administrator for the vessel type. The medicine chest and its contents, as well as the medical equipment and medical guide carried on board, shall be properly maintained and inspected at regular intervals, not exceeding 12 months, by responsible persons who shall insure that the labeling, expiry dates and conditions of storage of all medicines and directions for their use are checked and all equipment functioning as required.
- .6 **Medical Guide.** All required medicine chests must contain the most recent medical guide sufficiently detailed to assist persons other than a ship's doctor in administering to the ordinary needs of sick or injured persons on board and without supplementary medical advice by radio or radiotelephone.
- (a) The most recent editions of the *International Medical Guide for Ships* and the *Medical First Aid Guide for Use in Accidents Involving Dangerous Goods* shall be carried on board vessels.
 - (b) Where a cargo which is classified dangerous has not been included in the most recent edition of the *Medical First Aid Guide for Use in Accidents Involving Dangerous Goods*, the necessary information on the nature of the substances, the risks involved, the necessary personal protective devices, the relevant medical procedures and specific antidotes shall be made available to the seafarers. Such specific antidotes and personal protective devices shall be on board whenever dangerous goods are carried. This information shall be integrated with the vessel's policies and programs on occupational safety and health.
7. **Medical Advice.**
- (a) Vessels shall carry a complete and up-to-date list of radio stations through which medical advice can be obtained and, if equipped with a system of satellite communication, carry an up-to-date and complete list of coast stations through which medical advice can be obtained.
 - (b) The Master, and such other officers as the Master may designate at his or her discretion, shall be instructed in the use of the ship's medical guide and the medical section of the most recent edition of the *International Code of Signals* so as to enable them to make full use of all available medical advice by radio or radiotelephone and in the providing of information to assist a doctor in giving such advice.

Regulation 7.43 Health and Safety Protection and Accident Prevention.

- .1 Each shipowner shall ensure that seafarers are provided with occupational health protection and live, work and train on board vessels in a safe and hygienic environment.
- .2 Compliance with the requirements of applicable international instruments on acceptable levels of exposure to workplace hazards on board vessels and on the development and implementation of vessel occupational safety and health policies and programs shall be considered as meeting the requirements of this regulation.
- .3 Watchkeeping personnel shall have no more than 0.04% blood alcohol level during watchkeeping duties, and watchkeeping personnel shall not consume alcohol within four (4) hours prior to serving as a member of a watch.

Regulation 7.44 Accommodations, Recreational Facilities, Food, Water and Catering.

1. Accommodations and Recreational Facilities.

- (a) Each shipowner shall ensure that ships that fly the RMI flag are provided with decent accommodations and recreational facilities for seafarers working or living on board, or both, and maintained consistent with promoting the seafarers' health and well-being in accordance with the ILO Maritime Labour Convention (MLC), 2006.
- (b) The Maritime Administrator may, as and when necessary, prescribe by Marine Notice standards appropriate to the provision of health and safety protection and accident prevention, in light of the specific needs, customs and habits of the crew.

2. Food, Water, and Catering.

- (a) There shall be maintained on board the following minimum standards:
 - (1) food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and duration and nature of the voyage, shall be suitable in respect of quantity, nutritive value, quality and variety;
 - (2) the organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions; and
 - (3) catering staff shall be properly trained or instructed and documented as competent for their positions.
 - (4) cooks shall be at least 18 years of age and documented as competent for their positions.

- (b) The Maritime Administrator may, as and if necessary, prescribe scales of provisions appropriate to the customs and habits of the crew.
- (c) Seafarers living on board a vessel shall be provided with food free of charge during the period of engagement.

Regulation 7.45 Conditions of Employment.

.1 Seafarer Employment Agreement.

- (a) The conditions of employment and shipboard living arrangements on board every vessel shall be subject to examination and approval by the Maritime Administrator. Such conditions and arrangements shall be approved if they are not in conflict with the requirements of the Maritime Act, and:
 - (1) are embodied in a clearly written and legally enforceable contract for seafaring labor; or
 - (2) are embodied in a clearly written and legally enforceable labor contract concluded between a shipowner or shipowners organization and a seafarers organization constituted in accordance with the substantive provisions of the applicable International Conventions; or
 - (3) are ordered in accordance with the Maritime Act, by a court having jurisdiction over both the shipowner and seafarers concerned; or
 - (4) are otherwise substantially equivalent to those specified in the applicable International Conventions.
- (b) Where the provisions of a seafarer's collective bargaining agreement conflict with or deviate from the Maritime Act and/or these Regulations with regard to the employment of the seafarer on vessels registered in accordance with Chapters 1 through 8 of the Maritime Act, the Maritime Administrator may, at its sole discretion, determine that the conflicting or deviating provision is substantially equivalent to, and shall satisfy the requirements of, the Maritime Act or these Regulations, provided it is not inconsistent with or of a lesser standard than the Maritime Act or Regulations.
- (c) Seafarers' employment agreements shall be signed by both the seafarer and the shipowner/operator, or a representative of the shipowner/operator, and each shall retain an original copy of the signed agreement for the duration of its term, provided that:
 - (1) where this may not be possible at the time of joining a vessel, the employment agreement may be signed in the original by the shipowner/operator or its representative in its office and sent electronically to the crewing agency where the electronic copy of the agreement is received and signed in the original by the seafarer allowing the seafarer to hold an agreement with his/her own original signature when joining the vessel. Two (2) copies of the agreement signed in the

original by the shipowner/operator or its representative shall then be forwarded to the vessel as soon as reasonable and, upon receipt, the seafarer shall countersign two (2) originals of the agreement and return one to the shipowner/operator or its representative; or

- (2) in lieu of original shipowner/operator signatures, electronic signatures of the shipowner may be used so long as such signatures are legible and verifiable.
 - (3) regardless of the procedure used by the shipowner/operator to achieve compliance with the above signature requirements for employment agreements, the procedure must be properly documented.
- (d) Seafarers' employment agreements shall be agreed to by the seafarer under conditions which ensure that the seafarer has an opportunity to review and seek advice on the terms and conditions in the agreement and freely accepts them with a sufficient understanding of the seafarer's rights and responsibilities before signing.
- (e) Seafarers' employment agreements shall as a minimum contain the following particulars:
- (1) the seafarer's full name, date of birth and birthplace;
 - (2) the name and address of the shipowner/operator, or a representative of the shipowner/operator;
 - (3) the place at which and date on which the seafarer's employment agreement is entered into;
 - (4) the capacity in which the seafarer is to be employed;
 - (5) the amount of the seafarer's wages or the formula for calculating such wages;
 - (6) the amount of paid annual leave or the formula for calculating such paid annual leave;
 - (7) the termination of the agreement and the conditions thereof, including:
 - (i) if the agreement has been made for an indefinite period, the conditions which entitle either party to terminate the agreement, as well as the required period of notice, provided that such period shall not be less for the shipowner than for the seafarer;
 - (ii) if the agreement has been made for a definite period, the date fixed for the termination of the agreement; and
 - (iii) if the agreement has been made for a voyage, the port of destination and the time period for discharge of the seafarer after completion of the voyage;
 - (8) the health and social security protection benefits to be provided to the seafarer

- by the shipowner, including a statement as to applicable national provisions;
- (9) the seafarer's entitlement to repatriation; and
 - (10) reference to a collective bargaining agreement, if applicable.
- (f) Should there be a restriction on the term of a seafarer employment agreement in an applicable collective bargaining agreement, such a restriction shall also be applicable to the seafarer employment agreement for service onboard an RMI vessel, provided the restriction is not in conflict with RMI laws or regulations. However, absent such a restriction, the seafarer's ability to extend his/her contract beyond its expiration date or 12 months, if so desired, would not be limited, subject to mutual agreement between the seafarer and the shipowner.
 - (g) Seafarers and shipowners shall provide for minimum notice periods for the early termination of a seafarers' employment agreement. The duration of these minimum periods shall be determined after consultation with the shipowners' and seafarers' organizations concerned, but shall not be shorter than seven (7) days.
 - (h) Any seafarer may request termination of the seafarer's employment agreement on shorter notice than is required by the employment agreement or without notice on grounds of injury, illness, compassionate or other urgent reasons. Such termination shall be executed without penalty to the seafarer.
 - (i) To the extent not prohibited by the laws, regulations and practices of the RMI, seafarers' employment agreements shall be understood to incorporate any applicable collective bargaining agreement. Clear information, including any labor contract, shall be made available to the crew on board every vessel as to the conditions of employment thereon.
 - (j) Evidence of contractual or similar arrangements shall be maintained by the shipowner/operator for seafarers who are not employees of the shipowner/operator.

.2 Recruitment and Placement Services. The employment of seafarers by shipowners/operators through the use of recruitment and placement services based in countries or territories to which the ILO Maritime Labour Convention, 2006 does not apply shall be prohibited unless it can be demonstrated by the shipowner/operator, as far as practicable, that such services meet the relevant requirements set forth by the Maritime Labour Convention.

Regulation 7.46 Shipping Articles.

1. Official Form Required.

- (a) Shipping Articles, sometimes referred to as Articles of Agreement, shall be in the English language. The Maritime Administrator shall prescribe by Marine Notice the form for the Articles of Agreement. No other form shall be used in lieu of the official form except that a foreign language version may be appended thereto or otherwise made

a part thereof; provided, however, that on any vessel the initial form of Shipping Articles prescribed therein shall be required only upon expiration of the Articles currently in effect or within one (1) year from the effective date of this Regulation, whichever is later.

- (b) For those vessels which have instituted a different format, the language should reference Regulation 7.46.1, the terms of which when not specifically stated in the new format are to be considered incorporated by such reference. Any such new format shall be proposed to the Maritime Administrator for review and approval prior to use.

2. **Definitions.** For the purposes of this regulation, the following definitions shall apply:

- (a) Seafarers means any and all members of the crew and officers other than the Master and pilots, employed or engaged in any capacity on board any vessel, unless specified otherwise.
- (b) Crew means collectively those other than officers and Master, serving in any capacity on board a vessel.
- (c) Hotel Staff means those persons on board providing services to passengers and who are not regularly assigned to perform shipboard safety and pollution prevention related duties and not part of the ship's crew as defined above. Accordingly, hotel staff are not required to sign Shipping Articles; however, they may be parties to other contractual arrangements.
- (d) Industrial Personnel means those persons on board offshore installations or vessels engaged in the exploration, exploitation and production of energy, mineral and marine resources or maintenance and repair work who are not regularly assigned to perform shipboard safety and pollution prevention related duties and are not part of the vessel's marine crew as defined above. Accordingly, industrial personnel are not required to sign Shipping Articles; however, they may be parties to other contractual arrangements.

3. **Time of Signing-on Articles.** Every seafarer joining a vessel to commence employment on board shall sign the Shipping Articles prior to the vessel's departure from the port at which the seafarer so joined the vessel. The Master shall officiate at the signing-on of each seafarer and shall sign his or her name to the Shipping Articles in attestation of his or her having so acted. Any seafarer signing such Shipping Articles must be given an opportunity to examine and seek advice on the agreement before signing as well as such other facilities as are necessary to ensure that they have freely entered into an agreement with the Master with a sufficient understanding of their rights and responsibilities. The seafarer concerned must be provided with a copy of the terms of the Shipping Articles.

4. **Signing-off of Articles not a Waiver.** The signing-off of Shipping Articles by a seafarer at the time of his or her discharge from employment on board shall not constitute a waiver on his or her part of any claims he or she may have against the shipowner, the vessel or its Master at that time.

5. **Form of Shipping Articles to be Annexed to the Crew List.**

Refer to Marine Notice 7-046-1.

Regulation 7.47 Required Certification.

1. **Training and Qualifications.**

- (a) Seafarers shall not work on vessels registered under the Maritime Act unless they are trained or certified as competent or otherwise qualified to perform their duties.
- (b) Seafarers shall not be permitted to work on a vessel registered under the Maritime Act unless they have successfully completed basic training for personal safety on board ship.
- (c) Training and certification in accordance with the requirements of the regulations of the STCW, as amended, and as established by the Maritime Administrator shall be considered as meeting the requirements of sub-paragraphs a. and b. of this regulation.

2. **Officer's Certificate of Competence.**

- (a) **Appropriate Certification.** Shipowners and Operators responsible for employing seafarers for service on board vessels shall ensure that seafarers assigned to any vessel owned or managed by shipowner/operator hold appropriate certificates in accordance with the provisions of the STCW, as amended and revised from time to time, and as established by the Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator.
- (b) **Certificate of Competence or Temporary Permit.** Every Mate, Chief Engineer, Watch Officer and Radio Officer shall cause a copy of his or her Certificate of Competence or Temporary Permit to be provided to the ship's Master as soon as practicable after reporting on board a vessel for duty. Willful failure of any officer to comply with this provision may be grounds for the suspension or revocation of his or her Certificate of Competence or Temporary Permit.
- (c) **Penalty for Non-Possession.** The penalty provision in Section 109(4) of the Maritime Act shall also apply where a Master has allowed any function or service in any capacity required to be performed by a person holding an appropriate Certificate of Competence, to be performed by a person not holding the required certificate, a valid dispensation or having the documentary proof required by Regulations of the STCW, and as established by the Maritime Administrator.

3. **Seafarer's Identification and Record Books.**

- (a) **Requirements.** Each person employed on board a vessel registered under the Maritime Act, other than those persons exempted by the Administrator in accordance with

Resolution VII adopted by the 94th (Maritime) session of the International Labour Conference or National law or regulation, shall have in his or her possession an official RMI Seafarer's Identification and Record Book and/or card, as applicable, issued by an official of the Maritime Administrator, containing any certificates of special qualification issued to the holder by an official of the Maritime Administrator, and in which all service at sea shall be entered and certified by the Master. Such entries for service at sea shall not contain any statement as to the quality of work of the seafarer concerned or as to their wages.

- (b) **Qualifications.** As a prerequisite, the applicant must demonstrate having received and successfully completed basic training in accordance with the requirements of the regulations of the STCW, as amended, and as established by the Maritime Administrator.
 - (c) **Validity and Renewal.** The Seafarer's Identification and Record Book shall be valid for a period of five (5) years, and shall be subject to renewal for periods of five (5) years thereafter.
 - (d) **Penalty for Non-possession.** The Master and/or owner of a vessel shall be liable to a penalty of US\$250 for each person employed on board the vessel who does not possess a current and valid official Identification and Record Book. Such penalty shall be remitted if an official Identification and Record Book is obtained within 30 days of the inspection or other report which establishes the default. This penalty can only be imposed by the Maritime Administrator.
4. **Medical Certificates.** Seafarers shall not work on a vessel registered under the Maritime Act unless they are certified as medically fit to perform their duties.
- (a) **Requirements.** Each seafarer employed on board a vessel registered under the Maritime Act shall be in possession of a physical examination certificate in the official form required by the RMI, the STCW, as amended, or by another State Party to the ILO Convention Concerning the Medical Examination of Seafarers and such physical examination certificate shall be in compliance with the requirements of the MLC, 2006, attesting to the holder's medical fitness for duty. The certificate must be signed by a medical practitioner licensed in the place of examination and issued not more than two (2) years previous to the date of signing of the Articles of Agreement in force. The medical certificate shall state in particular that:
 - (1) the hearing and sight of the seafarer concerned, and the color vision in the case of a seafarer to be employed in capacities where fitness for the work to be performed is liable to be affected by defective color visions, are all satisfactory; and
 - (2) the seafarer is not suffering from any medical or psychological condition likely to be aggravated by service at sea or to render them unfit for such service or to endanger the health of other persons on board.

- (b) **Refusal of Medical Certificate.** Any seafarer who, following examination, is refused such a certificate may apply to the Maritime Administrator, for leave to undergo a further examination by a designated medical referee independent of any shipowner or organization of shipowners or seafarers.
- (c) **Valid Time Period.** Unless a shorter period of required by reason of the specific duties to be performed by the seafarer concerned or is required under the STCW, as amended:
 - (1) the maximum period of validity for a medical certificate shall be two (2) years unless the seafarer is under the age of 18, in which case the maximum period of validity shall be one (1) year.
 - (2) the maximum period of validity for a color vision certificate shall be six (6) years.

Should the period of validity of a certificate expire in the course of a voyage, the certificate shall continue in force until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that the period shall not exceed three (3) months.

- (d) **Urgent Circumstances.** In urgent circumstances a person may be employed without holding a currently valid official medical certificate until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that:
 - (1) the period of such permission does not exceed three (3) months; and
 - (2) the seafarer concerned is in possession of a medical certificate which is expired for a period not greater than six (6) months.
5. **Availability of Seafarers Documents.** Shipowners and operators shall ensure that documentation and data relevant to all seafarers employed on board a vessel registered under the Maritime Act are maintained and readily accessible, and include, without being limited to, documentation and data on their experience, training, medical fitness and competence in assigned duties.

Regulation 7.48 Certificates of Service.

In the absence of an official Seafarer's Identification and Record Book, the detailed sea service of each person employed on board a vessel must be certified in writing, separately for each capacity served in, and such certificate shall bear the signature of the Master and the seal or stamp of the vessel, shall not contain any statement as to the quality of work or wages, and shall be in the following form:

Certificate of Service

- | | |
|--------------------------------|-------------------------------------|
| (a) Name of Seafarer | (i) Total Service (Months and Days) |
| (b) Citizenship | (j) Name of Vessel (steam or motor) |
| (c) Rank or Rating | (k) Official Number |
| (d) Book or Certificate Number | (l) Port of Registry |
| (e) Place of Engagement | (m) Gross Tonnage |
| (f) Date of Engagement | (n) Propulsion Power (kW) |
| (g) Place of Discharge | (o) Nature of Voyage |
| (h) Date of Discharge | (p) Remarks |

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

Signature of Master

Date

Regulation 7.49 Minimum Age.

- .1 **Prohibition.** In accordance with § 826 of the Maritime Act, persons under the age of sixteen (16) years shall not be employed or work on vessels of the RMI.

- .2 **Nighttime Work.** The employment or engagement of seafarers under 18 years of age for work at night shall be prohibited. For the purposes of this Regulation, “night” shall be defined as the period starting at 20:00 hrs and ending at 06:00 hrs.

- .3 **Nighttime Work Exceptions.** An exception to strict compliance with the night work restriction may be made by the Maritime Administrator or his representatives when:
 - (a) the effective training of the seafarers concerned, in accordance with established programs and schedules, would be impaired; or
 - (b) the specific nature of the duty or a recognized training program requires that the seafarers covered by the exception perform duties at night and the authority determines, after consultation with the organizations of the shipowners and the seafarers concerned, that the work will not have a detrimental impact on their health or well-being.

- .4 **Hazardous work.** The employment of seafarers less than 18 years of age for work which is likely to jeopardize their health or safety shall be prohibited. The types of employment or work which is considered “hazardous” shall be determined by the shipowner/operator in accordance with the relevant international standards and Marine Notice.

Regulation 7.50 Benefit of Compensation for Loss of Life.

.1 Amount of Compensation.

The amount of direct compensation for loss of life for each seafarer shall aggregate no less than US\$10,000 or its equivalent in foreign currency, regardless of the seafarer's nationality, rank, seniority or other circumstances.

.2 Exceptions.

The shipowner shall bear the costs of direct compensation for loss of life upon the death of a seafarer from any cause, except:

- (a) if death resulted from the willful act of the seafarer;
- (b) if death developed directly from a condition which was intentionally concealed from the employer at or prior to engagement under the Articles; or
- (c) if death was caused directly by war or an act of war, declared or undeclared. But this clause shall not apply if at the time of the act the vessel had entered a known zone of international hostility for the purpose of trade.

.3 Medical Examination.

A seafarer shall not be entitled to the benefit of a direct compensation for loss of his or her life if he or she avoids or refuses a medical examination at the time of his or her employment.

.4 Presumption of Death.

If the body of a missing Master or seafarer has not been found within six (6) months after: (a) an incident of damage involving the vessel on which he or she sailed, or (b) an incident which otherwise points to the reasonable conclusion that the seafarer is dead, he or she shall be presumed dead and the direct compensation for loss of life shall become due and payable. Such presumption shall be rebuttable in a court of competent jurisdiction, and where the presumption is rebutted any such compensation paid shall be recoverable by the shipowner.

.5 Shipowner's Obligation.

The shipowner's obligation to provide the benefit of direct compensation for loss of life shall arise at the earlier of the times indicated below:

- (a) upon signing on the Articles; or
- (b) when the seafarer, at the request of the shipowner and prior to signing on the Articles, commences travel to join his or her assigned vessel. For the purpose of this

Regulation the seafarer shall be deemed to be employed or engaged on board the assigned vessel from the commencement of his or her travel.

.6 Termination of Obligation.

The shipowner's obligation to provide the benefit of direct compensation for loss of life shall terminate at the later of the times indicated below:

- (a) upon signing off the Articles; or
- (b) when the seafarer has returned from his or her assigned vessel to his or her place of residence or declared destination. For the purpose of this Regulation the seafarer shall be deemed to be employed or engaged on board the assigned vessel until he or she has reached his or her place of residence or declared destination.

.7 Suspension of Obligation.

The shipowner's obligation to provide the benefit of direct compensation for loss of life shall be suspended:

- (a) upon and during the period of a desertion as defined in the Maritime Act; or
- (b) during any unauthorized and unreasonable delays by the seafarer when traveling to his or her assigned vessel or from his or her assigned vessel to his or her residence or declared destination, or during any unauthorized and unreasonable deviations from the prescribed or customary travel routes.

.8 Seafarer's Residence.

Unless otherwise agreed in writing between the seafarer and the Master or the shipowner, the expression "residence" shall mean the seafarer's home address as shown in the Articles.

.9 Beneficiaries.

- (a) The compensation hereunder shall be paid to the seafarer's designated beneficiary or beneficiaries, or in the absence of such designated beneficiary or beneficiaries, to his or her estate or to his or her personal legal representative.
- (b) The designated beneficiaries shall either be entered in an appropriate space in the columnar entries of the Articles of Agreement or on a separate form to be provided by the shipowner.

.10 Other Death Benefits.

The amount of the direct compensation payable under this Regulation shall be determined by aggregation and subtraction of any other lump-sum death benefits in favor of the seafarer

which are also provided or contributed to by the shipowner.

.11 Satisfaction of Obligation.

The shipowner shall secure his or her obligation to provide a benefit of direct compensation for loss of life by any one (1) or a combination of the following:

- (a) a guarantee from a P&I Club approved by the Maritime Administrator, whereby the Club guarantees payment of the compensation hereunder; or
- (b) a life insurance policy from an insurance company approved by the Maritime Administrator; or
- (c) in lieu of the guarantee or life insurance, by depositing and maintaining at all times a payment bond from a bonding company approved by the Maritime Administrator, in an amount equal to US\$10,000 times the number of seafarers on the one (1) vessel in his or her fleet with the largest number of seafarers; or
- (d) participation in an approved national or international scheme.

.12 Certification.

- (a) If the shipowner participates in a national or international plan approved by the Maritime Administrator, he or she shall annually file with the Maritime Administrator a certificate or other satisfactory evidence of both participation in and contribution to the approved plan.
- (b) The shipowner or his or her P&I Club or his or her insurance company or his or her bonding company shall file with the Maritime Administrator a certificate of insurance or guarantee or participation for every vessel, or a payment bond as required under paragraph 7.50.11c. Such certificate or bond shall be renewed and refiled 10 days before its expiration date. Such certificate or bond may be issued for a period from inception until canceled.
- (c) Certificates of Insurance shall be in substantially the following form, unless prescribed otherwise by a convention to which the Republic of the Marshall Islands is a signatory:

(d)

REPUBLIC OF THE MARSHALL ISLANDS
OFFICE OF THE MARITIME
ADMINISTRATOR CERTIFICATE OF
INSURANCE PURSUANT TO MARITIME
REGULATION 7.50

NOT
TRANSFERABLE

NAME OF VESSEL: OFFICIAL NUMBER:
PORT OF REGISTRY: MAJURO NAME AND
ADDRESS OF OWNER:

This is to certify that there is in force in respect of the above-named vessel while in the above ownership a policy of insurance satisfying the requirements of Maritime Regulation 7.50.

PERIOD OF INSURANCE: FROM

TO

The insurer may cancel this Certificate only by giving 30 days written notice of cancellation to the Maritime Administrator whereupon the liability of the insurer hereunder shall cease as from the date of the expiry of the said period of notice, but only as regards incidents arising thereafter.

DATE:

This Certificate has been issued for and on behalf of:

(NAME OF INSURANCE COMPANY)

BY _____
(NAME AND TITLE OF OFFICER OR AUTHORIZED MANAGER OR
AGENT)

- (e) Certificates of Guarantee of Payment shall be substantially in the following form unless prescribed otherwise by a convention to which the Republic of the Marshall Islands is a signatory:

REPUBLIC OF THE MARSHALL
ISLANDS OFFICE OF THE MARITIME
ADMINISTRATOR GUARANTEE OF
PAYMENT PURSUANT TO MARITIME
REGULATION 7.50

NAME OF VESSEL: OFFICIAL NUMBER:
PORT OF REGISTRY: MAJURO NAME AND
ADDRESS OF OWNER:

This is to certify that there is in force in respect of the above-named vessel while in the above ownership a guarantee of payment satisfying the requirements of Maritime Regulation 7.50.

PERIOD OF GUARANTEE: FROM

TO

The guarantor warrants that it will pay the direct compensation for loss of life provided for under Section 837 of the Maritime Act directly to the beneficiaries and/or legal representatives of the deceased seafarer upon their demand, if for any reason the Owner does not pay the said compensation. The guarantor further warrants that it will not raise any other defenses against claims for such compensation except those available to the Owner under the Regulation 7.50.

The guarantor may cancel this guarantee only by giving 30 days written notice of cancellation to the Maritime Administrator, whereupon the obligations of the guarantor hereunder shall cease as from the date of the expiry of the said period of notice, but only as regards incidents arising thereafter.

DATE:

This Guarantee has been issued for and on behalf of:

(NAME OF GUARANTOR)

BY _____
(NAME AND TITLE OF OFFICER OR AUTHORIZED MANAGER OR
AGENT)

Regulation 7.51 Hours of Work and Hours of Rest.

.1 Terms Used.

- (a) *hours of work* shall mean the time during which seafarers are required to do work on account of the vessel;
- (b) *hours of rest* shall mean the time outside hours of work; this term does not include short breaks;
- (c) *normal hours of work* in port and at sea shall mean eight (8) per day.

.2 Limits on Hours of Rest.

(a) Standard

In accordance with the requirements of the MLC, 2006, the Maritime Administrator has established the provisions for hours of rest to be the standard to which shipowners and operators shall comply. Shipowners and operators shall, within the following limits, fix a minimum number of hours of rest which shall be provided in a given period of time. Shipowners and operators shall take account of the danger posed by fatigue of seafarers, especially those whose duties involve navigational safety and the safe and secure operation of the vessel.

(b) Minimum Rest Hours

The minimum number of hours of rest shall not be less than:

- 1) 10 hours in any 24-hour period; and
- 2) 77 hours in any seven-day period.

(c) Additional Provisions

- 1) Hours of rest may be divided into no more than two (2) periods, one of which shall be at least six (6) hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.
- 2) Musters, fire-fighting and lifeboat drills, and drills prescribed by these Regulations and by international instruments, shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.
- 3) When a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

- 4) Night work of seafarers under the age of 18 shall be prohibited unless the effective training of the seafarers concerned would be impaired or the specific nature of the duty or a recognized training program requires that the seafarers covered by this exception perform duties at night and it has been determined that the work will not be detrimental to their health or well-being.

(d) **Right of the Master**

Nothing in this section shall be deemed to impair the right of the Master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.

- 1) Accordingly, the Master may suspend the schedule of hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored.
- 2) As soon as practicable after the normal situation has been restored, the Master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

.3 **Record**

- (a) A table with the shipboard working arrangements shall be prepared in accordance with the standardized format established by the Maritime Administrator, and shall be posted in an easily accessible location which shall contain for every position at least:
 - (1) the schedule of service at sea and service in port;
 - (2) the minimum hours of rest required by these Regulations or applicable collective agreement.
- (b) Records of seafarers' daily hours of rest shall be maintained to allow monitoring of compliance with these Regulations. The records shall be in a standardized format established by the Maritime Administrator. The records may be maintained in electronic form.
- (c) The table of shipboard working arrangements and records of daily hours of rest shall be in the working language(s) of the ship and in English. The seafarer shall receive a copy of the records pertaining to him or her which shall be endorsed by the master, or a person authorized by the Master, and by the seafarer.

.4 **Payment of Wages.**

(a) **Terms Used.**

- (1) Basic pay or wages means the pay, however composed, for normal hours of

work and does not include payments for overtime worked, bonuses, allowances, paid leave or any other additional remuneration;

- (2) Consolidated wage means a wage or salary which includes the basic pay and other pay-related benefits that may include compensation for all overtime hours which are worked and all other pay-related benefits, or it may include only certain benefits in a particular consolidation.
- (3) These arrangements shall be reflected as an addendum to the Articles of Agreement or contained in the seafarer's employment agreement.

(b) Wages.

- (1) The shipowner shall ensure that payments due to seafarers working on vessels are made at no greater than monthly intervals and in accordance with any applicable seafarer's employment agreement or collective bargaining agreement.
- (2) Seafarers shall be given a monthly account (paper or electronic) of the payments due and the amounts paid, including wages, additional payments and the prevailing market rate or official published rate of exchange used where payment has been made in a currency or at a rate different from the one to which agreed. Seafarers will be provided with a private secure access to electronic accounts.
- (3) The shipowner shall take measures to provide seafarers with a means to transmit all or part of their earnings to their families or dependents or legal beneficiaries.
- (4) Any charge of service to transmit seafarer earnings shall be of reasonable amount, and the rate of currency exchange, unless provided otherwise, shall be at the prevailing market rate or the official published rate and not unfavorable to the seafarer.

(c) Salary Plans.

- (1) The shipowner may implement a fixed salary plan, which establishes a practical, modern salary system that will ensure a regular monthly income to the seafarer while on active service and during leave periods. Such arrangements are to be agreed between the Master and the seafarer and be reflected as an addendum to the Articles of Agreement.
- (2) For the purpose of the penalty provision in Part 8, Section 827(4) of the Maritime Act, it shall be deemed that no default has occurred under the following controlled circumstances:
 - (i) There exists an offshore based account system which utilizes an

electronic transfer of wage payments to perform the wage accounting function, provided that individual wage account slips are transmitted to the ship electronically for the officer/seafarer and mailed to the officer/seafarer's mailing address by a specified date, and

(ii) The officer/seafarer receives a shipboard transaction statement before signing off the ship, which shall be followed by a final wage account slip to the officer/seafarer's mailing address by a specified date in the month following the date on which the sign-off occurs.

(3) These arrangements should be reflected as an addendum to the Articles of Agreement or contained in the seafarer's employment agreement.

(d) **Profit-Sharing.**

Although the right to wages on the part of any seafarer shall not be dependent upon the earning of freight by the vessel, nothing in this section shall be construed to prevent any profit-sharing plan by which the officers and crew are to be compensated with profits in addition to their established wages.

.4 **Overtime.** *Overtime* shall mean work performed over and above an eight-hour period.

(a) **Terms Used.** For the purposes of calculating overtime compensation:

(1) Normal working hours in port and at sea shall mean eight (8) hours per day with one day of rest per week and rest on public holidays.

(2) Overtime shall mean work performed over and above normal working hours.

(b) **Rate.** The rate or rates of compensation for overtime shall be for no less than one and one-quarter times the basic pay or wages per hour, unless otherwise stipulated in a seafarer's employment agreement or collective bargaining agreement.

(c) **Exceptions.** Work performed in excess of eight (8) hours per day shall not be compensated for as overtime when necessary for the safety of the vessel, its passengers, officers, crew, cargo or for the saving of other vessels, lives or cargo, or for the performance of fire, lifeboat, or other emergency drills. Such work shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.

(d) **Alternatives.** In the special circumstances of lightering, drilling, offshore supply or other specialized maritime operations not constituting an international voyage of more than 24 hours duration, the shipowner may agree with the crew in writing that overtime is to be compensated by additional paid vacation or by additional tangible benefits other than money.

Regulation 7.52 Social Protections.

- .1 **Liability Insurance.** Each shipowner shall be required to maintain at all times satisfactory third party liability insurance as described in Regulation 2.23.2 which covers, among other things, all reasonable costs incurred in meeting the shipowner's obligations to provide for seafarer health protection, medical care, welfare measures, repatriation and/or unemployment compensation.
 - (a) The liability insurance required by 7.52.1 with respect to abandonment as defined in 7.52.7 shall be sufficient to cover:
 - (1) outstanding wages and other entitlements due from the shipowner to the seafarer under their employment agreement, a relevant collective bargaining agreement and RMI Maritime Act and RMI Maritime Regulations, limited to four (4) months of any such outstanding entitlements;
 - (2) All expenses reasonably incurred by the seafarer, including the cost of repatriation in accordance with 7.52.5; and
 - (3) The essential needs of the seafarer and any other reasonable costs or charges arising from the abandonment.
 - (b) The liability insurance required by 7.52.1 with respect to long-term disability and death shall provide for the payment of all contractual claims covered by it which arise during the period of validity of such insurance. For the purpose of this regulation, contractual claims shall mean any claim which relates to death or long-term disability of seafarers due to an occupational injury, illness or hazard as set out in the RMI Maritime Act, the seafarers' employment agreement or collective agreement.
- .2 **Security for Costs.** In addition to the insurance coverage required by paragraph 1, the Maritime Administrator, may at any time require a shipowner to obtain insurance, post a bond or provide other security to cover anticipated costs of repatriation or other obligations owed to the Master, officers and crew under any circumstances including the possible insolvency of the shipowner, subject to the provisions of the Maritime Act.
- .3 **Satisfaction of Obligations for Social Protections.** The shipowner shall secure his or her obligation to provide for repatriation and other obligations provided in Regulation 7.52 by any one (1) or a combination of the following:
 - (a) a guarantee, from a Protection & Indemnity Club approved by the Maritime Administrator, whereby the Protection & Indemnity Club guarantees payment of the shipowner's repatriation obligations hereunder; or
 - (b) an insurance policy, from an insurance company approved by the Maritime Administrator, which covers the shipowner's obligations hereunder; or

- (c) by depositing and maintaining at all times a payment bond, from a bonding company approved by the Maritime Administrator, in an amount equal to US\$10,000 per seafarer on the vessel in the shipowner's fleet with the greatest number of seafarers; or
- (d) participation in a national or international plan, as approved or established by the Maritime Administrator.

.4 **Certification.**

- (a) If the shipowner secures his or her repatriation obligations with an insurance policy as provided in 7.52.3a, the shipowner or the insurance company shall file with the Maritime Administrator a certificate of guarantee for every RMI flagged vessel in the shipowner's fleet.
- (b) If the shipowner secures his or her repatriation obligations with an insurance policy as provided in 7.52.3b, the shipowner or the insurance company shall file with the Maritime Administrator a certificate of insurance for every RMI flagged vessel in the shipowner's fleet.
- (c) If the shipowner secures his or her repatriation obligations with a payment bond as provided in 7.52.3c, the shipowner or the bonding company shall file such payment bond with the Maritime Administrator.
- (d) If the shipowner participates in a national or international plan as provided in 7.52.3d, he or she shall file annually with the Maritime Administrator a certificate or other satisfactory evidence of both participation in and contribution to the Maritime Administrator approved or established plan for every RMI flagged vessel in the shipowner's fleet.
- (e) Any certificate or bond filed with the Maritime Administrator pursuant to 7.52.3a, 7.52.3b or 7.52.3c shall be renewed and re-filed 10 days before its expiration date. Such certificates or bonds may be issued for a specific period of time or for an indefinite period of time and until cancellation.

.5 **Repatriation.**

(a) **Entitlements.**

- (1) In accordance with the Maritime Act, seafarers shall be entitled to repatriation, at no expense to them, to the port at which they were engaged, the port where the voyage commenced, a port within the seafarer's own country, or to such other port as may be agreed upon under the following circumstances:
 - (i) when the period of employment is terminated by reason of completion of the voyage for which the seafarer was engaged;

- (ii) upon the termination of the seafarer employment agreement by the seafarer for justified reasons;
 - (iii) upon the termination of the seafarer employment agreement by the shipowner due to the seafarer no longer being able to carry out his/her duties under the seafarer employment agreement or where the seafarer cannot be expected to carry them out in the specific circumstances; or
 - (iv) upon the expiration of the contract period of employment.
- (2) A list of the precise entitlements to be accorded by the shipowner for repatriation shall be provided to each seafarer employed by that shipowner. This list shall include entitlements relating to the destination of repatriation, the mode of transport, the items of expense to be covered and other arrangements to be made for the seafarer by the shipowner.
- b. **Forbidden Employment Condition.** It shall be a maritime offense for any shipowner to require the Master, any officer, or any crew member to purchase in advance his or her own repatriation transportation as a condition of initial or continued employment. Furthermore, it shall be a maritime offense for any shipowner to attempt to recover the cost of repatriation from the seafarer's wages or other entitlements except where the seafarer has been found, in accordance with RMI laws, regulations or other applicable measures or the provisions of applicable collective bargaining agreements to be in serious default of the seafarer's employment obligations. Nothing in these regulations shall prejudice any right of a shipowner to recover the cost of repatriation under other contractual arrangements.
- c. **Duration of Service.** The duration of service on board as mutually agreed upon between the seafarer and the shipowner following which a seafarer is entitled to repatriation shall be less than 12 months. The right to repatriation shall be retained by a seafarer at the end of any satisfied contract period, extended or otherwise, unless forfeited pursuant to § 844 of the Maritime Act.
- d. **Seafarer's Copy.** Each RMI flagged ship must carry and make available to seafarers a copy of the applicable provisions of the Maritime Act regarding repatriation written in English and the working language of the ship.

.6 **Unemployment Compensation.**

- (a) **Indemnity.** Each shipowner shall ensure that, in every case of loss or foundering of any vessel, each seafarer on board shall be paid an indemnity against unemployment resulting from loss or foundering.
- (b) **Rights and Legal Remedies.** Such compensation shall be without prejudice to any other rights and legal remedies a seafarer may have under the Maritime Act for losses or injuries arising from a vessel's loss or foundering.

- (c) **Pay Rate and Period.** The indemnity against unemployment resulting from a vessel's foundering or loss shall be paid for the days during which the seafarer remains in fact unemployed at the same rate as the wages payable under the employment agreement, but the total indemnity payable to any one seafarer may be limited to two (2) months' wages.

.7 Abandonment

A seafarer shall be deemed to have been abandoned where, in violation of the requirements of the Maritime Labour Convention, 2006 or the terms of the seafarers' employment agreement, the shipowner:

- (a) fails to cover the cost of the seafarer's repatriation; or
- (b) has left the seafarer without the necessary maintenance and support; or
- (c) has otherwise unilaterally severed their ties with the seafarer including failure to pay contractual wages for a period of at least two (2) months.

Regulation 7.53 On Board Complaint Procedures, Conciliation, Mediation and Arbitration.

The following procedure shall apply to on board complaint procedures, conciliation, mediation and arbitration under Section 861 of the Maritime Act:

.1 On Board Complaint Procedures.

- (a) There shall be on board complaint procedures that allow for the fair and effective handling of seafarer complaints alleging violations of the relevant ILO Conventions.
- (b) All seafarers shall be provided, together with a copy of their seafarers' employment agreement, a copy of the on board complaint procedures applicable to the ship. The Maritime Administrator shall prescribe by Marine Notice provisions for development of the on board complaint procedure.
- (c) Any victimization of a seafarer for filing a complaint is strictly prohibited. Victimization is understood to mean any adverse action taken or threatened by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.
- (d) Utilization of on board compliant procedures shall not prejudice a seafarer's right to seek redress through conciliation and mediation, arbitration or legal means.

.2 Conciliation and Mediation Procedures.

- (a) If the matter cannot be resolved through the on board complaint procedure in the appropriate timeframe allotted, officer and/or crew members shall have 10 days

thereafter to bring it through the Master or his or her appointee to the employer; or if the matter may be to the prejudice of the Master, then directly to the employer. The employer and the officer and/or crew members shall have a period of 20 days there from to bring about conciliation.

- (b) If after 20 days, the matter has not been conciliated, then either party shall have a further 20 days to bring the matter for mediation to the Maritime Administrator, or its appointed representative.
- (c) The conciliation and mediation procedures shall be informal.

.3 Arbitration Rules.

- (a) If the Maritime Administrator, or its appointed representative is unable to successfully mediate the matter, either party shall have 30 days to serve a notice of demand for arbitration and therein designate a proposed arbitrator. In the event that an arbitrator cannot be mutually agreed upon and appointed within 20 days after service of said demand, each party shall appoint an arbitrator and those two (2) shall choose the third arbitrator, who will act as the presiding arbitrator of the panel. Should one (1) party fail to appoint an arbitrator, then the first moving party shall thereafter have 10 days to bring the matter to the Maritime Administrator, or its appointed representative, who shall at his or her discretion appoint an arbitrator on behalf of the party failing to respond, or, alternatively, shall himself or herself act as sole arbitrator.
- (b) The arbitrator or arbitrators shall have 30 days from the receipt of a written request for arbitration to make a final determination in the matter.
- (c) The time periods above may be extended by the Maritime Administrator, or its appointed representative, and in the case of subparagraph f above may be extended by consent of the parties.
- (d) The parties to the arbitration may agree as to the place where the arbitration proceeding shall be held, the language in which the proceeding shall be conducted and, subject to the requirements of paragraph .3 hereof, the rules which will govern the arbitration proceeding. In default of agreement as to the place of the arbitration, the place shall be decided by the arbitrator(s). In default of agreement as to the rules, the proceeding shall be conducted in the English language under the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules, insofar as consistent with the requirements of this Regulation.

.4 Arbitration Proceeding.

- (a) The arbitration proceeding shall be informal, and testimony shall be given orally and in person to the extent possible. All oral testimony shall be recorded unless the parties agree in writing to waive recording. The arbitration award shall be in writing, in the English language, and shall briefly state the reason for the award. The costs of

the arbitration, as determined by the arbitrator(s), shall be borne by both parties unless otherwise awarded by the arbitrator(s). A payment on account of costs shall be made by both parties at the commencement of the arbitration.

- (b) Any arbitration award may be enforced, if necessary, by any Court of competent jurisdiction.

4.0 MARINE NOTICES

All of the [Marine Notices](#), which may be found on www.register-iri.com are important; however, those listed below are considered most essential for management level officers to become familiar with upon initial employment on board RMI flagged vessels:

- [Marine Notice No. 1-004-2](#) - Reporting Certificate Fraud and Professional and Technical Incompetence
- [Marine Notice No. 2-011-1](#) - International Maritime Conventions and other Instruments Adopted by the Republic of the Marshall Islands
- [Marine Notice No. 2-011-5](#) - Life-Saving Appliances and Equipment
- [Marine Notice No. 2-011-8](#) - National Safety Requirements for Miscellaneous Vessels
- [Marine Notice No. 2-011-13](#) - International Safety Management (ISM) Code
- [Marine Notice No. 2-011-14](#) - Maintenance and Inspection of Fire Protection Systems and Appliances
- [Marine Notice No. 2-011-16](#) - International Ship and Port Facility Security (ISPS) Code
- [Marine Notice No. 2-011-18](#) - Ship Security Alert System (SSAS)
- [Marine Notice No. 2-011-19](#) - Continuous Synopsis Records (CSR)
- [Marine Notice No. 2-011-20](#) - Notice of Intended Entry into Port
- [Marine Notice No. 2-011-25](#) - Long-Range Identification and Tracking of Ships
- [Marine Notice No. 2-011-33](#) - Maritime Labour Convention, 2006 Inspection and Certification Program
- [Marine Notice No. 2-011-34](#) - Special Purpose Ships
- [Marine Notice No. 2-011-35](#) - National Safety Requirements for Offshore Supply Vessels
- [Marine Notice No. 2-011-36](#) - National Safety Requirements for Vessels Carrying Persons in Addition to Crew

- [Marine Notice No. 2-011-37](#) - Life Boat Equipment Requirements, Maintenance, and Servicing
- [Marine Notice No. 2-011-39](#) - Piracy, Armed Robbery, and the Use of Armed Security
- [Marine Notice No. 2-011-40](#) - Bridge Navigation Watch Alarm Systems
- [Marine Notice No. 2-011-52](#) - International Code for Ships Operating in Polar Waters (Polar Code)
- [Marine Notice No. 2-013-1](#) - Oil Discharge Monitoring and Control Systems (ODMCS) Failures - Manual Means of Monitoring and Procedures for Discharge
- [Marine Notice No. 2-013-2](#) - MARPOL Recordkeeping and Reporting Requirements
- [Marine Notice No. 2-013-3](#) - Oil Filtering Equipment and Control of Operational Discharge of Oil
- [Marine Notice No. 2-013-4](#) - Shipboard Oil Pollution Emergency Plan (SOPEP) Approval for Republic of the Marshall Islands Ships
- [Marine Notice No. 2-013-5](#) - MARPOL Annex V – Prevention of Garbage Pollution from Ships
- [Marine Notice No. 2-013-7](#) - MARPOL Annex I Amendments and Instructions
- [Marine Notice No. 2-013-8](#) - Implementation of MARPOL Annex VI, Regulations for the Prevention of Air Pollution from Ships
- [Marine Notice No. 2-013-10](#) - Implementation of MARPOL Annex I, Chapter 8 – Prevention of Pollution During Transfer of Oil Cargo Between Oil Tankers at Sea
- [Marine Notice No. 2-013-12](#) - Regulations on Energy Efficiency for Ships
- [Marine Notice No. 2-014-1](#) - Ballast Water Management Plans
- [Marine Notice No. 4-033-7](#) - GMDSS Radio Logbooks
- [Marine Notice No. 5-034-1](#) - Safety Inspection Program
- [Marine Notice No. 5-034-3](#) - Operational/Safety Checklist for SOLAS 74/78 Requirements
- [Marine Notice No. 7-038-1](#) - Periodically Unattended Machinery Spaces (PUMS); Requirements for Safety of Operation and Reduced Manning
- [Marine Notice No. 7-038-2](#) - Minimum Safe Manning Requirements for Vessels
- [Marine Notice No. 7-038-4](#) - Principles of Watchkeeping

- [Marine Notice No. 7-041-1](#) - Entering Enclosed Spaces Aboard Ships - Safety Precautions
- [Marine Notice No. 7-041-2](#) - Prohibition of “Hot Work” in Tankers and Combination Carriers
- [Marine Notice No. 7-041-3](#) - Pilot Transfer Arrangements
- [Marine Notice No. 7-041-6](#) - Nautical Chart and Publication Carriage and Electronic Chart Display and Information System (ECDIS) Requirements
- [Marine Notice No. 7-041-7](#)- Alternative Methods for Lifeboat Drills on Mobile Offshore Units (MOUs)
- [Marine Notice No. 7-042-1](#) - Medical Care On Board Ship and Ashore: Medicine Chest, Recordkeeping and Responsibilities and Training for Medical Care
- [Marine Notice No. 7-043-1](#) - Means of Ship Embarkation/Disembarkation
- [Marine Notice No. 7-044-1](#) - Accommodations, Recreational Facilities, Food, Catering and Water
- [Marine Notice No. 7-046-1](#)- Articles of Agreement between the Master and Seafarers in the Merchant Service of the Republic of the Marshall Islands (Shipping Articles)
- [Marine Notice No. 7-051-2](#) - Minimum Hours of Rest
- [Marine Notice No. 7-052-1](#)- Repatriation
- [Marine Notice No. 7-052-2](#)- Maximum Period of Shipboard Service for Seafarers Under the Maritime Labour Convention 2006 (MLC 2006)
- [Marine Notice No. 7-052-3](#)- Liability Insurance for Seafarer Abandonment Death and Long-Term Disability
- [Marine Notice No. 7-053-1](#)- On Board Complaint Procedures

5.0 MARINE GUIDELINES

All of the [Marine Guidelines](#), which may be found on www.register-iri.com, are important, however, those listed below are considered essential for management level officers to become familiar with upon initial employment on board RMI flagged vessels:

- [Marine Guideline No. 2-11-11](#) - Guidelines on Testing of Ship Security Alarm Systems (SSAS)
- [Marine Guideline No. 2-11-13](#) - MSCHOA User Instructions for Updated Vessel Movement Registration Form

- [Marine Guideline No. 2-13-3](#) - Oil Record Book Guidelines
- [Marine Guideline No. 2-13-4](#) - Revised MARPOL Annex VI
- [Marine Guideline No. 5-34-2](#) - Guidelines for Undergoing a Port State Control Inspection
- [Marine Guideline No. 6-36-2](#) - Notification and Reporting of Marine Casualties, Marine Incidents, Occurrences and Offenses
- [Marine Guideline No. 7-41-1](#) - Safety of Navigation ECDIS, Navigation Chart Correction and Use, Speed Input to ARPA Equipped Radars and Traffic Separation Lanes
- [Marine Guideline No. 7-41-3](#) - Guidelines for Voyage Planning
- [Marine Guideline No. 7-41-5](#) - Stowaways: Prevention of Access; Resolution of Cases
- [Marine Guideline No. 7-45-1](#) - Guidance on Seafarer Employment Agreements (SEAs)
- [Marine Guideline No. 7-47-1](#) - Guidance on Medical Exams and Certificates for Seafarers

6.0 RULES FOR MARINE INVESTIGATIONS, [MI-260](#)

Refer to the detail provisions of these sections in MI-260, which may be found on the [MI-300](#) page of www.register-iri.com.

Part I: Marine Safety Investigations.

Part II: Marine Investigations of Offenses and Occurrences.

7.0 RULES FOR MARINE ADMINISTRATION AND ADJUDICATORY PROCEEDINGS, [MI-264](#)

This publication contains the rules applying to all Marine Administrative and Adjudicatory Proceedings conducted by the Administrator and/or its duly designated representative(s) involving vessels under the RMI flag and organizations, entities and persons subject to the Act and/or the Regulations and may be found on the [MI-300](#) page of www.register-iri.com.

8.0 REQUIREMENTS FOR SEAFARER CERTIFICATION, [MI-118](#)

Refer to the detail provisions of these sections in MI-118, which may be found on the [MI-300](#) page of www.register-iri.com.

- 1.3 Compliance with STCW Convention, 1978, as amended. Applicants for officer certificates at the management level, i.e. Master and Chief Mate applicants for service on board ships of 500 gross tonnage or more, as well as Chief Engineer and

First Assistant Engineer applicants for service on board ships powered by main propulsion machinery of 750kW propulsion power are required to be familiar with the RMI Maritime legislation relevant to the functions to be performed by the applicant for which he/she has applied to be certificated. Accordingly, each applicant must sign the Affidavit in Part VIII of Application Form MI-105 whereby the applicant acknowledges and affirms that he/she has reviewed this document, MI-105A.

- 2.3 Period of Validity of Officer's Certificate; Suspension and Revocation of Certificate.
- 2.5 Surrender of Suspended or Revoked Certificate.
- 2.6 Display of Certificate or Temporary Permit.
- 2.10 Fraud, Forgery, Misrepresentation or Attempted Bribery.
- 4.0 Seafarer's Identification and Record Book (SIRB).
- 4.3 Uses of SIRB.
- 4.4 Period of Validity of SIRB.
- 5.0 Special Qualification Certificates.

9.0 REQUIREMENTS FOR SEAFARER CERTIFICATION BY EXAMINATION, [MI-118E](#)

This publication contains the necessary information for seafarer certification by examination that was formerly in the MI-118, but in an expanded and updated version and which may be found on the [MI-300](#) page of www.register-iri.com .

10.0 YACHT CODE, [MI-103](#)

This publication has replaced the previously issued Commercial Yacht Code (MI-103) and may be found on the [MI-300](#) page of www.register-iri.com. Please refer to the MI-103 for detailed information.

11.0 MOBILE OFFSHORE UNIT STANDARDS, [MI-293](#)

This publication contains the necessary requirements applicable to mobile offshore units and may be found on the [MI-300](#) page of www.register-iri.com. Please refer to the MI-293 for detailed information.