



## 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.**

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

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

The following exemption granted by the competent authority as promised in Title 3 of the Convention are noted:

No exemption has been granted.


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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 provided 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.