

MLC small commercial vessel information

Guidance on what shipowners will need to do to comply with the updated UK legislation, following the UK's ratification of the MLC.

1. How can a vessel with a very limited or single crew meet the minimum hours of rest requirements?

It's for the owner to demonstrate to the inspector that the vessel is being operated in compliance with the requirements of the minimum hours of rest. There are no exceptions.

This may mean:

- putting additional crew on board to allow rest to be taken while still on a voyage
- only permitting voyages that would allow the crew to rest in accordance with the requirements
- another means that allows the crew to be adequately rested

In particular in sailing/motor schools, if there's only one seafarer on board, and there's also a trainee deemed by the skipper to be capable of assisting the skipper to be experienced on board, the skipper may wish to have standing orders to wake him/her on a long passage while they sleep in certain situations.

If the skipper is worker then the voyage/rest plan will need to be adjusted to allow them to take their minimum rest.

Hours worked, ashore, alongside, preparing and storing the vessel, on other vessels or in other employment accumulate towards the total number of hours worked by those employed on board a vessel. This should be taken into account when ensuring that sufficient hours of rest are provided.

2. If a vessel is used as both a pleasure vessel and a commercial vessel, does it need to comply with the requirements of the MLC while it's being used as a pleasure vessel?

No. MLC doesn't apply to pleasure vessels.

However if you're employing crew on a pleasure vessel there are regulations which apply.

The Seafarers' Employment Agreement (SEA) is a contract so while compliance may not be a requirement while the vessel is being used as a pleasure vessel, there may be a requirement under civil law for the SEA to be honoured.

3. If a vessel is a 'one design' class of vessel, will the MLC accommodation standards apply to vessels of that class (that fall within the MLC application) built after the MLC comes into force?

Yes. Vessels that MLC applies to, and have their keels laid (or are at a similar stage of construction) after the MLC comes into force, will be required to comply with the new accommodation requirements.

4. If the vessel is manned by its owner(s), do they have to comply with the requirements of the MLC?

Yes. However the UK interpretation of the MLC is that where the owner(s) is (are) the sole seafarer(s) on board, certain elements aren't considered applicable:

- having a Seafarers' Employment Agreement
- having a complaints procedure
- payment of wages

The full requirements of the MLC apply for any other seafarers on board the vessel.

5. What happens if my boat (such as an open RIB) doesn't have any accommodation?

The MLC will apply, but it won't be possible for the vessel to meet the accommodation requirements. Required rest periods must be taken ashore.

6. If I carry additional people on board who work on board, aren't involved in the navigation of the vessel, such as surveying staff or offshore technicians, does the MLC apply to them?

It depends on whether they fall within the definition of a seafarer. These need to be considered on a case by case basis. MGN 471 provides further guidance.

7. Can the owner opt out of doing the MLC?

No, not if the UK MLC regulations apply to that vessel on that voyage. However an owner may opt not to use their vessel on UK domestic voyages within 60 miles of a UK safe haven, which removes them from the UK MLC inspection regime.

8. If a vessel is Category 1 or Category 0 coded, does it need to comply with the MLC?

If the vessel is on a voyage that is more than 60 miles from a UK safe haven, and has seafarers on board, it's subject to MLC inspection at least every 3 years.

While it's on UK domestic voyages within 60 miles of a UK safe haven, it's not subject to inspection for compliance with the MLC, but must still comply with the applicable UK regulations.

9. Are volunteers considered to be seafarers? Who is the employer and what is the contract in place?

Occasional volunteers are unlikely to be considered seafarers, as the vessel they're on isn't their normal place of work. See MGN 471 (M).

10. Do charity organisations have to comply?

The UK has interpreted the MLC's term "ships ordinarily engaged in trade" to mean "not being used as a pleasure vessel".

Experience has shown that very few vessels operated by charities are used as pleasure vessels.

If the vessel also has seafarers on board, then the UK MLC regulations will apply.

11. Is the MLC applicable/how is the MLC applicable to wind farm vessels where crew don't live on board.

The MLC is applicable to all seafarers, where the vessel isn't on a UK domestic voyage within 60 miles of a UK safe haven.

Within 60 miles of a UK safe haven the UK regulations apply.

If accommodation isn't provided on board, then those seafarers are restricted to voyages no longer than 14 hours. Provision must be made ashore to make sure that seafarers have the opportunity to get enough rest.

12. Will RIB operators require compliance?

If they're not on a UK domestic voyage within 60 miles of a UK safe haven, then the MLC applies to them too.

Within 60 miles of a UK safe haven, the UK regulations apply.

Where accommodation isn't provided on board, voyages will be limited to a maximum of 14 hours. Provision must be made ashore to make sure that seafarers have the opportunity to get enough rest.

13. Recreational facilities: what are the designated places?

On small vessels, finding suitable recreational spaces on deck can be difficult. The space provided may just be a cockpit on a motor or sailing yacht, or another place that provides suitable protection to the seafarer.

In all cases, but especially on workboats, consideration should be made to make sure that the deck space is a safe place for the seafarer to be.

There's a duty of care put on the employer to provide a safe place of work for all those on board.

Consideration should be given (but not limited) to:

- snap back zones from mooring and towing gear
- any lifting appliances
- cargo being transported
- booms and running rigging on sailing vessels

On a small vessel the internal recreational space may just be the saloon which has a variety of uses due to the limited space available.

14. Recreational facilities: some seafarers have been issued with packs of cards, is this enough?

On smaller vessels the size of the boat in question and the practicalities that go with that need to be considered. The MLC isn't prescriptive about the facilities to be provided, but includes the following guidelines:

- "Consideration should be given to including the following facilities at no cost to the seafarer, where practicable:
 - television viewing area and the reception of radio broadcasts;
 - showing films, the stock of which should be adequate for the duration of the voyage, and where necessary changed at regular intervals
 - sports and exercise equipment, table games and deck games;
 - a library containing vocational and other books, the stock of which should be adequate for the voyage and where necessary changed at regular intervals:
 - facilities for recreational handicrafts:
 - electronic equipment such as a radio, television, video recorders, DVD/CD player, personal computer and software and cassette recorder/player;
 - where appropriate the provision of a bar for seafarers unless this is contrary to national, religious or social customs; and reasonable access to ship-to-shore telephone communications, and email and Internet facilities, where available, with any charges for the use of these facilities being reasonable in amount."

15. Repatriation of crew: the surveyor has been made aware of insurance documents and details of what the company would do. Is this enough?

The insurance document must confirm:

- that the seafarer receiving medical treatment will be repatriated
- that the cover lasts until the seafarer is able to return home, not just to the end of their contract

16. Definition of seafarer: the surveyor has been told "He's not a seafarer, he's my son helping out." This was for an international voyage.

If the son is working on board the vessel, he is a seafarer and would be subject to the full requirements of the MLC.

The UK regulations make separate provision for seafarers who aren't employed.