

SECTION 4

TITLE 3.2 FOOD AND CATERING

Introduction

5.1 This section seeks your views on the Maritime and Coastguard Agency's proposals for giving full effect to Regulation 3.2 and Standard A3.2 of the ILO Maritime Labour Convention 2006 which give minimum standards for food and catering for seafarers.

5.2 The current requirements are contained in the Merchant Shipping (Certificate of Ship's Cooks) Regulations 1981 and the Merchant Shipping (Provisions and Water) Regulations 1989. We are proposing to replace these with a single new set of regulations, the Merchant Shipping (Maritime Labour Convention) (Food and Catering) Regulations.

Application

5.3 The Merchant Shipping (Provisions and Water) Regulations 1989 apply to both merchant ships and fishing vessels. The MLC, and therefore the proposed regulations in this document, do not apply to fishing vessels. The 1989 regulations will therefore remain in force for the fishing fleet until such time as the UK amends or updates these to reflect the ILO Work in Fishing Convention (ILO 188). In addition the current MGN 397 Guidelines on the provision of Food and Fresh Water on Merchant Ships and Fishing Vessels will be re-published as Guidelines on the provision of Food and Fresh Water on Fishing Vessels and a MSN for the Merchant fleet.

Main changes

5.4 Comments are invited on the draft MSN : "Maritime Labour Convention 2006, Accommodation Facilities, Food and Catering: REQUIREMENTS AND GUIDANCE FOR THE PROVISION OF FOOD AND FRESH WATER ON MERCHANT SHIPS" which forms part of the consultation package. This amends the current MGN 397(M) since some of the guidance in that MGN will become mandatory under the proposals in this document.

Ship's Cooks

5.5 Currently there is no provision for a Ships' Cook to be carried on a near coastal vessel (operating up to 150 nautical miles from shore). The proposed regulations will exempt those vessels operating up to 60 miles from shore on domestic voyages and those vessels with less than 10 crew (which includes the Master). However on vessels with less than 10 crew, those seafarers responsible for the preparation, storage and serving of food to the crew will need to have been trained in basic food handling, storage and food preparation.

5.6 Provision has been made under the MLC to grant a dispensation from the requirement to carry a qualified Ships' Cook in "exceptional circumstances" for a period not exceeding one month; provided that all Catering Staff are trained in basic food preparation, handling and food storage. "Exceptional circumstances" are considered to be injury or illness of the Ship's Cook or a close relative requiring the Seafarer to be repatriated, but excludes absence of relieving crew, problems relating

to issue of visas or other commercial reasons. The term exceptional circumstances is defined in the draft regulations under Reg 10(3)

5.7 These Regulations will set the new training requirements for Ship's Cooks. The syllabus is set out in the draft MSN, and is based on existing, readily available shore-based training.

5.8 The new training requirements for Ship's Cooks will now give consideration to the preparation of food taking into account the seafarer's religious requirements and religious practices.

5.9 It will be possible for those Ship's cooks undertaking the new course to qualify and be engaged upon a ship from the age of 18 as opposed to the previous minimum age of 20.

5.10 Furthermore, in view of the new training requirements, it will no longer be a requirement for those wishing to qualify as a Ships' Cook to undertake 5 years sea time before they can fully qualify. However, a minimum period of one month service at sea is required before qualifying. This is intended to give the trainee with no maritime experience time to assess whether they can adjust to living and working at sea, and allows the employer sufficient time to assess their suitability.

5.11 It is intended that a Ship's Cooks Certificate issued under the current regulations will only be accepted for five years after the new regulations come into force. In this time those seafarers holding such certificates will be required to undertake the additional modules over and above their existing qualification in order to ensure equivalence with the MLC requirements.

As part of this Consultation you are invited to comment on the proposed changes outlined above and the draft Merchant Shipping Notice.

Specifically the questions you might like to consider are as follows :

a. Do you agree that the benefit of extending basic food preparation, handling and storage to all catering staff outweighs the additional training costs, in terms limiting the potential risks and liability for ship owners?

b. Do you agree that in consideration of the new training course syllabus (which will now include specific maritime related modules) will sufficiently address the reduction of the previous requirement of 5 years sea time to one month before qualifying as a Ships' Cook?

c. Is one month sufficient time for someone to be assessed by the employer / or to determine whether working at sea is the desired vocation for an individual?

d. Do you agree that 5 years is sufficient time for those seafarers who currently hold Ships' Cooks certificates (issued in accordance with the previous regulations) to undertake the additional training required under the MLC ?

Food and hygiene training

5.12 There will now also be new standards to cover those seafarers working in the "Catering Department" to the extent of undertaking basic food preparation, handling

and food storage training only, or to those in charge of the galley on vessels with less than 10 crew where there is no requirement for a ships cook. All seafarers engaged in the Catering Department will be required to undertake a basic food preparation, handling and food storage training course (this simply extends standard shore based requirements to the maritime industry).

5.13 In addition, when the regulations come into force the new MSN “Maritime Labour Convention 2006 Accommodation Facilities, food and Catering : Part X REQUIREMENTS AND GUIDANCE FOR THE PROVISION OF FOOD AND FRESH WATER ON BOARD MERCHANT SHIPS “ will replace the current MGN 397 Guidance for the provision of Food and Fresh Water onboard Merchant Ships and Fishing Vessels. The new notice takes the guidance as currently laid down in MGN 397 and identifies the mandatory requirements under the MLC, but will also include the guidance which is non mandatory and which can be identified as boxed and shaded text.

5.14 A draft assessment of the **costs and benefits** of the proposals is in the Impact Assessment attached to this consultation document. We would welcome information to inform/support our estimates, and in particular:

- the cost of extending the basic food preparation, handling and food storage training requirements to all “Catering Staff” which means those seafarer’s whose duties include the preparation of food or the service of meals on board;
- the cost of undertaking re-certification under the MLC. It should be understood that for those seafarers with proven qualifications in accordance with the Merchant Shipping (Certificate of Ship’s Cooks) Regulations 1981 need only complete the “bolt on” maritime module to become fully certificated as a Ships’ Cook.

You are invited to submit any comments on these proposals.