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## Maritime Labour Convention, 2006 Survey and Certification of UK Ships

**Notice to all Ship Owners, Ship Operators, Managers, Manning Agents, Trade Unions and Seafarers**

*This notice should be read with Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 (S.I. No 2013/1785) as amended and the ILO Guidelines for Flag State Inspections and replaces MSN 1848(M) Amendment 2.*

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### Summary

- The purpose of this Merchant Shipping Notice is to give details of arrangements for the survey, inspection and certification of seafarers' working and living conditions on UK ships, in accordance with the Maritime Labour Convention, 2006 (MLC) under the Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 (S.I. No. 2013/1785) ("the MLC Survey & Certification Regulations"), and provide appropriate guidance.
- This notice includes the amendments to the Maritime Labour Convention, 2006 (the MLC) adopted by the ILO in June 2014, including the format for the updated DMLC Part 1 and Part 2.
- Ships of 500GT and over operating internationally or in a foreign port require a Maritime Labour Certificate. Shipowners for ships under 500GT which operate internationally or in a foreign port may also request a survey for issue of a certificate. For UK ships under 500 GT, currently a Maritime Labour Certificate can only be issued by the Maritime and Coastguard Agency. For UK ships of 500 GT and over the Maritime Labour Certificate may be issued either by the Maritime and Coastguard Agency or by one of the six Recognised Organisations.
- A Maritime Labour Certificate is valid for five years, subject to an intermediate inspection between the second and third year, after which the certificate may be endorsed.
- Amendment 3 includes a paragraph explaining the provision for endorsement and extension of the Maritime Labour Certificate if a renewal survey has been satisfactorily completed, for up to five months until the new Certificate reaches the vessel.



- All ships, whether or not they require a Maritime Labour Certificate, must be inspected at least twice within a five-year period and inspections will, where appropriate, be conducted at the same time as ISM audits.
- Prior to applying for survey or inspection, shipowners should familiarise themselves with the UK's Declaration of Maritime Labour Compliance Part 1, available on the MCA website, and, if they need or want a Maritime Labour Certificate, should prepare a Declaration of Maritime Labour Compliance Part 2.

#### Relationship with the MLC Survey & Certification Regulations

- The MLC Survey & Certification Regulations need to be read together with this Merchant Shipping Notice, as it sets out many of the details, standards and formalities which must be observed in order to comply with the legal obligations under those Regulations. Failure to comply with those obligations may be a criminal offence under the Regulations.
- In order to assist with this Paragraph 14 contains an index which clearly sets out and/or identifies the provisions in this Notice which relate to the relevant provision in the Regulations.

## **1. Introduction**

- 1.1 The Maritime Labour Convention, 2006 (MLC) requires ratifying states to implement an inspection regime to ensure that the ships flying their flag comply with the national legislation which implements the MLC standards. For ships of 500GT or over operating internationally, this regime must also provide for certification. The MLC also sets out Port State Control provisions so that ratifying countries can inspect vessels calling at their ports for compliance with the MLC.
- 1.2 The Maritime and Coastguard Agency (MCA) has been carrying out formal inspections of living and working conditions on UK ships of 500GT and over since 2<sup>nd</sup> July 2004 under ILO Convention No.178. These inspections have been replaced by MLC survey and inspection. The MCA will continue to promote and ensure effective co-operation between inspectors, shipowners, seafarers and their respective organisations, in order to maintain and improve seafarers' working and living conditions.

## **2. Application**

- 2.1 The MLC Survey & Certification Regulations do not apply to pleasure vessels, fishing vessels, ships of traditional build, warships or naval auxiliaries and ships not ordinarily engaged in commercial activities. Otherwise, the arrangements in this notice apply to all UK ships unless they operate exclusively from a UK port on domestic voyages within 60 nautical miles of a UK safe haven.
- 2.2 For inspection arrangements for small commercial vessels operating outside those limits under the MCA Codes of Practice, please see MGN 490(M) Amendment 1 (for vessels under 200GT) and MGN 491(M) Amendment 1 (for vessels of 200GT and under 500GT).

## **3. The MLC Survey & Certification regime**

- 3.1 The MLC Survey & Certification Regulations refer to five different circumstances for survey (in the Regulations, the term "survey" is used in every context, but this notice, when describing UK arrangements, makes the conventional distinction between a "survey", which would lead to issue of a certificate, and "inspection" when no certificate is required or requested).



### 3.2 The five circumstances are :

- 3.2.1 Mandatory surveys for ships of 500GT and over operating internationally or operating from a port in a country other than the United Kingdom
- Initial survey – before the first issue of a Maritime Labour Certificate to the ship; there will only ever be one initial inspection for any particular ship;
  - Renewal survey – at five yearly intervals following the initial survey, for issue of a new Maritime Labour Certificate;
  - Intermediate survey – between the second and third years of validity of the Maritime Labour certificate to ensure that the ship continues to comply with the UK Maritime Labour Convention standards.
- 3.2.2 Voluntary survey, where requested by the shipowner for issue of a certificate (for ships not covered by 3.2.1 (see paragraph 8.5). Once issued, the certificate is subject to the regime set out in paragraph 3.2.1.
- 3.2.3 Mandatory inspection of all vessels not covered by 3.2.1 or 3.2.2 to be carried out at least twice in five years.

## 4. Organisation of inspections

- 4.1 MCA will follow the ILO Guidelines on Flag State Inspection for the Maritime Labour Convention, 2006, but incorporating the MLC amendments 2014. These Guidelines can be viewed on the ILO website at [http://www.ilo.org/global/standards/maritime-labour-convention/WCMS\\_101788/lang--en/index.htm](http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_101788/lang--en/index.htm) . Section 2.2 of the Guidelines explains the inspection and certification process. Chapter 3 explains how inspections of the seafarer living and working conditions will be carried out under the MLC, and possible deficiencies that may arise for each regulation during a survey or inspection. Further guidance on the actions that surveyors may take when deficiencies have been identified can be found in chapter 4 of the same document.
- 4.2 Each ship, regardless of whether it is required to have a Maritime Labour Certificate or not, will be surveyed or inspected twice in every 5 years, with the intermediate survey or inspection being carried out between the second and third years, following the normal pattern of international Convention certificates. As with the ILO 178 inspections it is intended to conduct MLC surveys at the same time as International Safety Management (ISM) Code audits of individual ship Safety Management Certificates (SMC) to minimise inconvenience to shipowners and seafarers. However, an MLC survey or inspection and an SMC audit cover separate issues, and both are needed.
- 4.3 For ships not covered by the ISM Code, inspections will, wherever possible, be carried out in conjunction with other surveys or other targeted inspections carried out by the MCA.
- 4.4 The MLC Survey & Certification Regulations refer generally to surveys etc. being performed by certifying authorities (being either the Secretary of State/MCA or a Recognised Organisation). MLC inspections may be delegated to Recognised Organisations (ROs) either under the Enhanced Authorisation Scheme or on a case by case basis. Any delegation to ROs is undertaken within the terms of the agreements between the MCA and the ROs, and subject to the standards for ROs, explained in MSN 1672(M). The current list of UK authorised ROs can be found at <https://www.gov.uk/guidance/uk-authorised-recognised-organisations-ros>.

## 5. Scope of Inspections

- 5.1 In all the circumstances described in paragraph 3, the survey or inspection must cover the following working and living conditions under the MLC:



- Minimum age
- Medical certification
- Qualification of seafarers
- Seafarers' employment agreements
- Use of any licensed or certified or regulated private recruitment and placement service
- Hours of rest
- Manning levels for the ship
- Accommodation
- On-board recreational facilities
- Food and catering
- Health and safety and accident prevention
- On board medical care
- On-board complaint procedures
- Payment of wages
- Financial security for repatriation
- Financial security relating to shipowners' liability

5.2 This does not mean that other areas of the MLC which are not specifically mentioned in the list above are excluded from the survey or inspection. The MCA intends to conduct surveys and inspections against this list in a manner which ensures that all aspects of the MLC are covered. For example, repatriation arrangements and the shipowner's liability for medical care must be included in the seafarers' employment agreements, so a check of the seafarer employment agreement will be used to confirm that the repatriation and medical care provisions are satisfactory.

5.3 Furthermore while the majority of the obligations under the MLC are the responsibility of the MCA to enforce, some obligations may be enforced by other government departments, and MCA will seek the advice and assistance of other departments when required.

## **6. Mandatory Standards**

6.1 The standards with which ships must comply (subject to paragraph 11 below) in order to be issued with a UK Maritime Labour Certificate, for endorsement following an intermediate survey or for inspection under paragraph 3.2.3, are listed at Annex 1. Paragraph 14.1 contains additional information as to the interpretation of Annex 1 in connection with the MLC Survey & Certification Regulations.

## **7. Inspection Reports**

7.1 The attending surveyor will complete a report listing any deficiencies that have been noted during the survey or inspection. The report is to be given to the Master and a copy posted on the ship's notice board for the information of all seafarers. A copy may also be sent to seafarers' organisations and a final copy will be held by the MCA on the relevant file.

## **8. Certification**

8.1 If the ship requires a certificate, or the shipowner has requested one, on completion of a successful survey, a Maritime Labour Certificate will be issued.

8.2 The form of an interim Maritime Labour Certificate is at Annex 2 to this notice. An interim Maritime Labour Certificate may only be issued to

- a new build; or
- when the ship changes flag; or
- when the applicant wishes to change the person named as "shipowner" on an existing Maritime Labour Certificate.



- 8.3 An interim Maritime Labour Certificate will be issued following survey, if the MCA is satisfied that the ship has adequate procedures to comply with the relevant UK standards, that the master of the ship is familiar with the requirements of the MLC, and that there is sufficient information for the preparation of a DMLC Part 1. An interim Maritime Labour Certificate is valid for a maximum period of 6 months, and cannot be revalidated, nor can a second interim certificate be issued. Before the end of the 6-month validity of the interim Maritime Labour Certificate, the ship should be subject to full survey to determine whether a full Maritime Labour Certificate can be issued. Standard A5.1.3.8 of the MLC sets out the requirements on this point.
- 8.4 The form of full Maritime Labour Certificate is at Annex 3 to this notice. A full term certificate valid for a maximum period of 5 years is to be issued on completion of a satisfactory survey (but see paragraph 8.5). If a renewal survey is completed within 3 months immediately prior to the expiry date of the certificate, the expiry date on the subsequent certificate will be five years from the expiry date of the previous certificate. If the renewal survey is carried out outside the 3 month “window”, the expiry date of the new certificate is 5 years after the date of completion of the renewal survey. An intermediate survey is to be carried out between the second and third years. The scope of an intermediate survey is the same as that for a renewal survey. The certificate must be endorsed following a satisfactory intermediate survey.
- 8.5 Where a satisfactory renewal survey has been completed demonstrating that a ship remains compliant with MLC requirements, an extension to the validity of an expiring mandatory maritime labour certificate of compliance for a period of up to five months may be permitted, where necessary to ensure that a valid certificate of compliance remains on board until a new certificate of compliance is issued and reaches the ship. The extended certificate will be endorsed to this effect by the attending surveyor where the MCA or RO is unable to deliver the certificate to the ship before the expiry date of the previous certificate.
- 8.6 There is provision within the Regulations for owners of ships that are less than 500GT or do not operate internationally to request certification under the MLC. In such circumstances the process and documentation is the same as that for ships of 500GT or over. However, while it is voluntary and optional to request a Maritime Labour Certificate for those ships, once a certificate has been issued, it is mandatory to comply with the relevant provisions in the Regulations concerning associated obligations (for example, intermediate inspection, display of documentation), and non-compliance with those requirements may give rise to criminal sanctions (as it does in respect of ships of 500GT and over). For the purposes of regulation 10(3)(b), a certificate which has been issued on such a voluntary basis will cease to be valid upon the anniversary date for the Maritime Labour Certificate in its third year of validity if it has not been endorsed to show a satisfactory intermediate survey, as described in paragraph 8.4.

## **9. Validity of a Maritime Labour Certificate or an interim Maritime Labour Certificate**

- 9.1 A certificate becomes invalid –
- 9.1.1 if a satisfactory intermediate survey is not carried out within the specified period;
  - 9.1.2 if the certificate is not endorsed following an intermediate survey;
  - 9.1.3 if the ship transfers to another flag;
  - 9.1.4 if the shipowner named on the Certificate ceases to be the shipowner; or
  - 9.1.5 if substantial changes are made or damage sustained to the ship’s accommodation and recreational facilities for seafarers or its food and catering facilities.
- 9.2 Where the certificate becomes invalid for the reasons in 9.1.3 to 9.1.5 above, it can only be reissued following survey.



- 9.3 The MCA may cancel a certificate if there is reason to believe it was issued on the basis of incorrect information.
- 9.4 The MCA may suspend the validity of a Maritime Labour Certificate or an interim Maritime Labour Certificate if an improvement notice has been issued under section 261 of the Merchant Shipping Act and has not been complied with within the specified period or if there is clear evidence that the ship does not comply with the relevant requirements (Annex 1).

## **10. Declaration of Maritime Labour Compliance**

- 10.1 The Declaration of Maritime Labour Compliance is in two parts.
- 10.1.1 Part I is to be completed by the attending surveyor and will identify the topics for survey, and set out by reference relevant UK standards concerning the MLC. It will also refer to any relevant ship-type specific requirements under national legislation and record any substantially equivalent provisions (see paragraph 10) or exemptions applicable to the ship. The form of the DMLC Part I is at Annex 4 to this notice. The contents of the DMLC Part I issued to a particular ship will vary slightly depending on the requirements applicable to the ship.
- 10.1.2 Part II is to be completed by the shipowner and approved by the attending surveyor when the first survey is completed. The Part II declaration details the shipowner's procedures for ongoing compliance with the MLC. The format for a Part II is at Annex 5 to this notice. This format (MSF 2401) is also available to download from the MCA website <https://www.gov.uk/government/publications/declaration-of-maritime-labour-compliance-part-ii-and-guidance>. The DMLC Part II and any supporting documentation must be made available in English.
- 10.2 A Declaration of Maritime Labour Compliance need not be issued for the period of validity of an interim certificate.

## **11. Substantial equivalence and exemptions**

- 11.1 Paragraph 37 of Chapter 2 of the Guidelines for Flag State Inspections explains the concept of substantial equivalence. Any substantial equivalent agreed by the MCA which is relevant to the ship, is to be listed on the Part I declaration.
- 11.2 Paragraph 38 of the same chapter of the guidelines gives guidance on exemptions which may only be granted from specific parts of Regulation 3.1 on crew accommodation, and where provided for in UK regulations, following consultation with the social partners. Exemptions are to be listed on the Part I declaration.

## **12. Documents to be carried on board ship and made available**

- 12.1 The current valid Maritime Labour Certificate and Declaration of Maritime Labour Compliance must be carried onboard and posted in a conspicuous place where it is available to seafarers.
- 12.2 A copy of the Maritime Labour Convention, 2006 must also be carried on board.
- 12.3 Financial security certificates complying with the requirements of MLC Standard A2.5.2, A.4.2.1 and A.4.2.2 including the MLC amendments, 2014 must also be displayed in a conspicuous place on board.
- 12.4 Copies of all these documents must be made available on request to seafarers, flag state inspectors, authorised officers in port states and shipowners' and seafarers' representatives.



### 13. Fees

- 13.1 Fees will be charged at the current hourly rate for survey on ships that are required or which the shipowner requests to be certificated. If an RO carries out the inspection, fees will be charged by the RO as per their agreement with the shipowner. No fees will be charged for investigating complaints or for inspections on ships that are less than 500GT where the shipowner has not requested certification unless a re-visit is required.

### 14. References to this Notice in the Merchant Shipping (Maritime Labour Convention) (Survey & Certification) Regulations 2013

- 14.1 The references to this Notice in the MLC Survey & Certification Regulations are indexed below. This is the version of Merchant Shipping Notice 1848(M) which is considered to be relevant until further notice. The functions of the Secretary of State under the Regulations will in practice be exercised through the MCA, and references in this paragraph refer to the MCA accordingly.

Regulation 2(1): The United Kingdom Maritime Labour Convention standards are those set out in the Schedule to the Regulations, shown at Annex 1 to this Notice.

Regulation 5(1)(a) : The MCA (or any other certifying authority) will conduct an initial survey as described in paragraph 3.2.1. This survey will be carried out in the manner described in paragraph 4, and with the scope described in paragraph 5. It will be carried out by reference to the United Kingdom Maritime Labour Convention standards (as described above for the purposes of regulation 2(1)), subject to paragraph 11.

Regulation 5(1)(b): The MCA (or any other certifying authority) will conduct a renewal survey as described in paragraph 3.2.1. This survey will be carried out in the manner described in paragraph 4, and with the scope described in paragraph 5. It will be carried out by reference to the United Kingdom Maritime Labour Convention standards (as described above for the purposes of regulation 2(1)), subject to paragraph 11.

Regulation 5(2)(c): The MCA (or any other certifying authority) will conduct an intermediate survey as described in paragraph 3.2.1. This survey will be carried out in the manner described in paragraph 4, and with the scope described in paragraph 5. It will be carried out by reference to the United Kingdom Maritime Labour Convention standards (as described above for the purposes of regulation 2(1)), subject to paragraph 11.

Regulation 5(3): The MCA (or any other certifying authority) will conduct a survey under paragraph 5(3) as follows-

- If the shipowner makes a request for MLC documentation pursuant to regulation 6(3), the MCA (or any other certifying authority) will conduct a survey as described in paragraph 3.2.2. This survey will be carried out in the manner described in paragraph 4, and with the scope described in paragraph 5. It will be carried out by reference to the United Kingdom Maritime Labour Convention standards (as described above for the purposes of regulation 2(1)), subject to paragraph 11.
- If the shipowner does not make a request pursuant to regulation 6(3), the MCA (or any other certifying authority) will conduct a survey as described in paragraph 3.2.3. This survey will be carried out in the manner described in paragraph 4, and with the scope described in paragraph 5. It will be carried out by reference to the United Kingdom Maritime Labour Convention standards (as described above for the purposes of regulation 2(1)), subject to paragraph 11.



Regulation 6(5): The form of the Maritime Labour Certificate to be issued in respect of UK ships is set out in the model shown at Annex 3 to this Notice. As mentioned in that Annex, a valid Maritime Labour Certificate must have a Declaration of Maritime Labour Compliance (DMLC) attached. Annexes 4 and 5 show the form of Parts 1 and 2 of the DMLC respectively. As regards the content of the certificate, where the model in Annex 3 contains blank boxes, lines or spaces which are to be completed, it is a requirement for the purposes of regulation 6(5) that they be appropriately completed.

Regulation 7(1): The initial, renewal and intermediate surveys referred to in sub-paragraph (a) are the surveys of those names described above for the purposes of regulation 5(1)(a), (b) and (c). Such surveys would be conducted by the Government of a Convention State for the purposes of regulation 7(1), but subject to the provisions of regulation 7 would otherwise be conducted in the same manner as a survey of the same name conducted by a certifying authority under regulation 5.

Regulation 7(3): The form of the Maritime Labour Certificate to be issued in respect of UK ships is set out in the model shown at Annex 3 to this Notice. As mentioned in that Annex, a valid Maritime Labour Certificate must have a Declaration of Maritime Labour Compliance (DMLC) attached. Annexes 4 and 5 show the form of Parts 1 and 2 of the DMLC respectively. As regards the content of the certificate, where the model in Annex 3 contains blank boxes, lines or spaces which are to be completed, it is a requirement for the purposes of regulation 7(3) that they be appropriately completed.

Regulation 8(2): The MCA (or any other certifying authority) will conduct a survey under regulation 8(2) where an interim Maritime Labour Certificate (as described in paragraph 8(2)) is requested. This survey will be carried out in the manner described in paragraph 4, and with the scope described in paragraph 5. It will be carried out by reference to the United Kingdom Maritime Labour Convention standards (as described above for the purposes of regulation 2(1)), subject to paragraph 11. However, as mentioned in regulation 8(2) and in Standard A5.1.3.7(a) of the MLC, the survey is subject to a “so far as reasonable and practicable” caveat, which is intended to reflect the idea that it may be appropriate to issue an interim Maritime Labour Certificate (which has a short period of validity which cannot be extended) notwithstanding that the survey has not been able to cover every aspect of all of the matters described in paragraph 5(1).

Regulation 8(5): The form of the interim Maritime Labour Certificate to be issued in respect of UK ships is set out in the model shown at Annex 2 to this Notice. As regards the content of the certificate, where the model in Annex 2 contains blank boxes, lines or spaces which are to be completed, it is a requirement for the purposes of regulation 8(5) that they be appropriately completed.

Regulation 10(3): The requirement as regards endorsements for the purposes of regulation 10(3) is that there be an endorsement recording a satisfactory intermediate inspection on the Maritime Labour Certificate no later than the anniversary date for the Maritime Labour Certificate in its third year of validity. A Maritime Labour Certificate which has been issued on a voluntary basis will cease to be valid upon the anniversary date for the certificate in its third year of validity if it has not been endorsed to show a satisfactory intermediate inspection. This is discussed in paragraphs 8.4 and 8.5 of this Notice.

Regulation 11(3)(b): The surveys referred to in this provision are those described in paragraph 3.2.1 and 3.2.2.

Regulation 11(4): The form of the Declaration of Maritime Labour Compliance (DMLC) to be issued in respect of UK ships comprises the models for Part 1 and Part 2 of the DMLC as set out in Annexes 4 and 5 to this Notice respectively. As regards the content of the DMLC, where the models in Annexes 4 and 5 contains blank boxes, lines or spaces which are to be



completed, it is a requirement for the purposes of regulation 11(4) that they be appropriately completed.

Regulation 12(3): The persons to whom the shipowner and master must make the relevant documents (being documents which the ship must carry in accordance with regulation 12(1) and (2), where applicable) available on request are the persons specified in paragraph 12.3 of this Notice.

Regulation 15(2): For the purposes of regulation 15(2), the endorsement required in relation to a ship to which regulation 5(3) applies but in respect of which a Maritime Labour Certificate has been issued is the endorsement recording a satisfactory intermediate inspection on the Maritime Labour Certificate no later than the anniversary date for the Maritime Labour Certificate in its third year of validity. This is discussed in paragraphs 8.4 and 8.5 of this Notice. As the ship can legitimately have the intermediate inspection at any time up to the anniversary date in the third year of validity, it follows that it is not a requirement for the purposes of regulation 15(2) that there be such an endorsement prior to that date

## More Information

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## THE UNITED KINGDOM MARITIME LABOUR CONVENTION STANDARDS

<i>Instrument</i>	<i>Provision</i>
<b>A. Minimum age</b>	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 <sup>(1)</sup>	Part 2
<b>B. Medical certification</b>	
The Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010 <sup>(2)</sup>	Regulation 7
<b>C. Training and qualifications</b>	
The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015 <sup>(3)</sup>	Parts 2 and 3
<b>D. Recruitment and placement</b>	
The Merchant Shipping (Maritime Labour Convention) Minimum Requirements for Seafarers etc.) Regulations 2014	Part 3
<b>E. Seafarers employment agreements</b>	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014	Part 4
<b>F. Wages</b>	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014	Part 5
<b>G. Hours of work</b>	
The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 <sup>(4)</sup>	Regulations 4, 5, 8, 10 and 11
<b>H. Entitlement to leave</b>	
The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018	Regulations 14 and 16
<b>I. Repatriation</b>	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014	Part 6
<b>J. Abandonment security</b>	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 <sup>(5)</sup>	Part 10B
<b>K. Seafarer's compensation for ship's loss or foundering</b>	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014	Regulation 48
<b>L. Manning</b>	
The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015	Part 4

<sup>(1)</sup> S.I. 2014/1613.

<sup>(2)</sup> S.I. 2010/737.

<sup>(3)</sup> S.I. 2015/782.

<sup>(4)</sup> S.I. 2018/58.

<sup>(5)</sup> S.I. 2014/1613. Relevant amending instrument is S.I. 2018/667



<b>M. Accommodation and recreational facilities</b>	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014	Part 7
<b>N. Food and catering</b>	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014	Part 8
<b>O. Medical care</b>	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014	Part 9
The Merchant Shipping (Medical Stores) Regulations 1995 <sup>(6)</sup>	Regulations 4 to 11
<b>P. Shipowner's liability and seafarers' compensation</b>	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 <sup>(7)</sup>	Parts 10, other than regulation 48, and 10A
<b>Q. Health and safety</b>	
The Merchant Shipping and Fishing Vessels (Health and Safety) (Employment of Young Persons) Regulations 1998 <sup>(8)</sup>	Regulations 5, 6(1) to (5) and (8) and 9
The Merchant Shipping (Health and Safety at Work) Regulations 1997 <sup>(9)</sup>	Regulations 5, 7, 12(1) and (2), 15, 16(1)(b)(ii), 19(1)(b)(ii) and 20.

<sup>(6)</sup> S.I. 1995/1802. Relevant amending instrument is S.I. 1996/2821.

<sup>(7)</sup> S.I. 2014/1613 Relevant amending instrument is S.I. 2018/242 and S.I. 2018/667.

<sup>(8)</sup> S.I. 1998/2411.

<sup>(9)</sup> S.I. 1997/2962. Relevant amending instruments are S.I. 1998/2411, S.I. 2001/54, S.I. 2014/1616 and S.I. 2015/1692.





## Interim Maritime Labour Certificate

Issued under the provisions of Article V and Title 5 of the Maritime Labour Convention, 2006 (referred to below as "the Convention") under the authority of the Government of the United Kingdom of Great Britain and Northern Ireland by the Maritime and Coastguard Agency, an Executive Agency of the Department for Transport.

### Particulars of the ship

Name of ship			
Distinctive number or letters		Port of registry	
Date of registry		Gross tonnage <sup>1</sup>	
IMO number		Type of ship	
Name and address of the shipowner <sup>2</sup>			

<sup>1</sup> For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II(1)(c) of the Convention.

<sup>2</sup> *Shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner.



This is to certify, for the purposes of Standard A5.1.3, paragraph 7, of the Convention, that:

- (a) this ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I to the Convention, taking into account verification of items under (b), (c) and (d) below;
- (b) the shipowner has demonstrated to the competent authority or recognized organization that the ship has adequate procedures to comply with the Convention;
- (c) the master is familiar with the requirements of the Convention and the responsibilities for implementation; and
- (d) relevant information has been submitted to the competent authority or recognized organization to produce a Declaration of Maritime Labour Compliance.

This Certificate is valid until  subject to inspections in accordance with Standards A5.1.3 and A5.1.4

Completion date of the inspection referred to under (a) above was

Issued at  on

Signature of the duly authorized official issuing the interim certificate

Name

Signed

┌           ┐

└           ┘

Official Stamp





## MARITIME LABOUR CERTIFICATE

(Note: This Certificate shall have a Declaration of Maritime Labour Compliance attached)

Issued under the provisions of Article V and Title 5 of the Maritime Labour Convention, 2006 (referred to below as "the Convention") under the authority of the Government of the United Kingdom of Great Britain and Northern Ireland by the Maritime and Coastguard Agency, an Executive Agency of the Department for Transport.

### PARTICULARS OF SHIP

Name of Ship			
Distinctive Number or Letters		Port of Registry	
Date of registry		Gross tonnage <sup>1</sup>	
IMO Number		Type of Ship	
Name and Address of the Shipowner <sup>2</sup>			

This is to certify:

1. That this ship has been inspected and verified to be in compliance with the requirements of the Convention, and the provisions of the attached Declaration of Maritime Labour Compliance.
2. That the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country's national requirements implementing the Convention. These national requirements are summarized in the Declaration of Maritime Labour Compliance, Part I.

This Certificate is valid until  subject to inspections in accordance with Standards A5.1.3 and A5.1.4 of the Convention.

This Certificate is valid only when the Declaration of Maritime Labour Compliance issued at

on  is attached.

Completion date of the inspection on which this Certificate is based was

Issued at  on

Signature of the duly authorized official issuing the Certificate

Name

Signed

┌ ┐

└ Official Stamp ┘

<sup>1</sup> For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II(1)(c) of the Convention.

<sup>2</sup> *Shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner.



Name of Ship

*Endorsements for mandatory intermediate inspection and, if required, any additional inspection*

This is to certify that the ship was inspected in accordance with Standards A5.1.3 and A5.1.4 of the Convention and that the seafarers' working and living conditions specified in Appendix A5-1 of the Convention were found to correspond to the abovementioned country's national requirements implementing the Convention.

*Intermediate inspection*

(to be completed between the second and third anniversary dates)

Name

Signed  ┌            ┐

Date

Marine Office  └            ┘ Official Stamp

*Additional endorsements (if required)*

This is to certify that the ship was the subject of an additional inspection for the purpose of verifying that the ship continued to be in compliance with the national requirements implementing the Convention, as required by Standard A3.1, paragraph 3, of the Convention (re-registration or substantial alteration of accommodation) or for other reasons.

*Additional Inspection: (if required)*

Name

Signed  ┌            ┐

Date

Marine Office  └            ┘ Official Stamp



Name of Ship

<i>Additional Inspection: (if required)</i>	Name	<input type="text"/>		
	Signed	<input type="text"/>	┌	┐
	Date	<input type="text"/>		
	Marine Office	<input type="text"/>	└	┘ Official Stamp
<i>Additional Inspection: (if required)</i>	Name	<input type="text"/>		
	Signed	<input type="text"/>	┌	┐
	Date	<input type="text"/>		
	Marine Office	<input type="text"/>	└	┘ Official Stamp
<i>Extension after renewal inspection (if required)</i> This is to certify that, following a renewal inspection, the ship was found to continue to be in compliance with national laws and regulations or other measures implementing the requirements of this Convention, and that the present certificate is hereby extended, in accordance with paragraph 4 of Standard A5.1.3, until <input type="text"/> (not more than five months after the expiry date of the existing certificate) to allow for the new certificate to be issued to and made available on board the ship. Completion date of the renewal inspection on which this extension is based was:				
	Name	<input type="text"/>		
	Signed	<input type="text"/>	┌	┐
	Date	<input type="text"/>		
	Marine Office	<input type="text"/>	└	┘ Official Stamp





## Maritime Labour Certificate Declaration of Maritime Labour Compliance – Part I

(Note: This Declaration must be attached to the ship's Maritime Labour Certificate MSF 2403)

Issued under the authority of the Government of the United Kingdom of Great Britain and Northern Ireland by the Maritime and Coastguard Agency, an Executive Agency for the Department for Transport. With respect to the provisions of the Maritime Labour Convention, 2006, the following referenced ship:

Name of ship	IMO number	Gross tonnage

is maintained in accordance with Standard A5.1.3 of the Convention. The undersigned declares, on behalf of the above mentioned competent authority, that:

- the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
- these national requirements are contained in the national provisions referenced below, explanations concerning the content of those provisions are provided where necessary;
- the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided under the corresponding national requirement listed below / in the section provided for this purpose below;
- any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

### 1. Minimum age (Regulation 1.1)

Anyone under the age of 16 years is prohibited from working on a ship. (MSN 1848(M) Annex 1 paragraph 1.1.1)

**Merchant Shipping & Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998 (S.I. No.1998/2411) and MGN 1838 (M+F)** require a risk assessment to be carried out for any person under the age of 18 working on a ship. They define hazardous work and prohibit employment of those under 18 from such work, except in limited circumstances as defined in the regulations.

Night work for seafarers under the age of 18 is prohibited except in specified conditions. Night work is defined as a period of 9 consecutive hours, including the period between midnight and 5 am. A seafarer of the age of 16 or 17 may work at night which would be impaired by the prohibition above. This means:

- Any deck or engineer officer training under STCW Regulations II/1, II/2 and II/3; III/1, III/2 and III/3;
  - Any training of ratings forming part of a navigational or engineering watch under STCW II/4 or III/4;
  - Training of ratings as AB Deck or Engineer;
  - Electro-technical officers under STCW Regulation III/6;
  - Electro-technical ratings under STCW Regulation III/7;
  - Training of radio personnel under STCW Regulation IV/2;
  - Training for alternative certification under STCW Regulation VII
- (MSN 1848(M) Annex 1 paragraph 1.1.2)

### 2. Medical certification (Regulation 1.2)

**Merchant Shipping (Medical Certification) Regulations 2010, and Merchant Shipping Notices (MSN 1822(M) and MSN 1815(M))** requires every seafarer working on a seagoing ship to have a valid medical fitness certificate, and prohibits the employment of a seafarer who does not hold such a certificate, except in the circumstances provided for in A1.2.8 and A1.2.9. In urgent cases (A1.2.8) the seafarer's medical certificate must have expired no more than 1 month prior to joining the ship, and must have been issued for the full validity appropriate to the seafarer's age (i.e. 1 year for a seafarer under 18 years of age at the time of issue, and 2 years for other seafarers.)

A valid medical certificate is a UK seafarer medical fitness certificate issued by a recognised medical practitioner, or a certificate issued by another maritime administration and recognised as equivalent. Approved medical practitioners are listed in a Merchant Shipping Notice (currently MSN 1815(M)) and published on the MCA website. The list of countries



whose medical certificates are accepted as equivalent in the UK are listed in a Merchant Shipping Notice (currently MSN 1815(M)) and published on the MCA website. The UK medical fitness certificate is valid for no more than 2 years; or no more than one year if the seafarer is under the age of 18 years. If the seafarer is employed at the time of their medical examination, the employer must bear the cost. The certificate must be in English. (The UK medical fitness certificate includes a statement on colour vision, and so there is no separate validity for a colour vision certificate.)

The Approved Doctor may issue a seafarer with a "Fit" certificate with restrictions on the geographical locations or duties in which the seafarer is fit to work – for example, the restriction "not fit for lookout duties" where the seafarer has a colour vision deficiency. The UK medical standards provide for flexibility to reflect relative risk; this enables doctors to take some account of particular circumstances, such as distance from medical care, and normal duties and requirements for crew members.

### 3. Qualifications of seafarers (Regulation 1.3)

**Merchant Shipping (Training standards of Certification and Watchkeeping) Regulations 2015** set training requirements in accordance with STCW 78 (as amended).

All officers to be qualified as specified on safe manning document. Certificates of competency and familiarisation training – for all seagoing ships. STCW requirements apply except as provided below.  
Able seamen: UK has ratified ILO 74, implementation through the Merchant Shipping (Training and Certification) Regulations 1997 (as amended)

**ISM Code Section 6:** The safety management system must demonstrate that all seafarers are qualified and certificated in accordance with UK requirements, given proper familiarisation with their duties and provided with any training they require in accordance with the safety management system. This includes any appropriate professional training for their duties and familiarization training for the ship and for their role on board.

Health and safety legislation (e.g. the **Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997** regulation 12 requires all workers to have adequate training to ensure their health and safety while carrying out their duties on board ship.

### 4. Seafarers' employment agreements (Regulation 2.1)

Every seafarer must be provided with a seafarer employment agreement in compliance with the standards specified in **MSN 1848(M) Annex 1 paragraphs 2.1.1 to 2.1.6.**

In addition to the contents required by A2.1.4(a) to (j) UK seafarer employment agreements must include:

- Hours of work
- The grievance and disciplinary procedures
- Any terms and conditions relating to pensions and pension schemes

If the SEA is signed by a representative of the shipowner (e.g. manning agent, franchise supplier), that representative must be named as an authorized representative in the shipowner's DMLC Part 2.

Other documents (for example, collective agreements) may form part of the SEA. The SEA itself and any documents forming part of the SEA, if they are not in English must be available on board in English translation.

Each seafarer must have an original, signed copy of their SEA. A copy of each "master" SEA in use on the ship should be available for inspection on board the ship. (An electronic copy is acceptable for inspection purposes only).

The minimum period of notice for termination of an agreement is 7 days, except by mutual agreement. The minimum period of notice which must be given by the seafarer must be no more than the minimum period of notice which must be given by the shipowner.

The shipowner must provide to the seafarer a record of their employment after the seafarer employment agreement is terminated, including the information specified in **MSN 1848(M) Annex 1 paragraph 2.1.4.** This record must not include information about wages conduct of the seafarer.

Every seafarer is entitled to at least 2.5 days paid leave per month of employment, within each year of employment, plus an additional 8 days paid leave in respect of public holidays, or pro rata if the seafarer is not employed for a full year. (**MSN 1848(M) Annex 1 paragraph 2.4.1.**)

The shipowner must grant the seafarer shore leave to benefit their health and wellbeing, as far as is consistent with the operational requirements of their position. (**MSN 1848(M) Annex 1 paragraph 2.4.2.**)

The SEA must include the agreed repatriation destination, in accordance with the **MSN 1848(M) Annex 1 paragraph 2.5.2.**

Seafarers must not be required to make an advance payment at the beginning of their employment towards the cost of repatriation or to repay the cost of repatriation, except in the circumstances provided in **MSN 1848(M) Annex 1 paragraph 2.5.5.**

The SEA must include information about health and social security protection benefits provided by the shipowner including provision of medical care; provision for the shipowner to pay a seafarer their wages for up to two months after the wreck or loss of a ship, and provision for compensation in the event of long term illness or disability arising from their employment (**MSN 1848(M) Annex 1 paragraph 2.6.1, 4.2.1 and 4.2.2.**)

The shipowner's statutory liability for medical care and for payment of basic wages during illness or injury is limited to 16 weeks, or such time as the seafarer is repatriated if later.

### 5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)



IF THE SHIPOWNER RECRUITS SEAFARERS DIRECTLY, THIS SECTION DOES NOT APPLY.

Shipowners must ensure that they use R&P services which are compliant with the MLC. This means that they must be:

- (i) in the United Kingdom
- (ii) in a country which has ratified the Maritime Labour Convention; or
- (iii) complies with the requirements relating to recruitment and placement services referred to in Standard A1.4.5 of the Maritime Labour Convention (**MSN 1848(M) Annex 1 paragraph 1.4.1**)

#### **6. Hours of work or rest (Regulation 2.3)**

**Merchant Shipping (Hours of Work) Regulations 2002 (S.I. 2002/2125)** as amended provide for maximum rest of at least 10 hours in any 24 hour period and 77 hours in any 7 day period. Rest to be broken up into more than 2 periods of which one must be at least 6 hours. **MSN 1842(M)** sets out the detailed requirements, including the format for a schedule of hours of work records. Seafarers must be given a copy of their record of hours of work which must be signed by the master or authorised representative and the seafarer.

Any exception from the above requirements, (other than for emergencies), must be authorised by MCA.

#### **7. Manning Levels for the ship (Regulation 2.7)**

**Merchant Shipping (Training standards of Certification and Watchkeeping) Regulations 2015** require safe manning documents for all seagoing ships of 500 GT or more. A UK safe manning document is on form MSF4232.

**Merchant Shipping and Fishing Vessel (Health and Safety at Work) Regulations 1997** as amended require a safe working environment, including safe patterns of work.

Owners of ships under 500GT may also choose to hold a safe manning document. This must be carried on board the ship and be made available for inspection (paragraph 20.2).

The number of seafarers on board must comply with or exceed the safe manning document in terms of both the number and qualifications of seafarers.

#### **8. Accommodation (Regulation 3.1)**

**Ships the keel of which was laid before 20 August 2013 must comply with the Merchant Shipping (Crew Accommodation) Regulations 1997.**

New ships the keel of which is laid on or after 20 August 2013 must meet the standards set out in **MSN 1844**.

New builds are subject to plan approval. Crew accommodation must be inspected weekly for cleanliness and maintenance by the master or an authorised representative of the master and the results must be recorded in the Official Log book.

#### **9. On-board recreational facilities (Regulation 3.1)**

Ships the keel of which was laid before the date the Merchant Shipping (Maritime Labour Convention) (Crew Accommodation) Regulations 2013 come into force must comply with the **Merchant Shipping (Crew Accommodation) Regulations 1997**.

New ships the keel of which is laid on or after the date the Merchant Shipping (Maritime Labour Convention)(Crew Accommodation) Regulations 2013 come into force must comply with the Merchant Shipping (Crew Accommodation) Regulations 1997

New ships the keel of which is laid on or after the date the Merchant Shipping (Maritime Labour Convention)(Survey & Certification) Regulations 2013 come into force must meet the standards set out in **MSN 1844**.

#### **10. Food and catering (Regulation 3.2)**

The shipowner and the master of a ship must ensure that food and drinking water are provided on the ship which comply with **MSN 1845**, and these must be provided free of charge to all seafarers while they are on board.

A ship's cook must be carried on any ship with 10 or more crew, operating more than 60 miles from a UK safe haven on domestic voyages or operating on international voyages (**MSN 1846 paragraph 2.1**).

On any ship operating more than 60 miles from a UK safe haven on domestic voyages or operating on international voyages on which there is no ship's cook, all catering staff (those who prepare or serve food to crew in the galley) must have completed training in personal hygiene and food handling and storage (**MSN 1846(M) paragraph 8**).

The minimum age for a ships' cook is 18 years, and they must have completed a minimum of one month sea service.

UK certificates for ships' cooks issued under, and other certificates recognised by the UK under the **Merchant Shipping (Certification of Ships' Cooks) Regulations 1981** will remain valid until 5 years after the MLC comes into force (**MSN 1846(M) Annex 1 paragraph 6**).

Valid ship's certificate issued by any country which has ratified the MLC after the date of ratification are acceptable for service on a UK ship provided that the cook has completed training in personal hygiene and food handling and storage (**MSN 1846 paragraph 5**).

#### **11. Health and safety and accident prevention (Regulation 4.3)**



Merchant Shipping and Fishing Vessel (Health and Safety at Work) Regulations 1997 as amended and MGN 20(M+F), and in addition:

- The requirement to have a safety committee applies to any ship on which five or more seafarers work
- The risk assessment referred to under Regulation 7 must have regard to relevant statistical information and associated advice on occupational health and safety.

Merchant Shipping (Entry into Dangerous Spaces) Regulations 1988 as amended;

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998 and MGN 88 (M+F)

Merchant Shipping and Fishing Vessels (Manual Handling Operations) Regulations 1998 and MGN 90 (M+F)

Merchant Shipping and Fishing Vessels (Personal Protective Equipment) Regulations 1999 and MSN 1870 (M+F)

Merchant Shipping and Fishing Vessels (Safety Signs and Signals) Regulations 2001 and MGN 556 (M+F)

Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006 and MGN 331 (M+F)

Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006 and MGN 332 (M+F)

Merchant Shipping and Fishing Vessels (Control of Noise at Work) Regulations 2007 and MGN 352 (M+F)

Merchant Shipping and Fishing Vessels (Control of Vibration at Work) Regulations 2007 and MGN 353 (M+F)

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2007 and MGN 356 (M+F)

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Biological Agents) Regulations 2010 and MGN 408 (M+F)

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010 as amended and MGN 409 (M+F) and MGN 454 (M+F)

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Work at Height) Regulations 2010 and MGN 410 (M+F)

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Asbestos) Regulations 2010 and MGN 429 (M+F)

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Artificial Optical Radiation) Regulations 2010 and MGN 428 (M+F)

Reporting of occupational accidents is required by the **MS (Accident Reporting and Investigation) Regulations 2012, and on board recording and investigation of accidents by the MS and FV (Health and Safety at Work) Regulations 1997 regulations 14 to 19 and the ISM Code section 9.**

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Electromagnetic Fields) Regulations 2016.

Occupational diseases must be reported to the MCA in accordance with the **MSN 1848(M) Annex 1 paragraph 4.3.3 and Schedule 3.**

#### **12. On-board medical care (Regulation 4.1)**

The shipowner must meet the cost of medical and dental treatment for seafarers for illness or injury arising while the seafarer is on board their ships, or arising from their work on board; and to allow seafarers to go ashore for medical treatment which is not available on board (**MSN 1848(M) Annex 1 paragraphs 4.1.1 and 4.1.3**).

The shipowner's liability for medical care is limited to a period of 16 weeks or until the seafarer is repatriated.

Ships with 100 or more persons on board and operating on voyages of more than three days duration must carry a ship's doctor, qualified in accordance with **MSN 1848(M) Annex 1 paragraphs 4.1.2**.

**Merchant Shipping (Training standards of Certification and Watchkeeping) Regulations 2015 and MGN 1865(M)** set standards for medical and first aid training in line with STCW 78 (as amended).

**Merchant Shipping (Medical Stores) Regulations 1995 and MSN 1768 (M+F)** set the requirements for medical stores, including specified treatments and medical equipment, and a medical guide, to be carried on seagoing ships. No change is proposed.

**MGN 225(M+F)** explains the UK system for access to Radio Medical Advice for ships. No change is proposed.

#### **13. On-board complaint procedures (Regulation 5.1.5)**

**Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013**

The shipowner must put in place on board complaints procedures in accordance with **MSN 1849(M)**. Seafarers must be provided with a copy of the procedures. Contact details for receipt of complaints must be provided for the flag state and for the seafarer's national competent authority if different.

#### **14. Payment of wages (Regulation 2.2)**

**Merchant Shipping Act 1995 Ss 30-41** (as amended) set requirements for payment of wages.

Under the **Merchant Shipping (Maritime Labour Convention) Minimum Standards for Seafarers, etc) Regulations 2014, the Merchant Shipping (Seamen's Wages and Accounts) Regulations 1972 as amended and Merchant Shipping (Seamen's Wages and Accounts)(Allotments) Regulations 1972 as amended.**

- Seafarers must be paid regularly, at no more than monthly intervals, in accordance with their employment agreements;
- Seafarers must be provided with an account of their wages, including the information specified in MGN 478;
- Seafarers may transmit an unlimited part of their earnings to their families
- Any charges for such a service and the exchange rate used must be reasonable (**MSN 1848(M) Annex 1 paragraphs 2.2.1 to 2.2.4**)

#### **15. Financial security for repatriation (Regulation 2.5)**



Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 & MSN 1848(M) as amended. A ship must not be operated unless abandonment financial security is in force in accordance with paragraph 3 of standard A2.5.2 of the MLC and the certificate displayed.

**16. Financial security relating to shipowners' liability (Regulation 4.2)**

Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 & MSN 1848(M) as amended. A ship must not be operated unless shipowners' liability financial security is in force in relation to the ship to assure provision of compensation in the event of death or long term disability of seafarers due to occupational injury or hazard and the certificate displayed.

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Marine Office	(Signature of Surveyor)		
Date	Name		
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Official Stamp



Substantial equivalencies

(Note: Strike out the statement which is not applicable)

The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted (insert description if applicable):

No equivalency has been granted.

See Annex for details of Equivalencies

**Substantial equivalencies for medical certificates (regulation 1.2):**

The MCA accepts the following equivalent for the ENG 1 or non-UK equivalent in particular circumstances:


**Substantial equivalencies for training and qualifications (regulation 1.3):**

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**Substantial equivalencies for seafarer employment agreement (regulation 2.1):**

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**Substantial equivalency for hours of rest records: electronic records (regulation 2.3):**

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**Substantial equivalencies for crew accommodation (regulation 3.1):**


**Substantial equivalence for Ships' Cooks (Regulation A3.2):**

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Marine Office	(Signature of Surveyor)		
Date	Name		
		└	┘
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The MCA accepts the following equivalent to the ENG 1 or non-UK equivalent in particular circumstances.

**-MCA ML5 Certificate of Medical Fitness (MSF 4112)**

For the master and crew of a small commercial vessel operating under the appropriate MCA Code of Practice which goes no more than 60 miles from shore, an ML5. (See MGN 264 (Medical Fitness Requirements for Those Employed on Boats Certificated under MCA Codes of Practice, Crew of Seagoing Local Passenger Vessels and Non-seagoing Boatmasters);

**-HSE Certificate of Medical Fitness to Dive at Work**

For divers working in the offshore industry, where their place of work is for the time being a ship, e.g. on a short transit between working stations, but where the work activity takes place only on a working station, the HSE Diver medical

**-European Aviation Safety Agency (EASA) Class 1 Commercial Pilot Medical Certificate**

For pilots working in the offshore industry, where their place of work is for the time being a ship, e.g. on a short transit between working stations, but where the work activity takes place only on a working station, the European Aviation Safety Agency (EASA) Class 1 Commercial Pilot Medical Certificate

**-UK Oil and Gas Medical Certificate**

For offshore workers working in the offshore industry on the UKCS, Norwegian or Netherland Continental Shelf, where their place of work is for the time being a ship

**Substantial equivalencies for training and qualifications (regulation 1.3) under the Merchant Shipping (Standards of Training Certification of Watchkeeping) Regulations 2015**

**-Certificates of Competency for Yacht Deck Officers (Large Yachts)**

The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998 reg. 4(3) and Schedule 1 disapply the Training and Certification Regulations to Large Yachts operating under the Code.

- Yachts over 24m in length holding a certificate of compliance with the Large Commercial Yacht Code – LY3 together with MGN 146, MSN 1858 and MGN 270.

**-Workboat and Small Commercial Vessel Qualifications**

The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998 reg. 5 and Schedule 2 disapply the Training and Certification Regulations to small commercial vessels operating under the appropriate Code of Practice.

- Ships under 24m in length holding a certificate of compliance with the Code of Practice for the safety of small commercial vessels (sailing, motor, or workboat) – See MGN 280 Annex 3 and MGN 496 (masters and officers of the watch for tugs)

**Substantial equivalencies for seafarer employment agreement (regulation 2.1):**

**-Training agreement between an approved training provider and a seafarer**

A training agreement between an approved training provider and a seafarer will be accepted as substantially equivalent to an SEA for the purposes of compliance with the MLC provider that:

- either through the training agreement itself, or
- through a combination of the training agreement and another agreement between the approved training provider and the shipowner

There are contractual arrangements in place to ensure that a seafarer has the equivalent information and protection in respect of employment conditions as they would have under a UK SEA, in accordance with MGN 485(M).

**Substantial equivalency for hours of rest records: electronic records (regulation 2.3):**

**-Electronic record keeping of hours of rest**

Electronic record keeping of hours of rest may be accepted provided that the system provides satisfactory security, audit and access arrangements. For full details contact MCA.

**Substantial equivalencies for crew accommodation (regulation 3.1):**

**-Ch21 of Large Commercial Yacht Code (LY3)**

Yachts over 24m in length holding a certificate of compliance with the Large Commercial Yacht Code: Standards agreed with MLC Tripartite Working Group and Large Yacht Sub-Group will become Chapter 21 of LY3. Separate guidance to be issued.

**-Annex 1 of MGN 490(M) Amendment 1 (vessels under 200GT)**

Ships under 24m in length holding a certificate of compliance with the Code of Practice for the safety of small commercial vessels (sailing, motor, or workboat): The standards contained in MGN 490(M) Annex 1

**-Annex 1 of MGN 491(M) Amendment 1 (workboats of 200GT and over but under 500GT)**

Workboats of 200GT to no more than 500GT: The standards contained in MGN 491(M) Annex 1

**-Two officer trainees may share a cabin in accordance with the conditions in the Annex**

The MCA has agreed a dispensation for the shipowner allowing him to accommodate maximum of two officer trainees in one cabin, subject to the following conditions

- the floor space of the cabin in question must be at least 12 sq meters;
- officer trainees sharing a cabin must be of the same gender;



- the cabin must contain sufficient integral desk space for the two officer trainees or provide access to a separate study space on board the ship;
- the shipowner should avoid placing two officer trainees who undertake watchkeeping training in the same cabin at the same time, unless the shipowner can show that such will not be detrimental to the officer trainees concerned. In particular, the shipowner must take steps to ensure that a trainee's hours of rest are not unduly disturbed.

Shipowners seeking dispensations should take account of relevant guidance from the Merchant Navy Training Board (MNTB), from the Maritime Training Trust and Maritime Educational Foundation and relevant surveys undertaken by Nautilus International.

**Substantial equivalencies for Ships' Cooks (Regulation A3.2):**

**-Recognised chef acting as ships' cook**

In appropriate circumstances the MCA will accept a recognised chef on the basis of their experience and standing as a ships' cook in compliance with A3.2.3 provided that they have a certificate in food hygiene.

**-Grandfather rights for land-based qualifications in food and catering**

Persons currently employed as a ships' cook holding only a land based qualification (City & Guilds for example) are permitted to continue to work in the capacity of a ships' cook until 30 June 2019.





### Maritime Labour Certificate Declaration of Maritime Labour Compliance – Part II

*Measures adopted to ensure ongoing compliance between inspections*

The following measures have been drawn up by the shipowner, named in the Maritime Labour Certificate MSF 2403 to which this Declaration is attached, to ensure ongoing compliance between inspections.

*(State below the measures drawn up to ensure compliance with each of the items in Part I)*

1. Minimum age (Regulation 1.1)

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2. Medical certification (Regulation 1.2)

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3. Qualifications of seafarers (Regulation 1.3)

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4. Seafarers' employment agreements (Regulation 2.1)

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5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)

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6. Hours of work or rest (Regulation 2.3)

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7. Manning Levels for the ship (Regulation 2.7)

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8. Accommodation (Regulation 3.1)	___
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9. On-board recreational facilities (Regulation 3.1)	___
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10. Food and catering (Regulation 3.2)	___
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11. Health and safety and accident prevention (Regulation 4.3)	___
<input type="text"/>	
12. On-board medical care (Regulation 4.1)	___
<input type="text"/>	
13. On-board complaint procedures (Regulation 5.1.5)	___
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14. Payment of wages (Regulation 2.2)	___
<input type="text"/>	
15. Financial security for repatriation (Regulation 2.5)	<input type="checkbox"/>
<input type="text"/>	
16. Financial security relating to shipowners' liability (Regulation 4.2)	<input type="checkbox"/>
<input type="text"/>	
<input type="text"/>	
<input type="text"/>	



I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

Name of shipowner <sup>1</sup>		
Company address		
Name of the authorized signatory		
Title		
Signature of the authorized signatory		Official Stamp
Date		

The above measures have been reviewed by Maritime and Coastguard Agency, an Executive Agency for the Department for Transport and, following inspection of the ship, have been determined as meeting the purposes set out under Standard A5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Name		
Signed		
Date		Official Stamp
Marine Office		

<sup>1</sup> *Shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner.

