

CDP 102

Dominica Maritime Regulations, 2002



**Commonwealth of Dominica
Maritime Administration**

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COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDERS NO. 18 OF 2002 REGULATIONS

MADE by the Minister under section 3 of the International
Maritime Act, (Act No. 9 of 2000)

(Gazetted 16th May, 2002)

PRELIMINARY

1. Citation.

These Regulations may be cited as the –

INTERNATIONAL MARITIME REGULATIONS 2002.

2. Interpretation.

In these Regulations –

“**the Act**” means the International Maritime Act, 2000.

“**Dominica**” means Commonwealth of Dominica

“**STCW 95**” means the International Convention on Standards, Training, Certification and Watchkeeping for Seafarers.

PART I – GENERAL.

3. Central and other offices.

A Central Office in the Commonwealth of Dominica together with other offices located elsewhere, shall be maintained for the purpose of those acts and services required or allowed to be performed by the Maritime Administrator under the provisions of the International Maritime Act, as amended.

4. Number of copies of documents required.

(1) Mortgages, assignments, assumptions, mortgage amendments, addenda, supplements, or subordination or coordination agreements must be submitted in the original and five counterparts.

(2) Instruments of satisfaction, release and discharge, etc. relating to recorded mortgages must be submitted in the original and three counterparts.

(3) Subject to regulation (4), Bill of Sale, Master Carpenter’s or Builder’s Certificates which are to be recorded shall be submitted in four duly executed and acknowledged

originals or at least in two executed and acknowledged originals and two facsimile copies.

- (4) If the Bill of Sale submitted for recording evidences of a transfer of ownership for a vessel already registered under the Act, a copy of the vessel's current Certificate of Registry of the Commonwealth of Dominica shall be attached to one original Bill of Sale.
- (5) Three copies of any instrument transferring title to a vessel are required for the purpose of a vessel's registration.
- (6) Powers of Attorney or other evidence of authorization should be submitted in the original, or one certified copy, plus three copies.

5. Filing by facsimile.

- (1) Where the provisions of these Regulations require an instrument to be filed, that document may be filed –
 - (a) at any office designated by the Maritime Administrator for that purpose; and
 - (b) by facsimile, on condition that the requisite original and counterparts are submitted within ten days of the submission by facsimile.
- (2) When the original instrument is received, it shall be recorded as of the date of filing if –
 - (a) the original is received within ten days; and
 - (b) the instrument submitted by facsimile and the original instrument received are identical in all respects.
- (3) Where an original instrument received is not identical to that submitted by facsimile, the filing of that instrument shall be invalid.

6. Licenses and Certificates of Marine Personnel.

Notwithstanding regulation 8, a person holding a valid license or certificate issued by a State in full compliance with the provisions of STCW 95 currently in force, and who is not otherwise disqualified in the opinion of the Maritime Administrator, shall be eligible for an equivalent license or certificate.

7. Compliance with STCW 95.

With effect from February 1, 2002 every Master, Chief Mate, Chief Engineer and First Assistant Engineer shall comply with the requirements of STCW 95 for familiarization with national maritime legislation.

8. Examinations.

- (1) The Maritime Administrator shall not issue any license or certificate under section 11 of the Act unless the applicant for such license or certificate has passed such written, oral and physical examinations as the Maritime Administrator may require from time to time for the purpose of quality standard audits.
- (2) The examinations referred to in subregulation (1) shall be undertaken at an approved maritime education and training facility.
- (3) The Maritime Administrator shall, at least once in every year, publish the requirements and syllabus for competency examinations and assessments in at least one newspaper and issue a standard training record book.

9. Suspension and revocation of Certificates.

The Maritime Administrator may suspend or revoke a license or certificate for any of the following reasons:

- (a) incompetency;
- (b) physical or mental disability;
- (c) drunkenness;
- (d) willful failure to comply with the provisions of the Act or these Regulations;
- (e) criminal conduct; or
- (f) other conduct incompatible with proper performance of duties and obligations in service on board a vessel.

10. Validity and renewal of licenses.

- (1) An officer's license of competence shall be valid for a maximum period of five years and may be renewed subject to the refresher training requirements under STCW 95.
- (2) A license shall not be renewed more than one year after the expiration of the previous license unless the applicant satisfies such special requirements as may be imposed by the Maritime Administrator or the official to whom the application for renewal is made.

11. Fees.

- (1) The payment of fees chargeable under these Regulations shall be made –

(a) in respect of vessels entered on the Register book at the Headquarters of the Dominica Maritime Registry Inc.

- (i) in United States dollars;
- (ii) by check or bank draft of a US banker or of the US branch of an international bank; and
- (iii) payable to the Dominica Maritime Registry, Inc.;

(b) in respect of all other vessels –

- (i) in Eastern Caribbean dollars or any other currency;
- (ii) by check or bank draft to a bank in Dominica; and
- (iii) payable to the Government of Dominica.

(2) The fees payable shall be as set out in the First Schedule.

(3) The Minister may by Order amend the schedule.

12. Appeal.

(1) An appeal pursuant to section 18 of the Act shall be instituted by the filing of an objection to the decision appealed against and supporting documents with the Maritime Administrator within sixty days of the date of the decision.

(2) An appellant may submit documents for filing by registered mail provided that it is postmarked not less than five days prior to the due date.

13. Powers of the Maritime Administrator.

(1) The Maritime Administrator may when necessary, prohibit or place restrictions upon the movement or operation of vessels registered under the Act.

(2) The location of the area and/or nature of such prohibition or restrictions shall be officially notified in writing to all Masters, vessel owners 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 Dominica otherwise than as required by such notice.

(3) Where appropriate, conditions for compliance with this regulation shall also be specified in the notice.

- (4) The Maritime Administrator may revoke any license, certificate or other document issued to a person who contravenes this regulation.

14. Commitments, agreements or arrangements with regard to vessels.

- (1) An owner of a vessel may, with the written approval of the Maritime Administrator or an official authorized by him, enter into or execute any commitment, Agreement or arrangement whereby a vessel registered under the Act may be made available for use by, to be chartered or sold to or to be requisitioned by, another country.
- (2) Copies of any such proposed commitments, agreements or arrangements must be submitted, electronically or otherwise, together with the application for approval, and, if approved, a true copy must be filed with the Maritime Administrator within thirty days after the formal execution of the commitment, agreement or arrangement.
- (3) This regulation shall not apply to day-to-day current commercial transactions providing for the carriage or cargo under booking contracts, contracts of affreightment, voyage charters and time charters.
- (4) The Maritime Administrator may revoke the Certificate of Registry of a person who contravenes this regulation.

15. Penalty for late payment.

- (1) A person who fails to pay any fee, penalty or other charge payable by him under the Act or these Regulations when they become due, shall be subject to the payment of a late payment penalty as follows:
 - (a) 1 to 90 days – 15%
 - (b) 90 to 120 days – 20%
 - (c) 120 to 180 days – 35%
- (2) The defaulter shall be liable for the payment for the outstanding amounts in addition to the late payment penalty fee without regard to other measures taken to ensure payment.
- (3) The Maritime Administrator may revoke the Certificate of Registry of any person who fails to pay any fee, penalty or other charge and late payment penalty fees in accordance with this regulation.

16. Registration of vessels.

- (1) A vessel –

- (a) owned by a citizen of Dominica or by a citizen of another CARICOM State; or
 - (b) which is not required to be classified by a recognized classification society under the provisions of these Regulations, shall be registered on the Register book at the office of the Maritime Administrator in Dominica.
- (2) All other vessels beside those referred to in subregulation (1) shall be registered with the Dominica Maritime Registry Incorporated or any other office designated by the Minister by Order.

17. Load lines, code of safety of small ships.

- (1) Small ships operating in the Caribbean region are subject to –
- (a) the Code of Safety for Caribbean Cargo ships CCSS Code as adopted by Member States of the Caribbean Memorandum of Understanding on the Port State Control or any Code of Safety that replace it; or
 - (b) Regulations that may be made by the Minister from time to time in respect of any type of small ships.
- (2) Where any provisions in the Regulations made by the Minister is inconsistent with the provisions of the CCSS Code the provisions of the CCSS Code shall prevail.

Part II – SAFETY DOCUMENTATION AND IDENTIFICATION OF VESSELS.

18. Non-compliance with International Conventions and Agreements; Penalty.

- (1) **Responsibility.** It shall be the responsibility of owners, operators and Masters to ensure that their vessels are in compliance with the requirements of all applicable International Conventions, Regulations and Agreements.
- (2) **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 fine on the above mentioned parties not to exceed \$150,000, and/or set such other conditions as may be necessary to bring about compliance with maritime or maritime-related Conventions and other International Agreements to which the Commonwealth of Dominica is a Party, and which are in force, or the provisions of which are applied by the Commonwealth of Dominica in advance of the official date they enter into force.
- (3) **List of Conventions.** The Maritime Administrator shall cause a list of such applicable Conventions and other International Agreements to be published periodically in the Gazette.

- (4) **Lien of Penalty.** A fine imposed pursuant to subregulation (2) 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 liable to revocation.

19. Compliance with International Conventions.

- (1) **Classification.** Current classification of a vessel with any of the Classification Societies appointed in Regulation 25 as Agents for the Commonwealth of Dominica in the issuance of documents required by the International convention for the International Convention for the Safety of Life at Sea 1974 (SOLAS), as amended, the International Convention on Load Lines 1966 (LL66), and the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) and any other Conventions that may be applicable shall be accepted as evidence that the vessel is in seaworthy condition.
- (2) **Owner's Representative.** The owner of each vessel identified in Maritime Regulation 16 must name in writing a representative or representatives with complete authority to act for and on behalf of the owner with respect to the operation of the vessel. The owner of each vessel shall provide the Office of the Maritime Administrator with current information sufficient to enable direct and immediate contact between the Administrator and the owner's representative(s) at any time with regard to matters relating to marine safety and protection of the marine environment.

20. Prevention of Oil Pollution.

- (1) **Discharges.** Except in cases of emergency, and then only under the circumstances and conditions set forth in Regulation 11 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973/78, and any amendments thereto in force, it shall be unlawful at any time for any vessel to discharge into the sea any oil or oily mixture other than as permitted by that Convention.
- (2) **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 on board at all times the current oil record book required by Regulation 20 of Annex I of MARPOL 73/78.

21. Dumping or Burning of Waste at Sea.

- (1) **Dumping and Incineration.** Dumping and incineration as defined in the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended (the "London Dumping Convention") shall be carried out by vessels only as permitted in paragraph 3 of this Regulation.

- (2) **Matter Included and Excluded.** Matter defined in and covered by the London Dumping Convention and its Annexes or Addenda thereto shall be covered by the s Regulation, and shall be included in or excluded from the scope of this Regulation in accordance with its status under such Convention.
- (3) **Required Permit.** 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 shall be applied as a minimum, and the Office of the Maritime Administrator may impose such additional conditions as it deems necessary.
- (4) **Non-Compliance Penalty.** Any failure to comply with requirements of this Regulation shall constitute a marine offense and shall be treated as a violation under Regulation 18(2).

22. Load Lines.

- (1) **Required Log Entries.** The Master shall enter into the vessel's deck logbook 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.
- (2) **Annual Inspection.** Load line inspection of vessels must be conducted on an annual basis. The Maritime Administrator shall be provided with the results or proof of said inspections.

23. Cost of Marine Investigations and Dominica International Ship Registry Participation Fees.

- (1) **Annual Fees.** The costs of marine investigations, and Dominica Maritime Registry Incorporated participation shall be defrayed by an annual fee in addition to a fee based on the vessel's registered tonnage or two hundred twenty dollars (US\$220) being the minimum additional amount payable for vessels of 4,000 gross tons or less paid by the owner of each vessel registered under the provisions of the International Maritime Act, 2000.

(2) **How Applied.** The fees collected under this Regulation shall be applied as follows:

- (a) **Marine Investigations.** The costs covered shall relate to all maritime investigations, or to the imposition of a fine or penalty;
- (b) **International Maritime Participation.** The costs covered shall relate to assessments and dues payable under the terms of conventions and maritime agreements to which the Commonwealth of Dominica is a Party, to attendance and support of delegations or representatives of the Commonwealth of Dominica at meetings and conferences, and to support of representatives of the Commonwealth of Dominica engaged in maritime diplomatic negotiation.

24. Conditions precedent to Issuance of Permanent Certificates of registry.

- (1) **Proof of Consent.** In case of the sale or transfer of a vessel which currently is under another registry and flag, and where the buyer or transferee desires to register the vessel under the International Maritime Act, 2000 and such vessel is immediately entitled to a Permanent Certificate of Registry, the owner, in addition to filing the documents and paper required for registration, shall file an affidavit certifying that no further consent is required from the Government of the current foreign registry, or, if such consent is required, file copies of such official consent.
- (2) **International Certificates.** All vessels registered under the International Maritime Act 2000 shall be issued valid certificates as required by the Safety of Life at Sea Convention, International Load Line Convention, MARPOL Convention, International Tonnage Convention, or any other International Convention which has been ratified or acceded to by the Commonwealth of Dominica. These certificates shall be issued, following the successful completion of the required surveys, by one of the Classification Societies or other recognized organization authorized by the Commonwealth of Dominica.
- (3) **Inspection for Validation of Particulars.** All vessels to be issued a Permanent Certificate of Registry by the Commonwealth of Dominica will, at the discretion of the Maritime Administrator, be subjected to an independent audit by such surveyors as may be designated by the Maritime Administrator to ensure that such vessel is, in fact, in substantial compliance with all applicable conventions and treaties.
- (4) **Filing.** All documents and papers required by the Maritime Administrator are to be forwarded to an appropriate office designated by the Maritime Administrator.

25. Authorized Agents for Measurement and Survey of Vessels.

Only International Ship Classification Societies found to be in compliance with IMO resolutions A.739(18) and A.789(19) may be, at the discretion of the Maritime Administrator, duly appointed and authorized as Special Agents to measure vessels in

accordance with the provisions of Regulation 26 and to survey vessels for the issuance of certificates of the Commonwealth of Dominica referred to in Regulation 24(2).

26. Measurement and Alteration of Vessels.

- (1) **Application of Tonnage Convention.** The International Convention of Tonnage Measurement of Ships, 1969 entered into force internationally on 18 July 1982 (the “Tonnage Measurement Convention”) shall apply.
- (2) **Definition.** “New Ship” means a ship the keel of which is laid, or which is at a similar stage of construction, on or after the date of coming into force of the present Convention.
- (3) **Effective dates.** As of 18 July 1982, the Tonnage Measurement Convention, as noted in Article 3 of the Convention shall apply to:
 - (a) New ships;
 - (b) Existing ships that undergo alterations or modifications that result in a substantial variation from the existing tonnage;
 - (c) Existing ships if the owner so requests; and
 - (d) All existing ships, as of 18 July 1994 (twelve years after the date on which the Convention came into force); except that such ships, apart from those mentioned in subsection b. and c. of this subregulation, shall retain their then existing tonnages for the purpose of the application of them of relevant requirements under other existing International Conventions.
- (4) **Certificate.** All measurements must be verified by a Certificate of Measurement in official form.
- (5) **Existing Vessels.** In cases of existing vessels previously documented in a foreign country, or never before documented but which have been measured by a representative of a foreign country, an Admeasurer, without physically measuring the vessel, any accept the figures contained in the latest marine document or Certificate of Measurement (making all such adjustments as may be required to make the same conform to one of the standards of measurement referred to in subregulations (1) or (2) hereof in determining the principal measurements and gross and net tonnages; provided said Admeasurer is furnished with a sworn statement by the owner or some authorized person on behalf of the owner that no alterations or modifications affecting measurement or tonnage have been made in the vessel since the issuance of said marine document or Certificate of Measurement. In the event such sworn statement shall disclose that changes affecting measurement of tonnage have been made prior to 18 July 1982, the Admeasurer may limit his physical measurement to

such spaces are affected by such changes. But if any such alterations or modifications have been made after 18 July 1982, the vessel shall be fully remeasured in accordance with the Tonnage Measurement Convention currently in force, as amended.

- (6) **Alterations.** The owner or Master of a vessel or person authorized to act on the owner's behalf shall advise the Office of the Maritime Administrator of any alteration or modification of the vessel which could affect her classification, measurement, tonnage or load line within 30 days from the completion of such alteration or modification, and shall provide complete details thereof.

27. Tonnage Statements in Registry Certificate.

- (1) **Multiple Use Vessel.** In cases where the vessel may be used alternately in one category or another (i.e. ore carrier or tanker), the Certificate of Registry shall describe the vessel in the category which produces the highest gross and net tonnages. The Maritime Administrator may attach to the Certificate of Registry an Appendix stating separately the description of the vessel, including measurements, that would be applicable if the vessel were trading in the other category.
- (2) **Dual Tonnage Vessel.** In the case of a vessel fitted with a tonnage mark and assigned dual gross and net tonnages, the length, depth and breadth stated in the Certificate of Registry shall be the dimensions for the condition with the tonnage mark submerged.

28. Certificates of Registry.

- (1) **Content of Permanent Certificate of Registry.** Each ship's Permanent Certificate of Registry shall state the name of the vessel, the vessel's official number, IMO number, call sign, service, and home port of Portsmouth or Roseau; the name of the person making the required oath; the names, residences, citizenship and proportions of the owners of the vessel; the former name or designation of the vessel; the year and place of the build name or designation of the vessel; the year and place of the build of the vessel; the name of the builder; the number of masts and decks; the material of the hull; the number and type of engines, propelling power; the length, depth, breadth and height of the propelling power; the length, depth, breadth and height of the uppermost deck to the hull above the tonnage deck; the gross and net tonnage or tonnages; and date and place converted.
- (2) **Content of Provisional Certificates of Registry.** Each ship's Provisional Certificate of Registry shall state the name of the vessel, the vessel's official number, IMO number, call sign, service, and home port of Portsmouth or Roseau; the name of the person making the required oath; the names, residences, citizenships and proportions of ownership of the owners of the vessel; the former name or designation of the vessel; the year and place of build of the vessel; the name of the builder; and

the best particulars with respect to her tonnage or tonnages, build, description, dimensions and motive power which the issuing officer is able to obtain.

- (3) **Issuance of a New Certificate of Registry.** In cases where there has been a change of name or ownership of a vessel, a new Permanent Certificate must be issued and, in no event, shall such change or changes be accomplished by means of endorsement of the ship's existing documents.

29. Numbers of Registry Certificates and Licenses.

The Maritime Administrator shall issue Registry Certificates and Licenses and assign to such documents numbers progressively.

30. Precedent to Issuance of Provisional Certificates of Registry.

- (1) **Proof of Consent.** In cases where a vessel is acceptable in the first instance for documentation under the Act, or for re-registration under the Act, and is eligible for a Provisional Certificate of Registry, the owner, in addition to filing the documents for the issuance of a Provisional Certificate of Registry, shall file an affidavit that no further consent is required from the Government of former registry and flag, or, if such consent is required, file copies of such official consent.

- (2) **Proof of Liability Insurance.** In no case, shall a vessel be issued any Certificate of Registry unless there is on file proof of satisfactory liability insurance. Such proof must show either protection and indemnity coverage in force with respect to the vessel and issued by a Member Club of the International Group of P&I Clubs, or satisfactory coverage as approved by the Maritime Administrator. In either case, the proof must show coverage in default of the shipowner's repatriation obligations under Section 192 of the Act.

- (3) **Payment of all Outstandings.** In no case, shall a vessel previously registered under the International Maritime Act, 2000 be issued any new Certificate of Registry before any and all taxes, fees and charges of whatever nature outstanding to the Maritime Administrator in respect of that vessel, under its previous registration have first been paid or satisfied.

- (4) **Filing.** All documents and papers required shall be forwarded to the Office of the Maritime Administrator.

31. Transferring Registration Foreign; Cancellation.

- (1) **Statement Required.** The owner of a vessel, in order to transfer the vessel to a foreign registry, or to leave the Commonwealth of Dominica Registry for any other reason, shall file a statement setting forth the information specified in Section 44 of the Act, and pay any outstanding annual tonnage taxes or fees due against the vessel.

(2) **Documents Required.** A certificate of Cancellation from the Commonwealth of Dominica International Ship Registry may be issued upon filing with the Office of the Maritime Administrator, or upon the delivery to a Special Agent or an official acting under specific instructions from the Office of the Maritime Administrator, of:

(a) the vessel's Certificate of Registry and all other documents issued to the vessel, and as listed in the published requirements;

(b) the Bill of Sale in triplicate, in the event title has been transferred.

(3) **Other Requirements.** In no case shall a Certificate of Cancellation be issued before:

(a) all fees, penalties and charges of whatever nature outstanding against the vessel or its owning corporation to the Commonwealth of Dominica have been fully paid; and

(b) any recorded mortgage has been duly satisfied or discharged as required under Section 77 of the Act.

32. Change of Vessel Name.

The Maritime Administrator shall not approve the application of an owner for the change of name of a vessel if said vessel is subject to a Preferred Ship Mortgage unless the mortgagee has, in writing, consented to, or given approval for, such change of name.

33. Liquidated Damages.

The penalty specified under Section 67 of the Act, shall be construed as liquidated damages, and the Maritime Administrator may impose such conditions upon the grant of Provisional Certificate of Registry under, Section 40 or Section 73 of the Act, as the Maritime Administrator deems appropriate to secure payment of such damages if incurred.

34. Foreign Ship Mortgage.

(1) **Recording.** Notice of a foreign ship mortgage, hypothecation of similar charge or any other instruments related thereto which is entitled to be recorded under Section 68 of the Act, shall be recorded in books to be kept for that purpose and indexed to show:

(a) the name of the vessel;

(b) the names of the parties;

(c) the time and date of reception of the instrument;

- (d) the interest in the vessel transferred or affected;
- (e) the amount and date of maturity of any mortgage, hypothecation or similar charge; and
- (f) the name of the foreign State of registration of the vessel and the date, book and page or other identification of the registration of the instrument in such foreign State.

35. Required Agreement by Shipowner and Foreign Bareboat Charterer.

Before any Certificate of Permission for Foreign Bareboat Charter Registration shall be issued, the owner of the vessel and the demise charterer shall submit for filing a written undertaking to ensure that:

- (a) the vessel is manned, equipped, maintained and navigated to standards;
- (b) they will cooperate in any investigation arising out of a casualty occurring during the period of the demise charter; and
- (c) the right to fly the Flag of the commonwealth of Dominica is waived while the vessel is subject to the demise charter.

Such agreement shall be signed by both parties and acknowledged in accordance with regulation 37.

36. Foreign Bareboat Charterer: Filing requirements.

- (1) **Charter Party.** The demise charter party upon which foreign bareboat charter registration is to be based shall be submitted for filing, with proof of due execution, prior to the issuance of a Certificate of Permission. Any subsequent amendments thereto and any demise sub-charter parties must also be submitted for filing within 30 days of execution and with proof of due execution.
- (2) **Amendment of Charter Party.** Each amendment or sub-charter party submitted for filing under subregulation (1) must be accompanied by proof of consent of the mortgagee or mortgagees of the vessel.
- (3) **Consent of Mortgagee.** In the event that a new mortgage is made or an existing mortgage is assigned with respect to a vessel under Foreign Bareboat Charter Registration, no such new mortgage or assignment shall be recorded unless the written consent of a preferred mortgagee of the vessel is also presented for filing.

_____ (company name) described in and
which executed the foregoing instrument.

(name and title of Officer taking acknowledgment)

38. Proof of Due Execution.

Where Proof of Due Execution is specified as an alternative to acknowledgement in these Regulations, such proof must:

- (a) be in form and in substance, be a full legal acknowledgement that the document was duly executed in accordance with the laws of the place of execution of the document;
- (b) be subscribed by and legibly bear the name and title of a notary public or other officer authorized by the laws of the place of execution of the document to take acknowledgements; and
- (c) be a part of or permanently attached to the executed document.

39. Recording of Bill of Sale.

- (1) **Existing Ships.** Where a vessel of the Commonwealth of Dominica is sold or transferred and re-registered under the Act, a Bill of Sale issued in connection with such sale or transfer shall be recorded in the Office of the Maritime Administrator as soon as practicable thereafter.
- (2) **New buildings.** In cases of new buildings, the Builder's Certificate, or, in cases of transfer from another Flag, the Bill of Sale may be, but is not required to be recorded.

40. Recording of Mortgage.

No mortgage shall be recorded unless it is submitted in the original and five counterparts, all duly executed, and acknowledged or with proof of due execution as required in Regulation 37. All mortgages shall be in the English language.

Part IV – RADIO.

41. General Requirements.

- (1) **Radio Call and Signal Letters, Frequency.** The Maritime Administrator or the appropriate official who is authorized to act for and on behalf of the Maritime Administrator is authorized to assign Radio Call and Signal Letters and also Frequencies to a vessel qualified for the issuance of a Certificate of Registry.

(2) Ship Radio Station Licenses.

- (a) **License Required.** Ship mobile radio transmitting stations shall be licensed by the Office of the Maritime Administrator who shall issue a license for each such station which shall be subject to the control of the Maritime Administrator with respect to its use. No license shall be transferred without the approval of the Maritime Administrator.
- (b) **Validity and Renewal.** All Ship Radio Station Licenses shall be valid for a period of four (4) years and shall be subject to renewal. Any such license may be revoked by the Maritime Administrator at any time for cause shown.
- (c) **Filing.** Applications for Ship Radio Station Licenses, or modifications or renewals thereof, shall be submitted to the Office of the Maritime Administrator.

42. Radio Operators.

- (a) **Radiotelegraph.** The service of every ship radiotelegraph station shall be performed only by an operator holding a valid license, in the proper class or category, issued by the Office of the Maritime Administrator.
- (b) **Radiotelephone.** The service of every ship radiotelephone station shall be controlled by an operator holding a valid license, in the proper class or category, issued by the Office of the Maritime Administrator. Provided the station is so controlled, other persons besides the operator may use the radiotelephone equipment.
- (c) **Telex, etc.** The service of automatic communication devices installed in any ship station shall be controlled by an operator holding a valid license, in the proper class or category, issued by the Office of the Maritime Administrator. Provided the devices are so controlled, and further provided the devices do not require for their basic function the use of Morse code signals for other than identification purposes, they may be used by persons other than the operator.
- (d) **Secrecy and Compliance.** As a condition of the issuance of a license to an operator, every applicant who is otherwise eligible shall submit to the Office of the Maritime Administrator a written statement acknowledging his obligations to maintain the secrecy of any radio correspondence not intended for the general use of the public, and to fully comply with the International Radio Regulations currently in force.

43. Service Contract Requirement.

Every vessel shall be covered by a properly executed contract with a recognized and approved radio accounting authority, under which contract the radio company assumes all accounting obligations and also the obligation to secure the Ship Radio Station License.

Part V – MARINE INSPECTION.

44. Marine Safety Inspections.

- (1) **Nautical Inspectors.** 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 Nautical Inspectors to board and examine or inspect vessels registered under the International Maritime Act, 2000. Nautical Inspectors shall render a report with respect to each such boarding to the Maritime Administrator. In all cases, such inspection shall be conducted upon a vessel first entering the flag of the Commonwealth of Dominica and, nominally, each year thereafter the Maritime Administration reserves the right to terminate, after a 30-day notice period, a vessel's participation in the flag of the Commonwealth of Dominica based on the report of a Nautical Inspector.
- (2) **Responsibilities of Flag Owners and Operators.** It is the responsibility of owners and operators of vessels registered under the flag of The Commonwealth of Dominica to present each such vessel for boarding when required, and to cooperate fully with the Nautical Inspectors, or an official who is authorized to act for and on behalf of the Nautical Inspector, particularly in enabling them to board and examine or inspect each such vessel including any documents and equipment and the use thereof. Failure to present a vessel for inspection prior to the due date, failure to cooperate as required above, or 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. Such detention and suspension shall be canceled upon satisfactory completion of the inspection or examination and any required rectification.
- (3) **Duties of Licensed or Certificated Personnel.** It is the duty of all holders of licenses of competence or other certification issued to mariners by the Maritime Administrator to cooperate fully with the Nautical Inspectors, or an official authorized to act on behalf of the Nautical Inspector, particularly in enabling them to board and examine or inspect 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 license or certificate may subject him to formal charges of a marine offense, looking to the possible suspension or revocation of such license or certificate, in addition to any other penalty prescribed by law.

- (4) **Costs of Inspection.** The owner of a vessel registered under the International Maritime Act, 2000 shall, with respect to each inspection regularly due or otherwise required, pay a fee as determined by the Maritime Administrator.
- (5) **Invoice After Inspection.** Vessels required to be inspected for compliance in addition to the annual flag state compliance inspection will be invoiced. When such an additional inspection is required as a condition for the issuance of a document or certificate, the fee for such inspection shall be paid at the time of issuance of the document or certificate. The owner of a vessel boarded under this Regulation shall pay incidental travel costs when the boarding officer must travel outside his station area to reach the vessel; and if a boarding is for the purpose of examining rectification of a deficiency, the owner of the vessel so boarded shall pay all costs incidental thereto.

Part VI – MARINE CASUALTIES AND OFFENSES.

45. Definitions.

- (1) **Marine Casualty.** The term “marine casualty” shall mean any casualty or accident involving any vessel if such casualty or accident occurs upon the navigable waters of the Commonwealth of Dominica, or any casualty or accident wherever occurring, where such casualty or accident involves any vessel documented under the Act.
- (2) **Marine Offense.** The term “marine offense” shall mean any act, failure to act, or offense contrary to the Act or any Regulations thereunder, including any Rules made as provided by law and any International Convention or Agreement to which the of the Commonwealth of Dominica is a Party or which it has implemented.

46. Reporting.

- (1) **Reports of Marine Casualties.** The owner or Master of a vessel registered under the Act, involved in a marine casualty shall immediately advise the Maritime Administrator and Dominica Maritime Registry Incorporated by the fastest means possible, including electronic mail, telefax, telex, facsimile, and telephone and shall promptly thereafter forward a written report (original only) thereon, signed by the Master or highest available officer or ship representative, to the Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator, whenever the casualty results in any of the following:
- (a) Actual damage to property in excess of \$100,000;
 - (b) Material damage affecting the seaworthiness or efficiency of a vessel;
 - (c) Stranding or grounding;

- (d) Loss of life;
 - (e) Spilling or discharging (or the threatened spilling or discharging) of oil or hazardous materials; or
 - (f) Injury causing any person to remain incapacitated for a period in excess of 72 hours.
- (2) **Form of Reports.** Each report shall set forth the name and flag state, Official Number of the vessel, the type of the vessel, the name and address of the owner, the date and time of the casualty, the exact locality of the casualty, the nature of the casualty and the circumstances under which it took place. If the casualty involves collision with another vessel, the name of such other vessel shall be provided. Where the casualty involves personal injury or loss of life, the names of all persons injured or whose lives are lost shall be provided and, where damage to property is involved, the nature of the property damaged and an estimate of the extent of the damage shall be supplied. Each report shall be upon a form obtained from the Office of the Maritime Administrator or follow the format provided therein. Only the original of the report needs to be submitted; statements of witnesses, attached to the report need not be signed.
- (3) **Retention of Voyage Records.** The persons in charge of any vessel involved in a marine casualty referred to in subregulation (1) above shall retain for two years, or until otherwise indicated by the Office of the Maritime Administrator, the complete records of the voyage during which the casualty occurred, as well as any other material which might reasonably be of assistance in investigation and the determination of the cause and scope of the casualty, and said persons shall make all such records and materials available, upon request, to the Office of the Maritime Administrator, the Chairman of a Marine Board of Investigation, or a designated Investigating Officer.

47. Marine Investigations.

- (1) **Duties of the Maritime Administrator.** The Maritime Administrator, upon receipt of information of a marine casualty or offense, may institute such investigation as may be necessary to determine as closely as possible the cause or any contributing causes of the casualty or circumstances of the offense, and whether there has been any act of misconduct, inattention to duty, or negligence upon the part of any licensed or certificated person, or violation of law or regulation, so that appropriate action may be taken.

(2) **Duties of Owners.**

- (a) It is the duty of all owners of vessels registered under the International

Maritime Act, 2000 to cooperate with the Maritime Administrator, or an official authorized to act for or on behalf of the Maritime Administrator, in the formal or informal investigation of marine casualties or offenses and 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 failure of owners or their representatives to cooperate fully in 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:
 - (i) cancellation from the Registry of the Commonwealth of Dominica;
 - (ii) suspension or revocation of the Certificate of Registry;
 - (iii) refusal to issue a Certificate of Cancellation from the Registry of the Commonwealth of Dominica or otherwise to give the consent of the Commonwealth of Dominica to a transfer of ownership or registry;
 - (iv) refusal to accept registration or re-registration in the Registry of the Commonwealth of Dominica;

(3) Duties of Licensed or Certified Personnel.

- (a) It is the duty of all holders of licenses of competence or other certification issued to mariners by the Commonwealth of Dominica to cooperate with the Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator, in the formal or informal investigation of marine casualties or offenses, to attend any hearings 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 licenses or other certification to cooperate fully in any marine investigation, any or all of the following consequences may result:
 - (i) suspension or revocation of licenses or other certification held;

- (ii) refusal to renew or reissue any licenses or other certification held, before or after expiration; and/or
- (iii) liability for a monetary penalty not to exceed fifteen hundred dollars (US \$1,500).

(4) Preliminary Investigation.

- (a) The Maritime Administrator, or other persons appointed by the Office of the Maritime Administrator as Investigating Officers, shall, where appropriate, make a preliminary investigation under subregulation 1 of this Regulation, to determine the matters specified therein, or to determine whether there ought to be a formal investigation of the casualty or offense.
- (b) In connection with any preliminary investigation, the Maritime Administrator, or 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.

(5) Formal Investigation.

- (a) A formal investigation of a marine casualty or offense may be made by the Maritime Administrator; or, where the casualty or offense is deemed by the Maritime Administrator to be of a major character, there shall be ordered to be convened a Marine Board of Investigation, and the Maritime Administrator shall appoint three or more members thereof, designating one as Chairman.
- (b) In any formal investigation, the Maritime Administrator, Investigating Officers or Chairman of a Marine Board of Investigation shall have power to set hearings administer oaths, require the attendance of witnesses, require persons having knowledge of the subject matter of the investigation to answer written interrogatories, require the production of relevant evidence including but not limited to books, papers, documents and records, rule upon the nature and admissibility of evidence, board and inspect vessels and their appurtenances and visit the scene of a casualty or offense.
- (c) Prior notice of any formal hearing, specifying the date, time, place and subject matter, shall be given by public announcement or otherwise to all:
 - (i) known parties directly affected;
 - (ii) interested persons; and

(iii) interested States.

- (d) An Investigating Officer or Chairman of a Marine Board of Investigation may, at his discretion, admit the public, interested persons or their representatives, and interested States by official representatives or observers to attend at any formal hearing; and he may equally, where matters of confidentiality or questions of public security arise, preclude such attendance temporarily or otherwise.
- (e) An Investigating Officer or Chairman of a Marine Board of Investigation may, in his discretion, put or permit to be put to witnesses such questions pertinent to the subject of the inquiry as may be offered by interested persons or States or their representatives; parties directly affected shall be permitted to put such questions to any witnesses.
- (f) An Investigating Officer or Chairman of a Marine Board of Investigation may, in his discretion, permit parties directly affected to produce and introduce relevant evidence or testimony of witnesses, and permit such parties or their counsel to argue any relevant contentions, either orally or by way of memorandum.
- (g) A record shall be made of the proceedings of all formal hearings.

(6) Investigative Reports.

- (a) When the proceedings of any investigation under this Chapter have been terminated, there shall be a written report to the Maritime Administrator setting forth findings, conclusions, and any recommendations for appropriate action.
- (b) Where an investigation has been carried out by Investigating Officers or a Marine Board of Investigation appointed by the Maritime Administrator, the report shall be forwarded to the Maritime Administrator together with the investigative file.
- (c) Where an investigation has been carried out by Investigating Officers, the report shall be submitted to the appointing official, who may add comments, and shall then be forwarded to the Maritime Administrator together with the investigative file.

(7) Maritime Administrator's Decision.

- (a) Upon receiving an investigative report, the Maritime Administrator may:

- (i) adopt the report and carry out its recommendations, if any; or
- (ii) remand for further investigation; or
- (iii) where a report recommends the suspension, revocation or cancellation of any license, certificate, permit or other document issued by the Commonwealth of Dominica, review the evidence, adopt or modify all or part of the report and take any appropriate action.

(b) In aid of its decision, the Maritime Administrator may call for further written argument on any point in issue. A copy of the argument shall be forwarded to the Maritime Administrator, and shall become a part of the investigative file.

(8) Investigative Files.

- (a) The Maritime Administrator may, in his discretion, release upon written request and payment of costs copies of records, reports or evidentiary matter pertaining to a marine investigation, or any portions thereof, unless held confidential by the Commonwealth of Dominica for any reason of public security. The Maritime Administrator or his designee shall maintain appropriate files concerning the results of casualty investigations.
- (b) The Maritime Administrator may, in his discretion, release for public information or cause to be published any records, reports, documents, evidentiary matter or official statements pertaining to a marine investigation, or any portions thereof, unless held confidential by the Commonwealth of Dominica for any reason of public security.

Part VII – Merchant Seamen

48. Interpretation.

In this Chapter, unless the context otherwise requires:

- (a) “Appropriate Certificate” means a certificate issued and endorsed in accordance with the provisions of STCW 95 and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein on a vessel of the type, tonnage, power and means of propulsion concerned while engaged on the particular voyage concerned;
- (b) “Certificate(s) of Competency” means “License” of an officer and “License of

Competence” as such terms are used in the International Maritime Act, 2000 and Regulations and thereunder;

- (c) “Chief Mate” means the deck officer next in rank to the master and upon whom the command of the vessel will fall in the event of the incapacity of the master;
- (d) “Chief Engineer Officer” means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the vessel;
- (e) “Crew” means collectively the persons other than officers and the Master, serving in any capacity on board a vessel;
- (f) “Deck Officer” means an officer qualified to act as officer in charge of a navigational watch holding a license or certificate which contains an endorsement issued by a party to the STCW stating:
 - (i) that it has been issued in compliance with the appropriate regulations of either Chapter II or STCW 95; and
 - (ii) the vessel size or any other limitations to the holder performing the functions of an officer in charge of a navigational watch;
- (g) “Deck Watch Rating” means a person holding a certificate as Deck Watch Rating issued in accordance with these regulations or by a party to the STCW Convention;
- (h) “Endorsement” means a certificate attesting to the validity of the underlying certificate or license;
- (i) “Engineer Officer” means an officer qualified to act as officer in charge of an engineering watch holding a license or certificate which contains an endorsement issued by a party to the STCW Convention stating:
 - (i) that it has been issued in compliance with the appropriate regulations of either Chapter III of STCW 95; and
 - (ii) the machinery, power, type or any other limitations to the holder performing the functions of an officer in charge of an engineering watch;
- (j) “Engine Room Watch Rating” means a person holding a certificate as Engine Room Watch issued in accordance with these regulations or by a party to the

STCW Convention;

- (k) "Second Engineer Officer" is synonymous with "First Assistant Engineer" and means the Engineer Officer next in rank to the Chief Engineer Officer and upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the vessel will fall in the event of the incapacity of the Chief Engineer Officer;
- (l) "Function" means a group of tasks, duties and responsibilities, as specified in the STCW Code, necessary for vessel operation, safety of life at sea or protection of the marine environment;
- (m) "IMO principles of safe manning" means the principles set out in Annex 2 of Resolution A 481(XII) of the International Maritime Organization and any subsequent amendments or revisions thereto;
- (n) "License" is synonymous with "certificate";
- (o) "Licensed" is synonymous with "certificated";
- (p) "Master" means the holder of a license or certificate which contains an endorsement issued by a party to STCW 95 stating:
 - (i) that it has been issued in compliance with the appropriate regulations of either Chapter II or STCW 95; and
 - (ii) the vessel size or any other limitations to the holder performing the function of master;
- (q) "Owner" means the owner of the vessel or any other organization or person such as the manager, or the bareboat or demise charterer, who has assumed the responsibility for operation of the vessel from the shipowner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on the owner by these regulations;
- (r) "Propulsion Power" means the total maximum continuous rated output power in kilowatts of all the vessel's main propulsion machinery which appears on the vessel's certificate of registry or other official document;
- (s) "Radio operator" means a person holding an appropriate certificate issued or recognized by the Administration Regulations;
- (t) "Radio Regulations" means the Radio Regulations annexed to, or regarded

as being annexed to, the most recent International Telecommunication Convention which may be in force at any time;

- (u) "Safe Manning Certificate" means an appropriate safe manning document as specified in regulation 13 of Chapter V of the International Convention for the Safety of Life at Sea 1974, as amended;
- (v) "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. Wherever the words "seaman" and "seamen" are used in the International Maritime Act and Regulations and thereunder, the reference shall include "seafarer" and "seafarers";
- (w) "Seagoing Service" means a service on board a vessel relevant to the issuance of a certificate or other qualifications;
- (x) "STCW 95" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 as amended in 1995 and includes Part A of the STCW Code (as hereinafter defined); and any subsequent amendments thereto. In these regulations, any reference to the provisions of an STCW 95 regulation includes a reference to the provisions of the corresponding section of the STCW Code;
- (y) "STCW 1978" means the International Convention on Standards of Training Certification and Watchkeeping for Seafarers, 1978 in force prior to 1 February 1997;
- (z) "STCW Code" means the Seafarer's Training, Certification and Watchkeeping Code as adopted by the 1995 Conference, resolution 2, and any subsequent amendments thereto.

49. Application of the Chapter.

This Chapter applies to seagoing Dominica vessels registered under the International Maritime Act except such vessels which are:

- (1) engaged solely on voyages between places within the Commonwealth of Dominica;
- (2) fishing vessels;
- (3) pleasure yachts not engaged in trade;
- (4) wooden vessels of primitive build; or

(5) not propelled by mechanical means unless expressly provided otherwise.

50. Responsibilities

- (1) Every seaman assigned to a vessel shall hold an appropriate certificate in respect of any function he is to perform on that vessel.
- (2) Every seaman, on being assigned to a vessel, shall be familiar with his specific duties and with all vessel arrangements, installations, equipment, procedures and vessel characteristics that are relevant to his routine or emergency duties.
- (3) The vessel's complement shall be competent to effectively coordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution.
- (4) Documentation and data relevant to all seamen employed on a vessel shall be maintained and readily accessible, and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties.

51. Safe Manning Certificates.

- (1) Notwithstanding the provisions of Regulation 56, every vessel shall be manned in accordance with the IMO principles of safe manning and to the satisfaction of the Maritime Administrator or a Deputy Maritime Administrator and shall carry a Safe Manning Certificate.
- (2) The manning of the vessel shall be maintained at all times to at least the levels specified in the Safe Manning Certificate.
- (3) The application for a Safe Manning Certificate shall include proposals as to the numbers and grade of personnel that the Owner considers shall be carried in order that the vessel is safely manned for any intended voyage.

52. Radio Personnel.

- (1) Every person in charge of, or required to perform, radio duties in a vessel operating with a GMDSS radio system shall hold:
 - (a) on vessels with a Cargo Ship Safety Radio Certificate or a Passenger Ship Safety Certificate valid for operations in area A1 only, at least a GMDSS restricted operator's certificate issued in accordance with subsection D of section IIIA of Article 55 of the Radio Regulations and regulation IV/2 of

STCW 95;

- (b) on vessels with a Cargo Ship Safety Radio Certificate or a Passenger Ship Safety Certificate valid for operations in Areas A1+A2, A1+A2+A3, and A1+A2+A3+A4 at least a GMDSS general operator's certificate issued in accordance with subsection C of section IIIA of Article 55 of the Radio Regulations and regulations IV/2 of STCW 95;
 - (c) an endorsement to an appropriate certificate issued by a party under this chapter which states that the holder is qualified to perform the radio communication function at the operational level.
- (2) Notwithstanding the provisions of subregulation (1) of this Section, vessels of 300 gross tons or more which operate with a GMDSS radio system in sea area A2, A3 or A4 shall carry either one first or second class radio electronics officer who shall not be the Master, or in lieu thereof two general operators, one of whom may be the Master.
 - (3) Radio personnel on vessels not required to comply with the provisions of GMDSS in chapter IV of the International Convention on the Safety of Life at Sea, are required to hold appropriate certificates as prescribed by the Radio Regulations.
 - (4) Nothing in this Section shall preclude the Maritime Administrator from varying the requirements for the numbers of radio personnel required to be carried provided that those requirements comply with the provisions of the Radio Regulations and STCW 95.

53. Revalidation of Certificates.

- (1) The license or certificate of every Master or other officer shall be revalidated at intervals not exceeding five (5) years from the date of issue or last revalidation to establish continued professional competence in accordance with section AIII of STCW 95 and continued medical fitness in accordance with the standards prescribed by regulation I/9 of STCW 95. A license or certificate, not so validated, shall not be valid for Seagoing service.
- (2) An endorsement issued evidencing the validity of an underlying license or certificate shall expire when the underlying license or certificate expires.

54. Transitional Provisions.

- (1) Notwithstanding the requirements of the preceding sections, the Maritime Administrator may until 21 September 2005 issue and endorse licenses in

accordance with STCW 78 which applied immediately prior to 1 February 1997 in respect of those seamen who commenced approved Seagoing service, an approved education and training program, or an approved training course before 1 August 1998, as provided for by regulation I/15 of STCW 95.

- (2) Furthermore, until 21 September 2005, the Maritime Administrator may renew and revalidate certificates and endorsements in accordance with the provisions of STCW 78, as applicable immediately prior to 1 February 1997.
- (3) The Maritime Administrator pursuant to regulation I/11 of STCW 95 when reissuing or extending the validity of a license of certificate which was originally issued under the provisions of STCW 78 which applied immediately prior to 1 February 1997 may, at their discretion, replace the tonnage limitation appearing on the original certificates as follows:
 - (a) "200 gross tons" by "500 gross tons"; and
 - (b) "1600 gross tons" by "3000 gross tons."

55. Rating.

- (1) Every rating forming part of a navigational watch on a vessel of five hundred (500) gross tons or more, other than ratings under training and ratings whose duties while on watch are of an unskilled nature, shall be duly certificated. No person shall be entitled to be issued a certificate at such a rating unless he complies with the criteria set out in regulation II/4.2 of STCW 95.
- (2) Every rating forming part of an engine room watch or designated to perform duties in a periodically unmanned engine room on a vessel powered by main propulsion machinery of 750 kilowatts propulsion power or more, other than ratings under training and ratings whose duties are of an unskilled nature, shall be duly certificated. No person shall be entitled to be issued a certificate at such a rating unless he complies with the criteria set out in regulation III/4.2 of STCW 95.
- (3) Any person designated to perform watchkeeping duties in a manned or periodically unmanned engine room on a vessel powered by main propulsion machinery of less than 750 kilowatts shall be the holder of one of the engineering certificates referred to in column 2 of Table A-III/4 or be the holder of a marine engine operator's license issued in compliance with criteria specified by the Maritime Administrator.

56. Manning requirements.

Manning Requirements for Vessels Registered under the International Maritime Act. All provisions of STCW 95 apply.

(1) Required Minimum Number of Deck Officers.

- (a) No vessel registered under the provisions of the International Maritime Act shall be navigated unless there is on board and in service a duly licensed Master.
- (b) The numbers of mates and bridge watch officers required, and the grades in which they shall be duly licensed, 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 propelled by machinery of 375 kilowatts (500 horsepower) or greater shall be navigated unless there is on board and in service a duly licensed Chief Engineer.
- (b) The numbers of assistant engineers and engine room watch officers required, and the grades in which they shall be duly licensed, shall be prescribed for each vessel by the Maritime Administrator.

(3) Required Minimum Number and Ratings of Crew. The Maritime Administrator may prescribe for any vessel a required minimum number of crew for the safe navigation and operation of the vessel, and may require a specified number of crew members to be rated and/or certificated as deemed necessary.

(4) Required Minimum Number of Certificated Persons Proficient in Survival Craft. Every passenger vessel shall have on board for each lifeboat, or other survival craft carried, a number of certificated survival craft crewmen in accordance with a Certificate issued for each vessel by the Maritime Administrator.

(5) Manning Certificate. The Maritime Administrator shall issue to each vessel a minimum Safe Manning Certificate setting forth the required minimum numbers of officers and crew, in specified grades and ratings, which has been prescribed for the safe navigation and operation of that vessel. This Certificate shall be conspicuously posted.

57. 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 arrangements, installations, shipboard equipment, operating procedures and ship 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; and
- (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.

58. Display of License of Competence.

Every Master, Mate, Chief Engineer, Assistant Engineer and Staff Officer shall cause his License of Competence to be displayed on board in a conspicuous location. Said License shall be framed under glass or other suitable transparent covering and shall be so displayed as soon as practicable after reporting on board a vessel for duty and shall remain displayed during the service of the licensee. Willful failure of any officer to comply with this provision may be grounds for the suspension or revocation of his License.

59. Change of Command Appointment and Log Entry.

Whenever there occurs a change of Master of a vessel, the shipowner or his 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:

"(Name of new Master), a citizen of (country of citizenship), holder of the Commonwealth of Dominica License 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)."

60. Watchkeeping Arrangements.

- (1) Notwithstanding his other duties, the Master of every vessel shall ensure that the watchkeeping arrangements for the vessel are at all times adequate for maintaining safe navigational, radio and engineering watches and in compliance with the provisions and principles set out in chapter VIII of section A of the STCW Code. Intended voyages shall be planned in accordance with part 2 of that chapter. The Master shall give directions to the deck watchkeeping officers responsible for navigating the vessel safely during their periods of duty, having particular regard to the relevant matter set out in part 3 of section A-VIII/2 of the STCW Code.

- (2) The Chief Engineer Officer of a vessel shall ensure that the engineering watchkeeping arrangements for the vessel are at all times adequate for maintaining a safe watch, having regard to the matters set out in part 3-2 of section A-VIII/2 of the STCW Code.
- (3) The Master of a vessel which is safely moored or safely at anchor or under normal circumstances in port shall arrange for an appropriate and effective watch to be maintained for the purposes of safety. Such arrangements shall have regard to the matters set out in part 4 of section A-VIII/2 of the STCW Code and take into account any specific hazards in relation to the cargo of the vessel.

61. Watch Schedules.

- (1) The Owner of every vessel to which this part applies shall consult with the Master of the vessel and draw up a schedule showing the maximum watch periods and minimum rest periods to be observed by crew members in accordance with these regulations and a copy of the schedule shall be posted up in a place accessible to all crew members and available for verification by any authorized official of the flag State or port State.
- (2) The watch schedule shall be arranged such that the efficiency of all watchkeeping personnel is not impaired by fatigue and that duties are so organized that the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently tested and otherwise fit for duty.
- (3) The schedule referred to in subsections 1 and 2 of this Regulation shall not be changed except after consultation with the Master.
- (4) A copy of the schedule for each vessel shall be attached to the official log book for that vessel and retained on board for at least twelve (12) months.

62. Rest Periods.

- (1) Every officer in charge of a watch and every rating forming part of a watch shall be provided with not less than ten (10) hours rest in total in any 24-hour period provided that:
 - (a) the 10-hour period may be divided into two periods one of which shall not be less than 6 hours; and
 - (b) for a maximum period of two (2) days, if the nature of the vessel's operations precludes the provision of 10-hours rest in a twenty-four (24) hour period, at

least six (6) hours rest shall be provided in any twenty-four (24) hour period provided that in any seven (7) day period not less than seventy (70) hours of rest are provided.

- (2) The minimum rest periods specified in subsection 1 of this Section need not be maintained in the case of emergencies, musters and drills, and other overriding factors beyond the control of the Master or Owner.

63. Master's Duties and Responsibilities.

- (1) **Master's Authority.** The Master shall have overriding authority and discretion to take whatever action he/she considers to be in the best interest 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 one hundred (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 until the end of the voyage. 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) **Radio Log.** Every vessel having a radiotelegraph system on board and in use shall keep a radio log (diary of the radio service) in the radio room during the voyage. The radio operator for the radiotelegraph system shall enter in the radio log his name, the times at which he goes on and off watch, and all incidents occurring during his watch connected with the radio service of importance to safety of life at sea.
- (d) **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, the nature thereof, and the medical treatment.
- (e) **Official Log Book and Entries.** Every Master of a vessel shall make or cause to be made in the log book entries including, but not limited to, the following:

- (i) Every offense and any penalty or fine imposed.
 - (ii) Every death occurring on board and every burial at sea, with all information required by Section 188 of the International Maritime Act, 2000.
 - (iii) Every marriage taking place on board, with the names, citizenship and residences of the parties, and every birth occurring on board, with the sex of the infant and names of parents.
 - (iv) The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner and cause thereof.
 - (v) Wages due any seaman or apprentice who dies during the voyage, and the gross amount of all deductions made therefrom.
 - (vi) A statement of any collisions or allisions immediately after the occurrence or as soon thereafter as practicable.
 - (vii) Before departing from any port, load line and draft information.
 - (viii) Time of muster of crew at their boat and fire stations, followed by drills, respectively, at least once a week, either in port or at sea, or reason why not held.
 - (ix) 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.
- (x) Drill of ship's crew in the use of the line-throwing gun at least once every three (3) months; but the actual firing of the gun shall not be required.
- (xi) Search for stowaways and contraband, which search shall be conducted prior to the vessel's departure from each port.
 - (xii) Upon each change of Master, the information required under subregulation (3) below.

(3) Medical Care of Officers and Crew.

- (a) **Standard of Competence for Medical First Aid/Medical Care.** Seafarers designated to provide medical first aid or designated to take charge of

medical care must meet the standard of competence respectively specified in the applicable sections of STCW 95, and as established by the Maritime Administrator.

- (b) **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 recommendations of the International Labour Organization.
- (c) **Medical Guide.** All required medicine chests must contain a 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.
- (d) **Medical Advice.** The Master, and such other officers as the Master may designate in his discretion, shall be instructed 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.

(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 conduct himself so that the men placed under his orders are acquainted with their duties. The Master shall also assign to each liferaft a member of the crew proficient in the handling and operation of liferafts.
- (b) The Master shall assign to each motor lifeboat at least one member of the crew capable of working the motor. He shall similarly assign to each lifeboat equipped with radio and searchlight apparatus, at least one member of the crew capable of working such equipment.

- (5) Muster List and Emergency Procedure.** The Master of each vessel of 500 gross tons or more shall ensure that the ship's complement can effectively co-ordinate 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. He 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 determines necessary for the safety of the vessel, its crew and cargo. The Master shall further 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 Boat Drills.

- (a) The Master of each vessel shall cause the crew to be exercised at fire and boat drill at least once in every week; such drills shall be conducted as if an actual emergency existed. All fire pumps shall be started and sufficient outlets opened in order to determine that the system is in proper working order.
- (b) Persons assigned to the use of rescue and safety equipment shall demonstrate their proficiency in the use of such equipment.
- (c) All watertight doors in use while the vessel is underway shall be operated.
- (d) Weather permitting, lifeboat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position, painters led forward and tended and the boats swung out to ascertain that the gear is in good working order. Motor and hand-propelling gear of each lifeboat, where fitted, shall be operated sufficiently to ascertain that it is in proper operating condition.
- (e) Passengers shall report to their stations and shall be instructed in the use of life preservers.
- (f) Each lifeboat shall be lowered to the water at least once in every three (3) months, when in port, and the crew shall be exercised in the use of oars and other instruments of propulsion.

(7) Line-Throwing Apparatus. On vessels fitted with a line-throwing appliance, the Master shall cause the crew to be exercised in the use of such appliance at least once in every month, except that the actual firing of the appliance 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 faked or laid out, may be used.

(8) Accident Prevention. The Master of each vessel shall appoint from amongst the crew an acceptable person or a committee responsible for accident prevention. Such person or committee shall in addition to any other duties assigned by the Master 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 Administration are brought to the prompt attention of the Master.

(9) Ship's Port Arrival/Departure Checklist. Every Master shall review the Ship's Port Arrival/Departure Safety Check List on arrival/departure and vessel loading/unloading procedures for the safe navigation and operation of the ship.

64. Certificates to be given by Master.

Each exercise of a special power granted to Masters under Section 166 of the International 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.

65. Food and Water.

There shall be maintained on board a sufficient supply of water, and of food of suitably nutritive quality and variety, and such shall be properly prepared, dispensed and served. The Maritime Administrator may, as and if necessary, prescribe scales of provisions appropriate to the customs and habits of the crew.

66. Employment Conditions.

- (1) Clear information shall be made available to the crew on board every vessel as to the conditions for employment thereon.
- (2) The conditions for employment and shipboard living arrangements on board every vessel shall be subject to examination and approval by the Office of the Maritime Administrator. Such conditions and arrangements shall be approved if they are not in conflict with the requirements of the International Maritime Act and:
 - (a) are embodied in a valid contract for seafaring labor; or
 - (b) are embodied in a valid 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
 - (c) are ordered in accordance with the International Maritime Act by a court having jurisdiction over both the shipowner and seafarers concerned; or
 - (d) are otherwise substantially equivalent to those specified in the applicable International Conventions.

67. Special Training for Service on Tankers.

- (1) Every vessel which carries a bulk cargo consisting in whole or in part of oil, liquid chemicals or liquefied gases shall carry personnel qualified in accordance with this section.

- (2) Any person serving as Master, Chief Mate, Chief Engineer, Second Engineer and any other officer with immediate responsibility for the loading, discharging, care in transit, or handling of the cargo in such a vessel shall hold either:
 - (a) a certificate to confirm that the holder has received approved training in accordance with the requirements of section A-V/1, paragraphs 9 to 14, 16 to 21 or 23 to 32 of the STCW Code as appropriate for the type of cargo that is carried;
 - (b) until 1 February 2002, an endorsement to a certificate or license issued under the provisions of STCW 78 confirming that the holder is competent to serve in oil, chemical or gas tankers as appropriate; and
 - (c) a certificate or license endorsed by a party to STCW 95 confirming that the holder is competent to serve on oil, chemical or gas tankers, as appropriate.
- (3) A crew member to whom subregulation 2(b) of this regulation applies and who has received appropriate training before 1 August 1998 in tanker familiarization in accordance with the provisions of STCW 78, shall be regarded as continuing to meet the requirements of subregulation 2(b) of this Section if that person holds documented evidence of not less than one year's service in tankers of the same type within the preceding five (5) years.

68. Special Training for Service on Roll on and Roll off Passenger Vessels and Passenger vessels other than Roll on and Roll off Passenger Vessels.

- (1) Masters, officers, ratings and other persons serving on board ro-ro passenger vessels engaged on international voyages shall, prior to being assigned shipboard duties, have completed the training specified in subregulations 3 to 8 of this Section in accordance with their capacity, duties and responsibilities.
- (2) Persons who are required to be trained in accordance with subregulations 3, 6 and 7 of this Section shall, at intervals not exceeding five (5) years, undertake refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five (5) years.
- (3) Masters, officers and other persons designated on muster lists to assist passengers in emergency situations onboard ro-ro passenger vessels and other passenger vessels shall have completed training in crowd management as specified in section A-V/2, paragraph 1 and section A-V/3, paragraph 5 respectively of the STCW Code.
- (4) Masters, officers and other persons assigned specific duties and responsibilities on board ro-ro passenger vessels and other passenger vessels shall have completed the familiarization training specified in section A-V/2, paragraph 2 and section A-V/2,

paragraph 5, respectively of the STCW Code.

- (5) Persons providing direct service to the passengers in passenger spaces on board ro-ro passenger vessels and other passenger vessels shall have completed the safety training specified in section A-V/2, paragraph 3 of the STCW Code.
- (6) Masters, Chief Mates, Chief Engineer officers, Second Engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings onboard ro-ro passenger vessels shall have completed approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 4 of the STCW Code.
- (7) Masters, Chief Mates and every person assigned immediate responsibility for embarking and disembarking passengers shall have completed the approved passenger safety training specified in section A-V/3, paragraph 4 of the STCW Code.
- (8) Masters, Chief Mates, Chief Engineer officers, Second Engineer officers and every person having responsibility for the safety of passengers in emergency situations on board ro-ro passenger vessels and other passenger vessels shall have completed approved training in crisis management and human behavior as specified in section A-V/2, paragraph 5 of the STCW Code.
- (9) The Owner of every ro-ro passenger vessel and other passenger vessel shall provide the Maritime Administrator with documented details of the system of additional familiarization training that is implemented for each ro-ro passenger vessel and each other passenger vessel respectively for the Maritime Administrator's approval and records.

69. Training and Proficiency in Survival Craft.

- (1) Every person designated in the vessel's muster list to:
 - (a) command or be second in command of a survival craft;
 - (b) be in charge of launching a survival craft; or
 - (c) be a member of the operating crew of a marine escape system;shall hold a certificate of proficiency in survival craft and rescue boats.
- (2) To qualify for such a certificate, that person shall:

- (a) have performed approved sea time of not less than twelve (12) months, or have attended an approved training course and have approved seagoing service of not less than six (6) months; and
 - (b) have achieved the standard of competence for certificates of proficiency set out in section A-VI/2, paragraphs 1 to 4 of the STCW Code.
- (3) Every candidate for a certificate of proficiency in fast rescue boats shall:
- (a) be the holder of a certificate of proficiency in survival craft and rescue boats other than fast rescue boats;
 - (b) have attended an approved training course; and
 - (c) meet the standard of competence for certificates of efficiency in fast rescue boats set out in section A-VI/2, paragraphs 5 to 8 of the STCW Code.
- (4) In addition to compliance with subsection 1 of this Section, every passenger vessel shall carry the number of personnel holding certificates of proficiency shown in the table below:

Type and Characteristics of the Survival Craft or System	Qualified Persons
Lifeboat boarded at the stowed position and capable of release and lowering from inside the boat	2 per boat
Lifeboat boarded at the stowed position and capable of being lowered from inside the boat after release externally	2 per boat plus 1 for every two boats
Lifeboat both released and lowered from the vessel	3 per boat
Davit launched life raft	1 per raft plus 1 for each davit
Marine escape system	4 per system plus 1 for each raft associated with the system

70. Advanced Fire-Fighting Requirements.

- (1) Every person designated to control fire-fighting operations shall have successfully completed advanced training in techniques for fighting fire with particular emphasis

on organization, tactics and command in accordance with the provisions of section A-VI/3 of the STCW Code.

- (2) Every candidate for certification shall be required to provide evidence of having achieved the required standard of competence within the previous five (5) years, in accordance with the methods of demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-VI/3 of STCW Code.
- (3) Where training in advanced firefighting is not included in the qualifications for the certificate to be issued, a special certificate or documented evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in advanced firefighting.
- (4) Every person so designated shall, whilst serving on board the vessel, carry evidence of having received such training.

71. Medical First Aid and Medical Care.

- (1) Every person designated to provide medical first aid on board a vessel shall meet the standard of competence in medical first aid specified in section A-VI/4, paragraphs 1 to 3 of the STCW Code.
- (2) Every person designated to take charge of medical care on board a vessel shall meet the standard of competence in medical care on board vessels specified in section A-VI/4, paragraphs 4 to 6 of the STCW Code.
- (3) Where training in medical first aid or medical care is not included in the qualifications for the certificate to be issued, a special certificate or documented evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in medical first aid or in medical care.
- (4) Every candidate for certification under the provisions of regulation VI/4, paragraph 1, of STCW 95, shall be required to provide evidence that the required standard of competence has been achieved in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-VI/4-1 of the STCW Code.
- (5) Every candidate for certification under the provisions of regulation VI/4, paragraph 2, of STCW 95, shall be required to provide evidence that the required standard of competence has been achieved in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-VI/4-2 of the STCW Code.
- (6) Every person designated to provide medical first aid or take charge of medical care

shall, whilst serving on board the vessel, carry evidence of having received appropriate training.

72. Medical Fitness Certificates.

- (1) Every person serving in a vessel of five hundred (500) gross tons or more shall hold a valid medical fitness certificate if that person:
 - (a) is required to be onboard by virtue of the vessel's Safe Manning Certificate;
 - (b) has any responsibilities onboard relating to emergency procedures;
 - (c) has any watchkeeping responsibilities; or
 - (d) has any duties relating to the normal operation of the vessel.
- (2) A medical fitness certificate shall be valid until the date of expiry stated on it if it is issued in accordance with the provisions of the Medical Examination (Seafarers) Convention 1946 (International Labour Organization Convention 73 of 1946) or the Merchant Shipping (Minimum Standards) Convention 1976 (International Labour Organization Convention 147 of 1976) by:
 - (a) a medical practitioner, observing the "Guidance regarding medical standards" recommended in section B-1/9 of the STCW Code, approved for the purpose of issuing medical fitness certificates by the Commissioner; or
 - (b) a medical practitioner empowered in that behalf and approved for the purpose of issuing medical fitness certificates by a State which is also a signatory to the said Convention of 1946 or 1976.
- (3) A medical practitioner shall specify the period of validity, from the date of the medical examination, for which the certificate is to remain in force, subject to a maximum period of two (2) years.
- (4) A seaman holding a medical fitness certificate which expires whilst he is employed on a vessel and whilst he is at a location where a medical examination and the issue of a new certificate in accordance with these regulations is impracticable, may continue to be employed for a period not exceeding three (3) months from the date of expiry of the medical certificate.
- (5) The Maritime Administrator shall cause a Maritime Bulletin to be published containing a list of countries whose approved medical practitioners are acceptable under subregulation (2)(b). of this Section.

- (6) Notwithstanding the provisions of subregulation (1) to (5), every person to which subregulation (1) refers, shall be in good health, shall have normal blood pressure, or be on maintenance medication to maintain the blood pressure not to exceed 160/100; with vision of 20/200 or equivalent international vision criteria, correctable to 20/40 for deck applicants and 20/50 for engineer applicants; and an unaided average threshold of hearing of 70 db or less in each ear for deck applicants, or functional speech discrimination of at least eighty percent (80%) at 55 db binaural, and 40 db or less for engineer applicants, or functional speech discrimination of at least ninety percent (90%) at 55 db binaural. Deck applicants may have an aided average of 40 db or less or functional speech discrimination of ninety percent (90%) at 55 db binaural. Waivers may be granted in exceptional conditions for applicants who do not meet these criteria.

73. Applications for Recognition of Training.

- (1) Applications for recognition of appropriate certificates and acceptance of sea service, and training, shall be forwarded to the Maritime Administrator in a timely manner to allow full consideration.
- (2) Details of training schemes and approved programs of onboard training as defined in the STCW Code shall be forwarded to the Maritime Administrator for approval prior to their commencement.

74. Obligations of Owners, Masters and Other Persons.

- (1) Notwithstanding other requirements of this Part, every Owner, Master, crew member or other person shall fulfill their obligations under STCW 95 and any subsequent amendments thereto.
- (2) In the event of failure to comply with the requirements and obligations of subregulation (1) of this regulation, the Maritime Administrator may:
- (a) suspend or cancel any Master's or other officer's license, certificate or endorsement;
 - (b) suspend or cancel a vessel's Certificate of Registry and impose a monetary penalty; and
 - (c) set such other conditions as may be considered necessary.

75. Manning Scales for Fishing Vessels and Oil and Mineral Service Vessels.

- (1) Any other regulations to the contrary notwithstanding, the manning scale for fishing

vessels and oil and mineral service vessels shall be set, on an individual basis, by the Maritime Administrator, Deputy Administrator of Marine Personnel, or their Agent and shall be generally similar to internationally recognized standards. In deciding on a suitable manning scale for a particular vessel, the Maritime Administrator, Deputy Administrator of Marine Personnel, or their Agent shall consider all relevant factors, including, but not limited to, the vessel's service, size, horsepower, equipment, design, degree of automation and purpose.

- (2) Failure to observe the manning requirements set by the Maritime Administrator, Deputy Administrator of Marine Personnel, or their Agent pursuant to subsection 1. hereof shall be a marine offense for which the Owner, Master and vessel shall be severally liable.

76. Shipping Articles.

- (1) **Official Form Required.** Shipping Articles, sometimes referred to as Articles of Agreement, shall be in the English language and shall be in a form prescribed by the Marine Administrator, as set forth in subsection (5) hereof. 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 the Shipping Articles prescribed herein shall be required only upon expiration of the Articles in effect or within one year from the effective date of this Regulation, whichever is later.
- (2) **Time of Signing-On Articles.** Every seaman 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 seaman so joined the vessel. The Master shall officiate at the signing-on of each seaman and shall sign his name to the Shipping Articles in attestation of his having so acted.
- (3) **Signing-Off of Articles not a Waiver.** The signing-off of Shipping Articles by a seaman at the time of his discharge from employment on board shall not constitute a waiver on his part of any claims he may have against the vessel or its Master at that time.
- (4) **Records.** Owners shall maintain copies of their Articles of Agreement for five (5) years.
- (5) **Form of Shipping Articles to be Annexed to the Crew List.**

ARTICLES OF AGREEMENT BETWEEN THE MASTER
AND SEAFARER IN THE MERCHANT SERVICE
OF THE COMMONWEALTH OF DOMINICA

Name of Vessel:

Official Number:

Port of Registry:

Gross Tonnage:

Propulsion Power:

It is agreed between the Master and the undersigned seafarers of the (steam) (Motor) vessel (a) _____ of which (b) _____ is at present Master, or whoever shall become Master, now bound from the port of (c) _____ to (d) _____ and such other Ports and places in any part of the world as the Master may direct, for a term (of) (not exceeding) (e) _____ calendar months, that:

- (1) Seafarers shall conduct themselves in an orderly, faithful, honest and sober manner, at all times be diligent in their respective duties and obedient to the lawful commands of the Master, or of any person who shall lawfully succeed him, and their superior officers, in every thing relating to the vessel, its stores and cargo, whether on-board, in boats or on shore. In consideration of this service, to be duly performed, the Master agrees to pay the undersigned seafarers the wages expressed herein and/or set forth in supplemental provisions and/or agreements.
- (2) Wages shall commence no later than on the day specified and agreed to in these Articles or at a time of presence on board for the purpose of commencing work, whichever first occurs, and shall terminate on the day of discharge.
- (3) Seafarers are entitled to receive on request, in local currency, from the Master one half of the balance of base wages actually earned and payable at every intermediate port where the vessel shall load or discharge cargo before the end of the voyage, but not more than once in any ten (10) day period.
- (4) If the Master and a seafarer agree, a portion of such seafarer's earnings may be allotted to such seafarer's spouse, children, grandchildren, parents, grandparents, brothers or sisters, or to a bank account in the name of the seafarer.
- (5) Any seafarer who is put ashore at a port other than the one where he signed on these Articles and who is put ashore for reasons for which he is not responsible, shall be returned as a seafarer or otherwise, but without expense to him (a) at the Shipowner's option, to the port in which he was engaged or where the voyage commenced or to a port in such seafarer's own country; or (b) to another port agreed upon between the seafarer and the Shipowner or Master. However, in the event such seafarer's contract period of service has not expired, the Shipowner shall have the right to transfer him to another of the Shipowner's vessels, to serve thereon for the balance of the contract period of service, unless otherwise provided for herein.
- (6) Any seafarer whose period of employment is terminated by reason of completion

of the voyage for which he was engaged or of expiration of his contract period of employment, shall be entitled to repatriation at no expense to him to the port at which he was engaged or to such other port as may be agreed upon.

- (7) If any person enters himself as qualified for duty which he is incompetent to perform, his rank or rating may be reduced in accordance with his incompetency or he may be discharged.
- (8) Any seafarer may request his immediate discharge on grounds of injury or illness, and such discharge may be granted in the Master's reasonable discretion at the next appropriate port.
- (9) The Master shall give to a seafarer discharged from his vessel either on his discharge or on, payment of his wages, the Seafarer's Identification and Training Record Book as issued by the Office of the Maritime Administrator, with an entry specifying the period of his service and the time and place of his discharge.
- (10) Every Master in service aboard a vessel registered under the International Maritime Act, shall ensure that watchkeeping arrangements are adequate for maintaining a safe continuous watch or watches, taking into account the prevailing circumstances and conditions and that, under the Master's general directions all watchkeeping personnel shall observe the principles and guidance set out in the International Convention on Standards of Training, Certification and Watchkeeping 1978, as amended, and as established by the Administration.
 - (a) All persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch shall be provided a minimum of ten (10) hours of rest in every 24-hour period;
 - (b) The hours of rest may be divided into no more than two periods, one of which shall be at least six (6) hours in length;
 - (c) The requirement for rest periods set forth in paragraphs (a) and (b), above, need not be maintained in case of an emergency or drill or in other overriding operational conditions - i.e., essential shipboard work which could not reasonably have been anticipated at the commencement of the voyage;
 - (d) Notwithstanding the provisions of paragraphs (a) and (b), above, the minimum period of ten (10) hours may be reduced to not less than six (6) consecutive hours, provided that any such reduction shall not extend beyond two days and not less than seventy (70) hours of rest are provided each seven day period;

- (e) Watch schedules shall be posted where they are easily accessible on board the vessel;
 - (f) The Master shall cause the recordation of the hours of work and/or rest periods of each seafarer, and such record shall be available for inspection by marine inspectors designated by the Maritime Administrator, or an official who is authorized to act for and on behalf of the Maritime Administrator.
- (11) In order to be alert and maintain proper fitness for the performance of watchkeeping duties, Watchkeeping personnel shall have no more than 0.04% blood alcohol content (BAC) during Watchkeeping duties; and watchkeeping personnel shall not consume alcohol within four (4) hours prior to serving as a member of a watch.
- (12) Eight hours per day shall constitute a working day while in port and at sea.
- (13) Work performed over and above an eight (8) hour period shall be considered overtime and be compensated for at overtime rates. However, such work performed in excess of eight hours per day shall not be compensated for 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.
- (14) Seafarers shall keep their respective quarters clean and in order.
- (15) No dangerous weapons, narcotics or contraband articles, and alcoholic beverages except as provided by the Shipowner as part of the vessel's provisions, shall be brought on board the vessel nor allowed in the possession of seafarers, and any seafarer bringing the same on board or having the same in his or her possession on board, shall be subject to discharge and/or shall be liable for such fines as the Master may direct, and all such articles shall be confiscated. The amount of any fine levied against the vessel by the proper authority of the port wherein the vessel is then located, for possession of narcotics and/or contraband cargo, shall be made good to the Shipowner out of the wages of the seafarer or seafarers guilty of such possession.
- (16) No seafarer shall go ashore in any foreign port except by permission of the Master. However, the Master shall not refuse the reasonable request of any seafarer for shore leave for the purpose of presenting a complaint against the vessel or Master to a Consul of the Commonwealth of Dominica or other proper Official of the Commonwealth of Dominica.
- (17) The Shipowner and Master may issue such rules and regulations as may be necessary for the safe and proper operation of the vessel; providing nothing con-

tained therein shall be contrary to law.

(18) If any seafarer considers himself aggrieved by any breach of these Articles, he shall represent the same to the Master or officer in charge of the vessel, in a quiet and orderly manner, who shall thereupon take such corrective action as the case may require.

(19) All rights and obligations of the parties to these Articles shall be subject to the International Maritime Act and Regulations of the Commonwealth of Dominica.

IT IS ALSO AGREED THAT:

(additional provisions may be included or referenced herein or attached hereto)

IN WITNESS WHEREOF the said seafarers have subscribed their names herein on the days mentioned against their respective signatures.

Articles opened at on
.....

SIGNATURE OF MASTER

Note

- (a) Enter name of vessel
- (b) Enter full name of Master
- (c) Enter the name of first port of departure
- (d) Enter here a description of the voyage and the names of the places at which the ship is to touch, or if that cannot be done, the general nature and probable length of the voyage and the port or country at which the voyage is to terminate. For ships engaged in worldwide trading without definite itineraries or schedules, insert "worldwide trading."
- (e) Strike out word or words not applicable

Columnar Entries

- (1) Full name of Seafarer
- (2) Date of Birth and Present Age
- (3) Place of Birth
- (4) Citizenship
- (5) Seafarer's Book Number
- (6) Home Address
- (7) Name and Address of Beneficiary or next-of-kin
- (8) Date and Place Wages Commence
- (9) Capacity in which Employed
- (10) Base Wages per Month
- (11) Days of Annual Paid Leave (After One Year's Service)
- (12) Minimum Days of Paid Holidays per Year
- (13) Date and Place Signed on Articles
- (14) Signature of Seafarer
- (15) Signature of Master
- (16) Date and Place Signed Off Articles
- (17) Signature of Seafarer
- (18) Signature of Master

77. Required Certification.

(1) Officer's Certificate of Competency.

- (a) **Appropriate Certification.** Shipowners and Operators responsible for employing seafarers for service on board vessels shall ensure that seafarers assigned any vessel owned or managed by shipowner/operator hold appropriate certificates in accordance with the provisions of the STCW, and as established by the Maritime Administrator.
- (b) **Penalty for non-possession.** The penalty provision in Section 159 of the International 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 competency, to be performed by a person not holding the required certificate, a valid dispensation or having the documentary proof required by provisions of the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended, and as established by the Maritime Administrator.

(2) Seafarer's Identification Documents and Training Record Books.

- (a) **Validity and Renewal.** Each person employed on board a vessel registered under the International Maritime Act, other than those persons such as certain hotel staff on passenger vessels who are not regularly assigned or required to perform ship safety and pollution related shipboard duties, shall have in his or her possession an official Seafarer's Identification and Record Book. The Training Record Book shall contain 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. The initial seafarer's Identification and Record Book shall be valid for a period of five (5) years, and shall be subject to renewal for a period of ten years.
- (b) **Penalty for Non-Possession.** The Master and/or owner of a vessel shall be liable to a fine for each employed on board the vessel who does not possess a current and valid official Identification Document and Training Record Book. Such penalty shall be remitted if an official Identification and Training 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.

(3) **Medical Certificates.** Each person employed on board a vessel registered under the International Maritime Act shall be in possession of a physical examination certificate in the official form required by the Commonwealth of Dominica, or by another State Party to the International Labour Organization concerning the Medical

Examination of Seafarers, and attesting 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. Any seafarer who, following examination, is refused such a certificate may apply to the Office of 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. In urgent circumstances a person may be employed for a single voyage only without holding a currently valid official medical certificate.

- (4) **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 International 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.
- (5) **Certificates of Service.** In the unavoidable absence of an official Seafarer's Identification Documents and Training Record Books, 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, and be in the following form:

CERTIFICATE OF SERVICE

- | | |
|-----------------------------------------|----------------------------------------------|
| (a) Name of Seafarer | (i) Total Service (Months and days) |
| (b) Citizenship | (j) Name of Vessel (indicate steam or motor) |
| (c) Rank or Rating | (k) Official Number |
| (d) License, Book or Certificate Number | (l) Port of Registry |
| (e) Place of Engagement | (m) Gross Tonnage |
| (f) Date of Engagement | (n) Propulsion Power |
| (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

78. Register of Children.

The Master of each vessel upon which only members of the same family are employed, or school or training ship, and upon which vessels children under the age of fifteen (15) employed shall maintain a register of all such persons. The register shall record therein, with respect to each such child, his name, date and place of birth, citizenship, residence, and address of next-of-kin or legal guardian, capacity in which employed, date and place of employment, and the date and place of discharge.

79. Benefit of Compensation for Loss of Life.

- (1) **Amount of Compensation.** The amount of direct compensation for loss of life for each seaman shall aggregate no less than ten thousand dollars (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 seaman from any cause, except:
 - (a) If death resulted from the willful act of the seaman;
 - (b) If death developed directly from a condition which was intentionally concealed from the employer at or prior to engagement under the Articles;
 - (c) If death was caused directly by war or an act of war, declared or undeclared. 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 seaman shall not be entitled to the benefit of a direct compensation for loss of his life if he avoids or refuses a medical examination at the time of his employment.
- (4) **Presumption of Death.** If the body of a missing seaman has not been found within six (6) months after: (a) an incident of damage involving the vessel on which he sailed, or (b) an incident which otherwise points to the reasonable conclusion that the seaman is dead, he 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 seaman, at the request of the shipowner and prior to signing on the Articles, commences travel to join his assigned vessel. For the purpose of this Regulation the seaman shall be deemed to be employed or engaged on board the assigned vessel from the commencement of his 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 seaman has returned from his assigned vessel to his place of residence or declared destination. For the purpose of this Regulation the seaman shall be deemed to be employed or engaged on board the assigned vessel until he has reached his 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 International Maritime Act; or
 - (b) During any unauthorized and unreasonable delays by the seaman when traveling to his assigned vessel or from his assigned vessel to his 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 seaman 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 estate or to his personal legal representative.
 - (b) The designated beneficiary or 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 seaman which are also provided or contributed to by the shipowner.

(11) **Satisfaction of Obligation.** The shipowner shall secure his obligation to provide a benefit of direct compensation for loss of life by any one or a combination of the following:

- (a) A guarantee from a Protection & Indemnity Club approved by the Office of 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 Office of 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 ten thousand dollars (US \$10,000) times the number of seafarers on the one vessel in his fleet with the largest number of seafarers; or
- (d) Participation in an approved national scheme.

80. Certification.

(1) If the shipowner participates in a national plan approved by the Maritime Administrator he shall annually file with the Office of the Maritime Administrator a certificate or other satisfactory evidence of both participation in and contribution to the approved plan.

- (a) The shipowner, his Protection & Indemnity Club, his insurance company or his bonding company shall file with the Office of the Maritime Administrator a certificate of insurance or guarantee or participation for every vessel, or a payment bond as required under regulation 79(11)(c). Such certificate or bond shall be renewed and refiled ten (10) days before its expiration date. Such certificate or bond may be issued for a period from inception until canceled.
- (b) Certificates of Insurance shall be in substantially the following form:

**THE COMMONWEALTH OF DOMINICA
MARITIME ADMINISTRATOR
CERTIFICATE OF INSURANCE PURSUANT TO
MARITIME REGULATION 79(11)**

NOT TRANSFERABLE

Name of Vessel: Official Number: Port of Registry: 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 79(11).

Period of Insurance:

From..... To.....

The insurer may cancel this Certificate only by giving thirty (30) days written notice of cancellation to the Office of 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)

(c) Certificates of Guarantee of Payment shall be substantially in the following form:

**THE COMMONWEALTH OF DOMINICA
MARITIME ADMINISTRATOR
GUARANTEE OF PAYMENT PURSUANT TO
MARITIME REGULATION 79(11)**

Name of Vessel: Official Number: Port of Registry: 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 79(11).

Period of Guarantee:

From To

The guarantor warrants that it will pay the direct compensation for loss of life provided for under regulation 79 of the International Maritime Regulations directly to the beneficiaries and/or legal representatives of the deceased seaman 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 79.

The guarantor may cancel this guarantee only by giving thirty (30) days written notice of cancellation to the Office of 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)

81. Working Hours; Overtime.

- (1) **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.
- (2) **Alternatives.** In the special circumstances of lightering, drilling, offshore supply or other specialized maritime operations not constituting an international voyage of more than twenty-four (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.

82. Liability Insurance; Repatriation Costs.

- (1) **Cover Required.** Each vessel owner is required to maintain at all times satisfactory third party liability insurance as described in Regulation (30) and covering, among other things, any default in meeting the owner's repatriation obligations under Section 188 of the International Maritime Act. Proof of such insurance shall be

submitted annually to the office approved by the Maritime Administrator.

- (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 post a bond or provide other security to cover anticipated costs of repatriation of crew.
- (3) **Forbidden Employment Condition.** It shall be a maritime offense for any shipowner to require a crew member to purchase, in advance, the crew member's own repatriation transportation as a condition of initial or continued employment.

83. Conciliation, Mediation, and Arbitration.

- (1) **Procedure.** The following procedure shall apply to conciliation, mediation and arbitration under Section 205 of the International Maritime Act:
 - (a) Crew members shall have five (5) days from the date of the alleged occurrence of the labor grievance to bring the matter to the Master or his appointee, who shall have a further five (5) days to bring about a solution of the matter.
 - (b) If after five (5) days the Master or officer in charge has been unable to resolve the matter, crew members shall have ten (10) days thereafter to bring it through the Master or his 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 crew members shall have a period of twenty (20) days therefrom to bring about a conciliation.
 - (c) If after twenty (20) days, the matter has not been conciliated, then either party shall have a further twenty (20) days to bring the matter for mediation to the Maritime Administrator, or his appointed representative.
 - (d) The conciliation and mediation procedures shall be informal.
 - (e) If the Maritime Administrator, or his appointed representative is unable to successfully mediate the matter, either party shall have thirty (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 twenty (20) days after service of said demand, each party shall appoint an arbitrator and those two shall choose the third arbitrator, who will act as the presiding arbitrator of the panel. Should one party fail to appoint an arbitrator, then the first moving party shall thereafter have ten (10) days to bring the matter to the Maritime Administrator, or his appointed representative, who shall in his discretion appoint an arbitrator on behalf of

the party failing to respond, or, alternatively, shall himself act as sole arbitrator.

(f) The arbitrator or arbitrators shall have thirty (30) days from the receipt of a written request for arbitration to make a final determination in the matter.

(g) The time periods above may be extended by the Maritime Administrator, or his appointed representative, and in the case of subparagraph (f) above may be extended by consent of the parties.

(2) **Arbitration Rules.** 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 subregulation (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.

(3) **Arbitration Proceeding.** 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.

84. Forms.

Forms required for any applications referred to in the Act or Regulations are obtainable from the Maritime Administrator.

85. Conventions.

Maritime Conventions to which Dominica has acceded are available from the Maritime Administrator.