

# MERCHANT SHIPPING ACT

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MERCHANT SHIPPING ACT

**An Act to provide for merchant shipping; and for related matters.**

*[Commenced]*

ENACTED by the National Assembly of the Federal Republic of Nigeria.

PART I

*Administration of the Act*

**1. Administration of Act and delegation of powers**

(1) Subject to the provisions of this Act, the Minister shall have the general superintendence of the matters to which this Act relates.



(2) The Minister may, by writing under his hand, delegate any of the powers or duties of a routine nature conferred on him under this Act.

(3) Any power or duty lawfully exercised by an officer, office or organisation to whom it has been delegated under subsection (2) of this section, shall be deemed to have been exercised as fully as if the power or duty was exercised by the Minister himself.

(4) Nothing in this section shall be construed as allowing the delegation of any power to make regulations or any order for the purposes of this Act.

## **2. Agency for Maritime Safety Administration**

(i) The Agency of Government established and responsible for Maritime Safety, Administration and Security shall be the implementing agency for this Act.

(ii) The Minister may, from time to time give to the Agency, such general directions, not inconsistent with the provisions of this Act or any regulations made under this Act on the policy to be pursued in the administration of Maritime Safety, as the Minister may consider necessary, and the Agency shall immediately take such steps as are necessary or expedient to give effect to the directions.

## **3. Returns as to merchant shipping, etc., to the Minister**

All consular officers of Nigeria abroad, the Nigerian Ports Authority, officers of the Nigerian Customs Service and the superintendent of Seafarer Services Office shall make and send to the Minister such returns or reports on any matter relating to merchant shipping and seamen as the Minister may require.

## **4. Appointment of officers**

There may be appointed for the purpose of giving effect to the provisions of this Act such persons, in addition to any officer who may be appointed under any other provision of this Act, as may from time to time be necessary.

## PART II

### *Restriction on Trading in Nigeria*

## **5. Certificate of licence required by all ships trading in Nigeria**

(1) No ship shall operate commercially in or from the waters of Nigeria unless the ship is-

- (a) a registered Nigerian ship;
- (b) provided with a certificate of foreign registration or other document similar or equivalent to that required by this Act;
- (c) registered by the law of a country other than Nigeria as a ship of that country and is by the law of that country exempted from registration;
- (d) pursuant to subsection (2) of this section, exempted from registration under this Act; or
- (e) a licensed Nigerian ship operating solely within the waters of Nigeria.

(2) The Minister may by notice exempt generally or specifically from registration under this Act, a licensed Nigerian ship or a class of Nigerian ship when operating outside the waters of Nigeria.

(3) Every register, certificate or licence authorised or required by this section may be proved certified under the hand of the Minister, the Registrar of Ships or any person duly authorised to deputise for the Registrar, or any other person who has charge of the original and is required to furnish to every person applying at a reasonable time for the same and paying such fee as shall be prescribed.

(4) Every document when proved as required under subsection (3) of this section shall, until the contrary is proved, be received as evidence of all matters recited, stated or appearing in it.

(5) Any owner, charterer, agent or master of a ship who contravenes the provisions of subsection (1) of this section commits an offence and on conviction is liable to a fine not less than five hundred thousand naira and the ship shall be liable to be detained by any officer of customs or other designated officer.

#### *National Character of Ships*

### **6. Need to show colours**

(1) A Nigerian ship shall hoist the national colour-

- (a) on a signal being made to the ship by any ship which forms part of the naval forces of Nigeria, or which is commanded by an officer of any such forces on full pay; and
- (b) if the ship is of fifty tons gross tonnage or upwards, on entering or leaving any port in a foreign country.

(2) Where a ship fails to hoist its flag as provided under this section, the master of the ship commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

### **7. National character of ships to be declared before clearance**

(1) A collector of customs shall not grant a clearance for any ship under this Act unless the master of the ship declares to the collector of customs the name of the country to which the ship belongs.

(2) A collector of customs shall upon the declaration made to him of the country to which the ship belongs inscribe the name of the country on the clearance.

(3) A ship that attempts to proceed to sea without clearance of a collector of customs may be detained by the collector of customs until the declaration is made by the master of the ship.

### **8. Penalty for unduly assuming Nigerian character**

(1) A foreign ship shall be liable to forfeiture if a person uses the national colours and assumes the national character of Nigeria on board the foreign ship for the purpose of making that ship appear to be a Nigerian ship, unless the assumption made or the distinctive

flag, ensign, pendant or marking was used, for the purpose of escaping capture by an enemy or by a ship of war in the exercise of a belligerent right.

(2) In any proceedings for enforcing forfeiture under subsection (1) of this section, the burden of proving a title to use any colours, flag, ensign, pendant or marking referred to in subsection (1) of this section and assuming any character referred to in that subsection, lies on the person using and assuming the same.

### **9. Penalty for concealment of Nigerian or assumption of foreign character**

(1) If the master or owner of a ship which is owned wholly by persons qualified to own a registered Nigerian ship does anything or permits anything to be done or carries or permits to be carried, any papers or documents, with intent to-

- (a) conceal from any person who is under the law, entitled to inquire into the fact that the ship is a ship owned wholly by persons qualified to own a registered Nigerian ship; or
  - (b) assume a foreign character; or
  - (c) deceive any person so entitled to inquire into the ownership of the ship,
- the ship shall be liable to forfeiture under this Act.

(2) The master of a ship which is liable to forfeiture under subsection (1) of this section, if he commits or is privy to the commission of the offence, shall on conviction be liable to a fine not less than five hundred thousand naira or to imprisonment for a term not less than two years or both.

### **10. Penalty for acquiring ownership if unqualified**

(1) If any person who is not qualified to own a registered Nigerian ship acquires as owner, any interest in a ship legal or beneficial, otherwise than by such transmission as is provided for in this Part of this Act-

- (a) which is registered in Nigeria and owned wholly by persons qualified to own a registered Nigerian ship; and
  - (b) which uses the national colours and assumes the national character of Nigeria,
- that interest is liable to forfeiture.

(2) Nothing in this section shall be construed as prohibiting a Nigerian ship which is exempted from registration under this Part of this Act, from using on the coasts or inland waters of Nigeria, the national colours of Nigeria, or any other national colours which any ship is for the time being entitled to wear in accordance with any Act or rule of law.

### **11. Liabilities of ships not recognised as Nigerian ships**

(1) Where a ship which is owned wholly by persons qualified to own a registered Nigerian ship is not recognised as a Nigerian ship under this Act, the ship shall not be entitled to-

- (a) any benefits, privileges, advantages or protection that are usually enjoyed by Nigerian ships; or
- (b) use the national colours or assume the national character of Nigeria.

(2) The payment of dues, the liability to fines and forfeiture and the punishment of offences committed on board the ship or by any person belonging to the ship, shall be dealt with in the same manner in all respects as if the ship was registered in Nigeria and recognised as a Nigerian ship.

## **12. Penalty for carrying improper colour**

(1) If there are hoisted on board-

- (a) any Nigerian ship any colours or pendant usually worn by ships of the naval forces of Nigeria or the distinctive national colours of any country except the national colours as the ship is, for the time being, allowed to wear in accordance with any written law or any other lawful authority; and
- (b) a foreign ship any colours or pendant other than the proper national colours of the ship or any other pendant or colours which the ship is, under the law of the foreign country in which the ship is registered or belongs and is for the time being allowed to wear,

the master of the ship or the owner, if he is on board or every other person hoisting the pendant or colours, commits an offence and is liable on conviction to a fine not less than two hundred thousand naira.

(2) Any commissioned officer on full pay in any of the armed forces of Nigeria or any collector of customs, or, in the case of any Nigerian ship, any authorised officer, may board any ship on which any pendant or colours are hoisted contrary to this section and seize and take away the pendant or colours, and any such pendant or colours shall be forfeited.

*Name of Ship*

## **13. Name of ship**

(1) Every ship shall be registered by name in the register and accordingly, no two or more ships shall bear the same name.

(2) The Registrar may refuse to register a ship by a name proposed for registration if the name is already the name of a Nigerian ship or a name calculated to deceive or to offend the public interest.

(3) A Nigerian ship shall not be described by any name other than that by which the ship is for the time being registered.

(4) Where a foreign ship, not having at any previous time been registered in Nigeria, becomes the property of persons qualified to own a registered Nigerian ship, no person shall apply to register that ship at a port of registry in Nigeria except by the name which the ship bore as a foreign ship immediately before the ship became the property of persons qualified to own a registered Nigerian ship:

Provided that no registrar at any port of registry in Nigeria shall knowingly register the ship by any other name without the prior approval in writing of the Agency.

(5) A person who acts or permits any person under his control to act, in contravention of this section or omits to do or permits any person under his control to omit to do, anything required by this section, commits an offence and on conviction is liable to a fine not

less than one hundred thousand naira; and, except in the case of an application being made under this section with respect to a ship which has not at any previous time been registered in Nigeria, the ship may be detained until this section is complied with.

#### **14. Change of nature of ship**

(1) If the approval of the Agency is required to enable a ship to be registered in Nigeria in the name by which it is proposed to be registered or if the Agency's approval is required to change the name of any ship registered in Nigeria an application shall be made to the Agency in writing.

(2) Subject to the provisions of this Part of this Act and any rules made or deemed to have been made pursuant to this Act, the Agency may, in its discretion, give approval to the registration of the ship by the name proposed or as the case may be, to the proposed change of the name by which the ship is registered.

(3) Upon giving an approval under subsection (2) of this section, the Agency may, and shall in any case where any rules made or deemed to have been made pursuant to section 15 so direct, require notice of the approval to be given in such form and manner as it thinks fit or as the rules require, before the name of the ship is marked on the ship or before the name of the ship is entered on the register, or, in the case of a change of name of a ship registered in Nigeria, before the name of the ship is altered in the register.

(4) The approval of the Agency under this section shall be in writing signed by the Minister or on his behalf by any person authorised by the Minister and if the approval is given under any rules made or deemed to have been made pursuant to this Part shall contain a statement of the conditions, if any, subject to which the approval is given.

(5) On the approval of the Agency under this section being obtained, and upon the giving of such notice, if any, as is required-

(a) if the approval relates to an application to register a ship in Nigeria, the Registrar to whom the application is made, upon delivery to him of the document signifying the Agency's approval and on the other requisites to registration being duly complied with, shall register the ship by the name proposed in accordance with the provisions of this Part; or

(b) if the approval relates to an application to change the name of a ship registered in Nigeria, the Registrar at the ship's port of registry, upon delivery to him of the ship's certificate of registry and the document signifying the Agency's approval, shall alter the name in the register book, and shall endorse and sign a memorandum of the alteration on the ship's certificate of registry.

(6) When the name of a ship registered in Nigeria is changed under this section, the name of the ship upon its bows and stem shall immediately be altered correspondingly and if default is made in compliance with this subsection, the owner of the ship commits an offence and on conviction is liable to a fine not less than one hundred thousand naira and the ship may be detained by a customs officer or detaining officer until this subsection is complied with.

(7) Any document purporting to signify the approval of the Agency in respect of an application under this section and to be signed by the Minister or any person authorised by him for the purpose, shall be admissible in evidence.

#### **15. Minister to make rules regarding name of ship**

(1) The Minister may make rules prescribing the circumstances in which, and the conditions subject to which the Agency's approval may be given to the registration of a ship in Nigeria by a proposed name and the rules may prescribe the form of notice to be given before the name of the ship is marked on the ship, or before the name of the ship is entered on the register, or, in the case of a change of name of a ship registered in Nigeria, before the name of the ship is altered in the register.

(2) If in respect of any ship, default is made in compliance with any conditions subject to which the approval of the Agency is granted under any rules made or deemed to have been made pursuant to this section, the owner of the ship commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

### PART III

#### *Registration and Licensing of Ships*

#### *Registries of Ships*

#### **16. Registry of ships**

(1) There shall be maintained a Central Ship Registry for the registration and licensing of Nigerian ships.

(2) The Minister may, from time to time, by notice published in the *Gazette* appoint other places for the registration of ships and at each such place there may be appointed a fit person to be the Registrar of Ships.

(3) No Registrar shall be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default made by him as Registrar, unless the default happened through his neglect or wilful default.

(4) For the purposes of this Part of this Act, Registrar includes a Deputy Registrar.

(5) For the purposes of this Part of this Act, "ship" includes any barge, lighter or like vessel used in navigation in Nigeria and however propelled, so however, that no self-propelled vessel which is less than 15 gross tons shall be subject to registration.

#### **17. Register or books**

(1) The Registrar of Ships shall keep such register or books as may be deemed necessary including the following:

- (a) a register for merchant ships;
- (b) a register for fishing vessels;
- (c) a register for ships under construction;
- (d) a register for ships on bareboat charters and other charters exceeding 12 months duration;
- (e) a register for licensed ships below 15 gross tons;
- (j) a register for Floating Production Storage and Offloading (FPSO) and Floating Storage and Offloading (FSO).

(2) Entries in the books referred to in subsection (1) of this section, shall be made in accordance with the following provisions:

- (a) an individual may be registered as sole owner of a ship in his own name;
- (b) a person shall not be entitled to be registered as owner of a fractional part of a share in a ship; but any number of persons not exceeding five may be registered as joint owners of a ship or of any share therein;
- (c) joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose in severalty

of any interest in a ship, or in any share the interest in respect of which they are registered;

(d) a corporation may be registered as owner by its corporate name.

(3) Notwithstanding the provisions of this Act relating to registration and licensing of ships, any vessel intending to operate within the coastal and inland waters of Nigeria shall obtain operational permits from the relevant agencies of Government.

#### *Qualifications for Owning Nigerian Ships*

### **18. Qualification for owning Nigerian ships**

(1) Subject to the provisions of subsection (2) of this section and of any rules made or deemed to have been made hereunder, a ship shall not be registered in Nigeria under this Act unless the ship is owned wholly by persons of the following descriptions (in this Act referred to as "persons qualified to own a registered Nigerian ship"):

- (a) Nigerian citizens;
- (b) bodies corporate and partnerships established under and subject to Nigerian laws, having their principal place of business in Nigeria;
- (c) such other persons as the Minister may, by regulations prescribe.

(2) The Minister may make rules with respect to the manner in which Nigerian Government ships, or any class of those ships, may be registered under this Act; and, subject to any modifications which may be made by those rules either generally or in respect of any specified class of ships, this Act shall apply to Nigerian Government ships which are registered in accordance with the rules as if they were ships registered in the manner hereinafter provided.

(3) Where the Minister has reason to believe that there is some doubt as to the title of any ship registered in Nigeria under this Act to be so registered, the Minister may direct the Registrar at the port of registry of the ship to require that evidence be given to his satisfaction that the ship is entitled to be so registered.

(4) If, within such time as may be determined by the Minister, not being less than thirty days, evidence to the satisfaction of the Registrar of the title of the ship to be registered is not given, the ship shall be liable to forfeiture.

### **19. Obligation to register ships**

(1) Whenever a ship is owned wholly by persons qualified to own a registered Nigerian ship, the ship shall be registered in Nigeria in the manner provided in this Part of this

Act or in any other country in accordance with the laws of that country, unless the ship is, pursuant to subsection (2) of this section, exempted from registration under this Act.

(2) The Minister may, if he thinks fit, by notice in the *Gazette* generally or specially exempt a ship not exceeding fifteen tons employed solely on the coasts or inland waters of Nigeria from registration under this Act.

(3) Any ship, other than a Nigerian licensed ship, which does not comply with the requirements of subsection (1) of this section, shall not be recognised as a Nigerian ship.

(4) If the master of any ship which is owned wholly by persons qualified to own a registered Nigerian ship fails on demand to produce a certificate of registration of the ship or such other evidence to satisfy the Minister that the ship complies with the requirements of subsection (1) of this section, the ship may be detained until that evidence is produced.

(5) Any ship, which is registered at a port in Nigeria immediately before the commencement of this Act, shall be a registered ship under this Act if Nigerian citizens or a body corporate owns it, unless the Minister directs otherwise.

(6) A bareboat chartered ship shall, upon registration fly the Nigerian flag and be regarded as a Nigerian registered vessel whilst the charter persists.

(7) The Registrar shall notify the former port of registry of a Nigerian bareboat chartered ship of the registration of the ship in Nigeria and satisfy him that the registration in that port is suspended.

(8) The Registrar shall require production of the information and documentation specified in section 21, subsection (4) (a), (c), (j), (g), (h) and section 22 of this Act prior to the registration of a bareboat charter.

(9) A charter of less than 12 months' duration other than a bareboat charter, shall be licensed and such a chartered vessel shall not fly the Nigerian flag and not be regarded as a Nigerian registered vessel.

(10) The registration of a charter shall be renewed annually and the charterer shall furnish the Registrar with information concerning-

- (a) the duration of the charter party;
- (b) the parties to the charter;
- (c) the hire cost;
- (d) the route on which the vessel is expected to ply;
- (e) the type of goods, which are expected to be carried.

(11) Every vessel registered in Nigeria and every chartered vessel shall be subject to the payment of such annual fee as the Minister may by order impose.

(12) An owner, charterer or operator of a vessel who fails to pay the fee shall be liable to a fine not less than one hundred thousand naira.



## **20. Minister to make regulations**

The Minister may make regulations relating to the procedure for the registration of Nigerian ships, which regulations shall not be inconsistent with the provision of this Act.

## **21. Application for registration**

(1) An application for registration of a ship in Nigeria under this Act shall be made formally in writing to the Registrar at a port of registry in Nigeria in such form as the Minister may, from time to time, approve.

(2) An application under this section shall-

- (a) in the case of an individual be made by the person requiring to be registered as owner or by one or more of the persons so requiring, if more than one, or by his or their agent; and
- (b) in the case of a corporation, by its agent.

(3) The authority of an agent shall be testified by writing, if appointed by an individual, under the hands of the appointors, and if appointed by a corporation, under the common seal of the corporation.

(4) The Registrar shall be furnished with the following information and documentation before proceeding with the registration of a ship under this Act:

- (a) the full names, addresses and occupations of the purchaser or purchasers of the ship;
- (b) evidence of ability or experience of the purchasers to operate and maintain the vessel;
- (c) the ownership of shares in the company applying to register the ship;
- (d) the apportionment of shares in the vessel;
- (e) in the case of a ship with a previous registration, a bill of sale with warranty against liens and encumbrances from the sellers;
- (f) the log-book of the ship for inspection by the Registrar;
- (g) evidence of financial resources sufficient for the operation and maintenance of the ship; and
- (h) the certificate of incorporation and Articles of Association of the company.

## **22. Survey and measurement of ship**

(1) The owner of a ship or an applicant who is applying for the registration of a ship under section 21 of this Act shall on or before making the application, cause the ship to be surveyed by a Surveyor of Ships and the tonnage of the ship to be ascertained in accordance with the Tonnage Regulations made under this Act.

(2) The surveyor shall, upon making the survey, deliver to the owner or applicant a tonnage certificate signed by the surveyor and the certificate shall be delivered to the Registrar before the ship is registered.

(3) A surveyor's tonnage certificate shall be in a form approved by the Minister, and shall specify the ship's tonnage and build, and such other particulars descriptive of the identity of the ship as the Minister may, from time to time, require.

### **23. Marking of ship**

(1) Every ship in respect of which an application for registration under section 21 of this Act is made shall, before it is registered, be marked permanently and conspicuously to the satisfaction of the Minister as follows:

- (a) the name of the ship shall be marked on each of its bows, and the name of the ship and the name of the ship's port of registry shall be marked on the stem of the ship, on a dark background in white or yellow letters, or on a light background in black letters, such letters to be of a length not less than four inches and of a proportionate breadth;
- (b) the official number and the number denoting the ship's registered tonnage shall be cut in on the main beam of the ship;
- (c) a scale denoting the ship's draught of water shall be marked on each side of the stem and of the stem post of the ship in Roman capital letters or in figures not less than six inches in length, such that the lower line of the letters or figures coincides with the draught line denoted by the scale and those letters or figures shall be marked by being cut in and painted white or yellow on a dark background,

or in such other way as the Minister may approve.

(2) The marks required by this section shall be permanently continued, and no alteration shall be made in the marks except in the event of any of the particulars denoted by them being altered as provided by this Act.

(3) The owner or master of any ship who-

- (a) fails to keep the ship marked as is required by this section in the case of ships of that class registered in Nigeria; or
- (b) conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate, any of the marks on the ship, except as provided in subsection (2) of this section, or for the purpose of escaping capture by an enemy,

commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

(4) Where a Surveyor of Ships or an inspector certifies that a ship registered in a foreign country is insufficiently or inaccurately marked, the ship may be detained until the insufficiency or inaccuracy is remedied.

(5) No ship registered in a foreign country shall be detained under this section if the owner or master of the ship shows that the ship is marked, and has been kept marked, in accordance with the law of the country in which the ship is registered.

### **24. Declaration of ownership in registry**

(1) A person shall not be registered as the owner of a ship, or of a share of the ship, until the person or in the case of a corporation, the person authorised by this Part of this

Act to make declarations on behalf of the corporation makes and signs a declaration of ownership referring to the ship as described in the surveyor's tonnage certificate and containing the following particulars:

- (a) a statement of the person's qualification to own a registered Nigerian ship, or, in the case of a corporation, of the circumstances of the constitution and business of the corporation as proof of qualification to own a registered Nigerian ship;
- (b) a statement of the time when, and the place where, the ship was built or if the ship was built in a foreign country and the time and place of building are unknown, a statement that the ship was built in a foreign country and that the declarant does not know the time and place of the ship's building; and, in addition, in the case of a foreign ship, a statement of the ship's foreign name or in the case of a ship condemned, a statement of the time, place and court at and by which it was condemned;
- (c) a statement of the name of the master of the ship;
- (d) a statement of the number of shares in the ship of which the owner or the corporation, as the case may be, is entitled to be registered as owner;
- (e) a declaration that, to the best of the knowledge and belief of the owner of a ship, no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share in the ship.

(2) Where a declaration is made under this section that a former registration of a ship has been deleted, evidence of the deletion shall be produced.

(3) A declaration of ownership by an individual owner and a declaration of ownership on behalf of a corporation as owner shall each be made in the form approved for the purpose by the Minister.

## **25. Evidence on first registration**

(1) An application for the registration of a ship in Nigeria on the first registration of the ship shall produce the following evidence in addition to the declaration of ownership:

- (a) in the case of a ship built in a foreign country, a certificate signed by the builder of the ship, and containing a true account of-
  - (i) the proper denomination and tonnage of the ship as estimated by the applicant;
  - (ii) the time when, and the place where, the ship was built;
  - (iii) the name of the person, if any, on whose account the ship was built;
  - (iv) if there has been any sale, the bill of sale under which the ship, or a share in the ship has become vested in the applicant for registration;and
- (b) in the case of a ship that has been sold by any competent court, an official copy of the bill of sale.

(2) Where a declarant under subsection (1) of this section, makes the declaration of ownership of a ship and declares that the time and place of the building of the ship are unknown to him, or that the builder's certificate cannot be procured, the declarant shall be required to produce only the bill of sale under which the ship or a share in the ship, became vested in the applicant for registration.

(3) The owner or applicant for the registration of a ship built in Nigeria, may request the builder of the ship to deliver to the owner a signed certificate containing the particulars specified in paragraph (a) of subsections (1) and (2) of this section and the builder shall, when so requested, deliver the certificate.

(4) A builder who fails to comply with subsection (3) of this section or wilfully makes a false statement in a certificate given under that subsection, commits an offence and on conviction is liable to a fine not less than three hundred thousand naira.

(5) In this section, "**builder**", in the case of a ship built in Nigeria, includes any person to whom the Minister grants a licence to carry on the business of builder of a ship, and in the case of a ship built in a foreign country, includes any person who is recognised in accordance with the law of that country.

## **26. Entry of particulars in register**

(1) The Registrar shall, as soon as the requirements of this Part of this Act preliminary to registration have been complied with, enter in the register, the-

- (a) name of the ship and the previous name and registry if any;
- (b) details comprised in the surveyor's tonnage certificate;
- (c) particulars of the origin of the ship stated in the declaration of ownership;
- (d) name, address and occupation of the registered owner or owners of the ship and where there are more than one, what share in the ship is held by each owner;
- (e) name of the builders, the place and year the ship was built;
- (f) particulars of any mortgage, liens or similar charges regarding the ship;
- (g) international call sign of the ship if a call sign has been assigned to the ship;
- (h) name, address and, as appropriate, the nationality of the bareboat charterer;
- (i) name, address and, as appropriate, the nationality of the operator, when the operator is not the owner or the bareboat charterer.

(2) The Registrar shall, on the registration of a ship, retain in his possession the following documents in addition to the documentation prescribed in section 21 (4) of this Act:

- (a) the surveyor's tonnage certificate;
- (b) the builder's certificate, if any;
- (c) all declarations of ownership;
- (d) any bill of sale of the ship previously made; and
- (e) the copy of the condemnation, if any.

## **27. Managing owner to be registered**

(1) The Registrar shall cause the name and address of the managing owner for the time being of every ship registered in Nigeria to be registered in the register at the ship's port of registry.

(2) Where there is no managing owner of a ship, the name of the ship's agent or other person to whom the management of the ship is entrusted by or on behalf of the owner shall be registered and any person whose name is so registered shall, for the purposes of this Act, be under the same obligations, and subject to the same liabilities, as the managing owner.

(3) The owner of a ship who makes a default in complying with the provisions of this section, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira and to an additional fine not less than fifty thousand naira for each occasion on which the ship leaves any port in Nigeria while that default continues.

## **28. Cancellation of registration**

The Registrar shall cancel the registration of a ship registered in Nigeria at any time the ship-

- (a) appears to be registered also in a foreign country; or
- (b) ceases to comply with the qualifications for the ownership of a Nigerian ship as required by section 18 of this Act; or
- (c) appears to have been lost, abandoned or broken up.

## **29. Restriction on deregistration of ship**

The Registrar shall not permit the deregistration of a ship registered under this Act without the consent in writing of all the registered holders of mortgages on the ship registered under this Act.

### *Certificate of Registry*

## **30. Issue and custody of certificate of registration**

(1) The Registrar shall on completion of the registration of a ship, issue a certificate of registration in such form as may be approved by the Agency.

(2) The certificate of registration of a ship, whether or not the ship is a Nigerian ship, shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge or interest which the owner or mortgagee or any other person has or claims to have on or in the ship.

(3) A person who has in his possession or under his control, the certificate of registration of a ship shall not refuse or omit, without reasonable cause, to deliver the certificate on demand to the person entitled to the custody of the certificate for the purposes of the lawful navigation of the ship, or to any Registrar, ship surveyor, collector of customs or other person entitled by law to require its delivery.

(4) Any person who contravenes the provisions of subsection (3) commits an offence and on conviction is liable to a fine not less than twenty thousand naira.

(5) If, in any proceedings in respect of an offence under this section, the court is of the opinion that the certificate of registration is lost, the court shall certify the loss and cause a copy of the certification to be transmitted to the Agency.

### **31. Use of improper certificate**

The owner or master of a ship who uses or attempts to use for the navigation of the ship, a certificate of registration not legally granted in respect of the ship whether or not the ship is a Nigerian ship commits an offence and on conviction is liable to a fine not less than three hundred thousand naira or to imprisonment for a term not exceeding two years or both, and, in addition, the ship shall be liable to forfeiture.

### **32. Power to grant new certificate**

(1) The Registrar at the port of registry of a ship registered in Nigeria may, with the approval of the Agency and on the delivery to him of the certificate of registration of the ship, grant a new certificate in lieu of the old one.

(2) In the event of the certificate of registration of a ship registered in Nigeria being lost or destroyed, the Registrar at the port of registry of the ship shall upon being satisfied of the loss or destruction grant a new certificate of registration in lieu of the original certificate of the registration.

(3) If, in the case of a ship registered in Nigeria, the event referred to in subsection (2) of this section, occurs while the ship is at a port outside Nigeria, or if, after the occurrence of the event, the ship first arrives at a port outside Nigeria, the master of the ship, or another person having knowledge of the facts of the case, shall furnish the appropriate officer at that port with a declaration stating the facts of the case and the names and descriptions of the registered owners of the ship and the proper officer may, upon the declaration, grant a provisional certificate of registration, in a form approved by the Agency and the provisional certificate shall contain a statement of the circumstances in which it is granted.

(4) Whenever the appropriate officer grants a provisional certificate under subsection (3) of this section, the officer shall transmit a copy of that certificate to the Registrar at the ship's port of registry.

(5) The master of a ship in respect of which a provisional certificate has been granted under subsection (3) of this section, shall within ten days after the first subsequent arrival of the ship at a port in Nigeria, deliver the provisional certificate-

- (a) to the Registrar at that port; or
- (b) if there is no Registrar at that port, to the Registrar at the ship's port of registry.

(6) If the master of the ship fails to comply with the provisions of subsection (5), he commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

(7) If a provisional certificate is delivered under subsection (5) to a Registrar who is not the Registrar at the ship's port of registry, he shall immediately forward the certificate to the Registrar at the ship's port of registry.

(8) Upon receipt of a provisional certificate granted under this section, the Registrar at the ship's port of registry shall grant a new certificate of registration.

### **33. Endorsement of change of master on certificate**

(1) Where the master of a ship registered in any foreign country is changed in consequence of the removal of the master by a marine court under this Act, the court shall cause a memorandum of the change to be endorsed on the certificate of registration of the ship and cause a copy of the endorsement to be transmitted to the Agency.

(2) Where the master of a ship registered in Nigeria is changed while the ship is at a port in Nigeria for any cause other than that mentioned in subsection (1) of this section, the Registrar at the port, or, if there is no Registrar at the port, the Registrar at the ship's port of registry, shall endorse and sign a memorandum of the change on the ship's certificate of registry.

(3) Where the master of a ship registered in Nigeria is changed while the ship is at a port out of Nigeria, the appropriate officer at the port shall endorse and sign a memorandum of the change on the ship's certificate of registry but if the change occurs in consequence of the removal of the master of the ship by a competent court in a foreign country, or in consequence of the sentence of a competent naval court constituted under the law of a foreign country the court shall cause a memorandum of the change to be endorsed on the ship's certificate of registry.

(4) Where any Registrar, not being the Registrar at the ship's port of registry, or any appropriate officer, makes an endorsement under this section, he shall immediately notify the Registrar at the ship's port of registry.

(5) The owner of a power driven craft of not less than 15 gross tons operating solely on inland waters shall, from time to time, keep a continuous record of the persons in charge of that craft and the engines of the craft and the record shall contain the name, address and certificate number of the said person and the dates when he assumed command and left the craft.

(6) The owner shall produce such record at any time on demand by any officer of the Minister, and any owner who fails to comply with this subsection commits an offence and on conviction is liable to a fine not less than twenty thousand naira.

### **34. Endorsement of change of ownership on certificate of registry**

(1) Whenever a change occurs in the registered ownership of a ship registered in Nigeria, the change of ownership shall be endorsed on the certificate of registration by the Registrar at the ship's port of registry, or by the Registrar or appropriate officer at any port at which the ship arrives after the registration officer is advised of the change by the Registrar at the ship's port of registry.

(2) The master shall, for the purpose of an endorsement of the certificate of registration of the ship by the Registrar at the ship's port of registry, immediately deliver the certificate to the Registrar after the change, if the change occurs when the ship is at the port of registry but if the change occurs during the absence of the ship from that port and the endorsement under this section is not made before her return, then, upon her first return to that port.

(3) The Registrar at any port of registry, not being the ship's port of registry, or any appropriate officer required by this section to make an endorsement on the certificate of registration of a ship registered in Nigeria, may require the master to deliver the ship's

certificate of registration to him, as long as the ship is not detained; and the master shall deliver the certificate accordingly.

(4) Where any Registrar, not being the Registrar at the ship's port of registry, or any proper officer, makes an endorsement under this section in respect of any ship, he shall forthwith notify the Registrar at the ship's port of registry.

(5) The master of a ship who fails to deliver the ship's certificate of registration to a Registrar or the appropriate officer when required under this section to do so, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

(6) Where the ownership of any ship registered in Nigeria is changed, the Registrar at the ship's port of registry may, on the application of the owner of the ship, register the ship anew, notwithstanding that a new registration is not required under this Part of this Act.

### **35. Endorsement of change of ownership on certificate of registry**

(1) If a ship registered in Nigeria-

- (a) is actually or constructively lost, taken by the enemy, burnt or broken up; or delivery up of certificate when ship is lost or ceases to be a Nigerian ship;
- (b) ceases to be entitled to be registered under this Act by reason of a transfer to a person not qualified to own a registered Nigerian ship; or for any other reason except the transfer of its registry to a port in another country,

the owner of the ship or any share in the ship shall, immediately on obtaining knowledge of the event, if notice has not already been given, give notice to the Registrar at the port of registry of the ship.

(2) The Registrar upon receiving notice under subsection (1) of this section, shall make an entry of the notice in the register, and the registration of the ship in that register shall be considered as closed except so far as relates to any unsatisfied mortgage or existing certificate of mortgage entered in it.

(3) Whenever an event under subsection (1) of this section occurs, the master of the ship, except where the ship's certificate of registration is lost or destroyed, shall, if the event occurs in Nigeria or at any port, within ten days of the occurrence, or, if the event occurs elsewhere within ten days after the arrival of the master in Nigeria or at any port, deliver the ship's certificate of registration to the Registrar at the port at which the event occurs or at which the master first arrives after the event or if there is no Registrar at that port to the Registrar at the ship's port of registry.

(4) If the event in subsection (1) or (2) of this section occurs at any port outside Nigeria, or if after the event, the master first arrives at any port outside, he shall deliver the ship's certificate of registration to the appropriate officer at the port.

(5) Any owner or master of a ship who fails, without reasonable cause, to comply with the provisions of this section commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

(6) If a ship's certificate of registration is delivered under subsection (3) of this section to a Registrar who is not himself the Registrar at the ship's port of registry, or to an



appropriate officer, that Registrar or an appropriate officer shall immediately forward the certificate to the Registrar at the ship's port of registry.

(7) For the purposes of subsection (1) of this section, a ship shall be deemed to be constructively lost if there is, in respect of that ship, a constructive total loss within the meaning of that expression in the Marine Insurance Act.

### **36. Re-registration of abandoned ships**

If a ship ceases to be registered in Nigeria by reason of having been-

- (a) wrecked or abandoned; or
- (b) for any other reason except capture by the enemy; or
- (c) transferred to a person not qualified to own a registered Nigerian ship or transfer of its registry to a port in a foreign country,

the ship shall not be registered in Nigeria until the ship has, at the expense of the applicant for re-registration, been inspected by a Surveyor of Ships and certified by the surveyor to be seaworthy.

### **37. Provisional certificate for ship which in a foreign country becomes Nigerian owned**

(1) If, at a port in a foreign country, a ship becomes the property of persons qualified to own a registered Nigerian ship and one or more of those persons or the master of the ship authorised to do so by him or them declare to the appropriate officer at the port an intent to apply to have the ship registered in Nigeria, the appropriate officer may grant to the master of the ship, on application by him, a provisional certificate, in a form approved by the Minister, stating the--

- (a) name of the ship;
- (b) time and place of the purchase of the ship and the names and addresses of the purchasers;
- (c) name of the master; and
- (d) best particulars respecting the tonnage, build and description of the ship which he is able to obtain,

and shall immediately forward a copy of the certificate to the Minister.

(2) A provisional certificate granted in accordance with subsection (1) of this section, shall be deemed to be a certificate of registration until the expiry of six months from the date on which it was granted, or until the arrival of the ship at a port in Nigeria, whichever is the earlier date and shall after the arrival of the ship in Nigeria have no effect.

(3) The master of a ship in respect of which a provisional certificate is granted under this section shall, within ten days of the ship's first arrival at a port in Nigeria, deliver the certificate to the Registrar at the port or if there is no Registrar at the port, to the Registrar at the ship's intended port of registry.

(4) Any master who fails to comply with subsection (3) of this section commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

### **38. Temporary passes instead of certificate of registry**

(1) Where the Minister is by reason of special circumstances, satisfied that permission be granted for a ship to pass from any port in Nigeria to any other port in a foreign country without being previously registered, the Minister may direct the Registrar to grant a pass in respect of that ship specifying->

- (a) the voyage which the ship is thereby authorised to make; and
  - (b) the item for which, and any limits within which, the pass remains valid,
- the Registrar so directed, shall grant the pass accordingly.

(2) A pass granted under this section shall be in form approved by the Minister; the pass granted under the corresponding provisions of the law of any country other than Nigeria, shall, for the time and within the limits mentioned in the pass have the same effect as a certificate of registration-

- (a) in Nigeria, the Registrar at the port at which the alteration is made, or if there is no Registrar at the port, the Registrar at the ship's port of registry;
- (b) elsewhere, on the ship's first arrival at a port in Nigeria after the alteration, the Registrar or appropriate officer, shall, upon application being made to him and on receipt of a certificate from a Surveyor of Ships stating the particulars of the alteration cause the alteration to be registered in accordance with the provisions of section 47 of this Act or direct that the ship be registered anew in accordance with the provisions of section 49 of this Act.

(3) Whenever a ship registered in Nigeria is altered as provided in subsection (1) of this section, application to register that alteration shall be made in accordance with the provisions of subsection (3) of this section.

(4) If the owner of a ship that is altered fails to comply with the provisions of this section, he commits an offence and on conviction is liable to a fine not less than one hundred thousand naira and in addition to a further fine not less than ten thousand naira for every day during which the offence continues after conviction.

(5) In this section, "**surveyor of ship**" includes any person who is, under the law of the country in which the ship is surveyed, qualified to survey ships for the purpose of ascertaining the tonnage of the ships in accordance with the tonnage regulations of that country.

### **39** .....

[EDITORIAL NOTE: The text for section 39 was omitted in the Federal *Gazette* and not available

at the time of print. It will be included in future updates to the work.]

### **40. Procedure for registration of alteration**

(1) Where a Registrar or appropriate officer, on an application as to an alteration in a ship registered in Nigeria, causes the alteration to be registered, the certificate of registration of the ship shall be produced to him; and the Registrar or proper officer shall, in his discretion, either retain the certificate of registration and grant a new certificate of registration containing a description of the ship as altered or endorse and sign on the existing certificate a memorandum of the alteration.

(2) Where any Registrar, not being the Registrar at the ship's port of registry or any appropriate officer grants a new certificate or endorses an existing certificate under this section, he shall immediately send a report of the particulars of the case to the Registrar

at the ship's port of registry, containing a statement similar to that contained in the certificate or endorsement, and accompanied, where a new certificate of registration has been granted, by the former certificate of registration.

(3) The particular of the alteration made in a ship and the fact that a new certificate has been granted or an endorsement has been made, shall be entered in the register by the Registrar at the ship's port of registry.

#### **41. Provisional certificate where ship registered anew**

(1) Where a Registrar who is not the Registrar at the ship's port of registry, or any appropriate officer, on an application as to an alteration in a ship registered in Nigeria, directs the ship to be registered anew the Registrar or officer shall grant a provisional certificate, describing the ship as altered, or provisionally endorse the particulars of the alteration on the existing certificate.

(2) Where a Registrar or appropriate officer grants a provisional certificate or provisionally endorses a certificate under this section, the Registrar or officer shall add to the certificate or endorsement a statement that the certificate or endorsement is made provisionally and send a report of the particulars of the case to the Registrar at the ship's port of registry, containing a statement similar to that contained in the certificate or endorsement.

(3) The master of every ship in respect of which a provisional certificate is granted or endorsed under this section shall, within ten days of the ship's first arrival after the grant of the provisional certificate or endorsement at a port in Nigeria, deliver that certificate to the Registrar at the port or if there is no Registrar at that port, to the Registrar at the ship's port of registry.

(4) Any master of a ship who fails to comply with subsection (3) of this section commits an offence and on conviction liable to a fine not less than one hundred thousand naira.

(5) If, under this section, a ship's certificate of registration is delivered to a Registrar who is not himself the Registrar at the ship's port of registry, he shall immediately forward the certificate to the Registrar at the ship's port of registry.

(6) When any ship in respect of which a provisional certificate is granted or a certificate is endorsed under this section, first arrives after the grant or endorsement at a port in Nigeria, application for registration of that ship anew shall be made to the Registrar at the ship's port of registry, and the other requisites for registration shall be complied with.

(7) The owner of a ship under this section who fails to comply with this section, commits an offence and on conviction is liable to a fine not less than two hundred thousand naira in addition to a further fine not less than ten thousand naira for every day during which the offence continues after conviction.

#### **42. Procedure for registration anew**

(1) When a ship registered in Nigeria is to be registered anew, the Registrar at the ship's port of registry shall proceed as in the case of first registration; and on the delivery to the Registrar of the existing certificate of registration and on compliance with the other requisites for registration or if the registration anew is to take place in consequence of a

change of ownership, such of the requisites as the Registrar thinks material, the Registrar shall make the registration anew and grant a certificate of the registration.

(2) When a ship is registered anew, the former register of the ship shall be considered as closed, except so far as relates to any unsatisfied mortgage or existing certificates of sale or mortgage entered on the register while the names of all persons appearing on the former register to be interested in the ship as owners or mortgagees shall be entered on the new register and the registration anew shall not in any way affect the rights of any of those persons.

#### *Transfer of Registry*

### **43. Transfer of registry within Nigeria**

(1) The registration of any ship registered in Nigeria may be transferred from the existing port of registry to another port of registry in Nigeria on the application by declaration in writing, of all persons appearing on the register to be interested in it as owners or mortgagees made to the Registrar at the ship's existing port of registry.

(2) When an application is made under subsection (1) of this section the Registrar shall transmit notice of the application to the Registrar at the intended port of registry, with a copy of all particulars relating to the ship and the names of all persons appearing on the register to be interested therein as owners or mortgagees.

(3) The ship's certificate of registration shall be delivered to the Registrar at the existing or intended port of registry, and, if delivered to the former, shall be transmitted to the Registrar at the intended port of registry.

(4) On the receipt of the certificate of registration and all other particulars relating to a ship under this section, the Registrar at the intended port of registry shall enter in the register, all the particulars and names so transmitted and grant a fresh certificate of registration after which the ship shall be considered as registered at the new port of registry, and the name of the ship's new port of registry shall be substituted for the name of the ship's former port of registry on the ship's stem.

(5) A transfer under this section shall not affect the rights of any person appearing on the register to be interested in the ship as owner or mortgagee, and the rights shall, in all respects, continue in the same manner as if the transfer had not been effected.

### **44. Nigerian licensed ships**

(1) A Nigerian ship not exceeding 15 tons may be licensed under this Part of this Act; and when licensed, the ship shall be known as a Nigerian licensed ship and be subject to such conditions as the Minister may, from time to time, prescribe.

(2) Every licence in respect of a Nigerian licensed ship shall have stated in it-

- (a) that the ship is owned by a person or body corporate ordinarily resident in Nigeria; and
- (b) that license shall become void if the ship, or any share in the ship is transferred, mortgaged or charged to any person or body corporate without the written permission of the Minister.

(3) No Nigerian licensed ship shall proceed outside Nigeria unless express provision to the contrary is contained in the licence of the ship or unless it is necessary to do so due to stress of weather or other cause beyond the control of the master.

(4) A master of a ship who contravenes the provisions of subsection (3) of this section and any person who aids or abets the master, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira and in addition the licence of the ship may be revoked by the Minister.

(5) The Minister may make regulations regarding the licensing of ships and boats and the regulations may specify the manning, and the safety and fire fighting equipment required to be carried by the ships, and any other provisions which may appear to the Minister to be necessary for the carrying into effect of this section.

(6) The licence of a ship and boat shall be renewed annually and upon the payment of such licensing fees as the Minister may, from time to time, by order specify.

#### *Forfeiture of Ships*

### **45. Proceedings on forfeiture of ship**

(1) Where any ship has either wholly or as to any share therein, become liable to forfeiture under this Part of this Act-

- (a) any commissioned officer on full pay in any of the armed forces of Nigeria, or any collector of customs, or any appropriate officer;
- (b) if the ship is a Nigerian ship, any officer on full pay in any of the armed forces, or any appropriate officer,

may seize and detain the ship and bring her for adjudication before a court of competent jurisdiction.

(2) Where a ship is brought before a court, whether by an officer or a collector of customs as is mentioned in subsection (1) of this section or by any other officer or official acting in accordance with the law, the court subject to subsection (4) of this section shall adjudge the ship and may order that the ship with the ship's tackle, apparel and furniture be forfeited to the Government of Nigeria, and may make such other order as the court deems just.

(3) An officer or a collector of customs mentioned in this section shall not be held responsible civilly or criminally in respect of any seizure or detention under this section notwithstanding that the ship has not been brought in for adjudication or if so brought in, is declared not liable to forfeiture, if it is shown to the satisfaction of the court before which any trial relating to the ship or seizure or detention is held that there were reasonable grounds for the seizure or detention.

(4) If a court before which a ship seized or detained is brought, finds out that there were no reasonable grounds for the seizure or detention of the ship under this section, the court may award costs and damages to the party aggrieved, and make such other order in the circumstance as the court thinks just.

### *Incapacitated Persons*

#### **46. Provision for cases of infancy and other disability**

(1) If by reason of infancy, mental disorder or defect or any other cause a person interested in a ship or share in a ship is incapable of making any declaration or doing any act required or permitted by this Part of this Act to be made or done in connection with the registration of the ship or any share in the ship-

- (a) the legal guardian or representative of the person; or
- (b) the committee, manager or administrator or any person appointed by a court of competent jurisdiction on application made on behalf of the incapable person or of any other person interested,

may make that declaration or a declaration as nearly corresponding to it as the circumstances permit, and do that act in the name and on behalf of the person.

(2) Any act done by the appropriate representative under subsection (1) of this section shall be as effectual as if done by the person for whom he acted.

### *Trusts and Equitable Rights*

#### **47. Notices of trusts not acceptable**

(1) No notice of any trust, express, implied or constructive shall be entered in any register or received by any Registrar at a port of registry in Nigeria.

(2) Subject to the provisions of this Part of this Act and subject to any rights and powers appearing by the register to be vested in any other person, the registered owner of a ship registered in Nigeria, or any share in the ship, has power absolutely to dispose of the ship or share in the manner provided in this Part of this Act, and to give effectual receipts for any money paid or advanced by way of consideration.

#### **48. Equities not excluded by Act and liabilities of owner**

(1) An interest arising under a contract or any other equitable interest may be enforced by or against the owner and mortgagee of a ship in respect of their interests in the ship, in the same manner as in respect of any other personal property without prejudice to-

- (a) the provisions of this Act for preventing notice of trusts from being entered in the register or received by the Registrar;
- (b) the powers of disposition and of giving receipts conferred by this Act on registered owners and mortgagees;
- (c) the provisions of this Act relating to the exclusion of unqualified persons from the ownership of ships registered in Nigeria.

(2) Where a person is beneficially interested otherwise than by way of mortgage, in a ship registered in any foreign country or any share in the ship, and the ship or share is registered in the name of any other person as owner, the person so interested shall, as well as the registered owner, be subject to all pecuniary penalties imposed by this Act or any other Act on the owner of a ship or share in a ship and proceedings may be taken for

the enforcement of any such penalties against both or either of the persons with or without joining the other.

(3) In this Part of this Act-

"**beneficial interest**" includes interests arising under contract and other equitable interests.

*Declarations, etc.*

**49. Power of Registrar to dispense with declarations and other evidence**

Where a person is required to make a declaration under this Part of this Act on behalf of himself or any corporation and produce any evidence to the Registrar, and it is shown to the satisfaction of the Registrar that for a reasonable cause the person is unable to make the declaration, or that the evidence cannot be produced, the Registrar may, with the approval of the Minister, and on the production of any such other evidence and subject to such terms as the Minister thinks fit, dispense with the declaration or evidence.

**50. Mode of declaration**

(1) A declaration required by this Part shall be made before any Notary Public or Commissioner for Oaths.

(2) A declaration required by this Part may be made on behalf of a corporation by the Secretary or by any other officer of the corporation authorised by the corporation for the purpose.

**51. Evidence of other foreign registers**

(1) Any register under this Part and any declaration made in pursuance of this Part in respect of a ship shall be admissible in evidence.

(2) A copy or transcript of the register of ships kept by the Registrar of Ships at any port of registry in any foreign country, or a copy or transcript of any master register of ships kept under the authority of the Government of the foreign country shall be admissible in evidence and have the same effect to all intents as the original register of which it is a copy or transcript.

**52. Forms of documents and instructions as to registry**

(1) A Registrar shall not be compelled without the special direction of the Minister, to receive and enter in the register any bill of sale, mortgage or other instrument for the disposal or transfer of any ship or share or interest in the ship made in any form other than that for the time being required under this Part of this Act or which contains any particulars other than those contained in that form.

(2) The Minister may, for the carrying into effect of this Part of this Act, give such instructions as he thinks fit to the Registrar as to--

- (a) the manner of making entries in the register;
- (b) the execution and attestation of powers of attorney;
- (c) any evidence required for identifying any person;

- (d) the referring to him of any question involving doubt or difficulty; and
- (e) generally, any act or thing to be done in pursuance of this Part of this Act.

### **53. Forgery of documents and false declarations**

(1) Every person who--

- (a) forges or fraudulently alters or assists in forging or fraudulently altering; or
- (b) procures to be forged or fraudulently altered, any register, builder's certificate, surveyors tonnage certificate, certificate of registry, declaration, bill of sale, instrument of mortgage or certificate of sale or mortgage under this Part of this Act, or any document signifying the Minister's consent to any transaction under this Part, or any entry or endorsement required by this Part to be made in or on any of those documents, commits an offence.

(2) A person who, in the case of any declaration made in the presence of, or produced to, a Registrar or an appropriate officer under this Part of this Act, or in any document or other evidence produced to a Registrar or an appropriate officer--

- (a) wilfully makes or assists in making or procures to be made, any false statement concerning the title to or ownership of or the interest existing in any ship or any share in the ship; or
- (b) utters, produces or makes use of any declaration or document containing any false statement, knowing the same to be false, commits an offence.

(3) A person who wilfully makes a false declaration touching the qualification of himself or of any other person or of any corporation to own a registered Nigerian ship or any share in the ship, commits an offence and the ship or share shall be liable to forfeiture under this Act to the extent of the interest of the declarant in the ship unless it is proved that the declaration was made without authority of that other person or corporation on behalf of whom the declaration is made.

(4) Any person who commits an offence under this section is on conviction liable to a fine of not exceeding two hundred thousand naira or to imprisonment for a term not less than two years or to both.

## **PART IV**

### *Mortgages*

### **54. Mortgage of ship or share in ship**

(1) A ship registered in Nigeria, or a share in the ship may be made a security for a loan or other valuable consideration, and there shall be a proper written instrument creating the security (in this Part of this Act referred to as "a mortgage").



(2) Where a mortgage on a ship is produced to the Registrar at the ship's port of registry, the Registrar shall record the mortgage in the register.

(3) Mortgages shall be recorded by the Registrar in the order in which they are produced to the Registrar for that purpose and the Registrar shall endorse and sign a memorandum on each mortgage, stating the date and time of the record.

#### **55. Obligation of mortgagor to disclose existing liabilities**

(1) The mortgagor shall before executing any mortgage disclose in writing to the mortgagee the existence of any maritime lien, prior mortgage, or other liability in respect of the ship to be mortgaged and of which the mortgagor is aware.

(2) If a mortgagor under subsection (1) of this section fails to comply with this section, the mortgage debt shall, at the election of the mortgage holder, become immediately due and payable, notwithstanding anything to the contrary in the mortgage.

#### **56. Entry of discharge of mortgage**

If a mortgage is discharged, the Registrar shall, on the production of the mortgage and a receipt for the money endorsed on the mortgage duly signed and attested, make an entry in the register to the effect that the mortgage has been discharged and on the entry being made, the estate if any, which passed to the mortgage shall vest in the person in whom, having regard to intervening acts and circumstances, if any, it would have vested if the mortgage had not been made.

#### **57. Priority of mortgages**

(1) If there are more mortgages than one registered in respect of a ship or share, the mortgagees shall, notwithstanding any express, implied or constructive notice, be entitled in priority one over the other, according to the date on which each mortgage is recorded in the register and not according to the date of each mortgage itself.

(2) A registered mortgage of a ship or share in the ship shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the ship or share in his possession, order or disposition, or was the reputed owner of the ship and the mortgage shall be preferred to any right, claim or interest in the ship of the other creditors of the bankruptcy, or of any trustee or assignee in their behalf.

#### **58. Powers of mortgagee**

(1) Except as may be necessary for making a mortgaged ship or share in the ship available as a security for the mortgage debt, the mortgagee shall not, by reason of the mortgage, be deemed the owner of the ship or share, nor shall the mortgagor be deemed to have ceased to be the owner of the ship.

(2) Every registered mortgagee has power absolutely to dispose of the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money; but, where there are more persons than one registered as mortgagees of the same ship or share, a subsequent mortgagee shall not, except under the order of a court of competent jurisdiction, sell the ship or share without the consent of every prior mortgagee.

#### **59. Transfer of mortgage**

(1) A registered mortgage of a ship registered in Nigeria or a share in the ship may be transferred to any person.

(2) On the production of an instrument effecting a transfer of mortgage and of the mortgage to which it relates, the Registrar shall record the transfer by entering in the register, the name of the transferee as the mortgage of the ship or share, and shall endorse and sign on the mortgage and on the instrument effecting the transfer, a memorandum stating that the transfer has been recorded by the Registrar and the date and time of the record.

#### **60. Transmission of interest in mortgage by death, bankruptcy, etc.**

(1) If the interest of a mortgagee in a ship registered in Nigeria, or any share in the ship is transmitted to any person on the death or bankruptcy of the mortgagee, or by any lawful means, other than by a transfer under this Part of this Act, the transmission shall be authenticated by a declaration of the person to whom the interest is transmitted.

(2) A declaration made under this section shall-

- (a) be in a form approved by the Minister; and
- (b) contain a statement of the manner in which, and the person to whom, the property has been transmitted; and
- (c) be accompanied by such evidence as is required by this Part of this Act in the case of a corresponding transmission of the ownership of a ship or share in a ship.

(3) The Registrar on the receipt of the declaration, and the production of the evidence as provided in subsection (2) of this section, shall enter the name of the person entitled under the transmission in the register as the mortgagee of the ship or share.

#### *Mortgages and Transfer of Nigerian Ships out of Nigeria*

#### **61. Authority to sell or mortgage out of Nigeria**

(1) If a registered owner of a ship registered in Nigeria or a share in the ship is desirous of disposing by way of sale or mortgage of the ship or share in it at any place out of Nigeria, he may make application, by declaration in writing, to the Registrar at the ship's port of registry.

(2) In an application under subsection (1) of this section, the registered owner shall set out-

- (a) the name and address of the person in whose favour the application for sale or mortgage is made, together with
  - (i) in the case of a sale, the minimum price at which the sale is to be made, if it is intended to fix any such minimum, or
  - (ii) in the case of a mortgage, the maximum amount of the mortgage, if it is intended to fix any such maximum;
- (b) the place where the power is to be exercised, or, if no place is specified, a declaration that the power may be exercised anywhere, subject to the provisions of this Act;
- (c) the limit of time within which the power may be exercised.

(3) In the case of an application to dispose of a ship by way of sale, under subsection (1) of section 62 of this Act, the Registrar shall enable the applicant to dispose of the ship or share in the manner desired in accordance with subsection (4) of this section.

(4) The Registrar shall enter in the register, a statement of the particulars set out in the application and shall grant to the applicant a certificate of sale or a certificate of mortgage, as the case may require.

(5) A certificate of sale and a certificate of mortgage shall-

(a) each be in a form approved by the Minister for the purpose;

(b) not authorise any sale or mortgage to be made in Nigeria, or by any person not named in the certificate; and

(c) contain a statement of the particulars set out in the application, and also a statement of any registered mortgages and certificates of sale or mortgage affecting the ship or share in respect of which the certificate is given.

(6) Any document purporting to signify the consent of the Minister to the grant of a certificate of sale and purporting to be signed by the Minister or any person authorised by him for the purpose, shall be admissible in evidence.

## **62. Rules as to certificates of mortgage**

(1) The power conferred in a certificate of mortgage shall be exercised in conformity with the directions contained in the certificate.

(2) Every mortgage made under a certificate of mortgage shall be registered by the endorsement of a record of the mortgage on the certificate by the appropriate officer at the place at which the mortgage is made.

(3) A mortgage made in good faith under a certificate of mortgage shall not be impeached by reason of the death of the person by whom the power was given before the making of the mortgage.

(4) Whenever a certificate of mortgage contains a specification of the place at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, a mortgage made in good faith to a mortgagee without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given.

(5) Every mortgage which is registered, as prescribed in subsection (2) of this section on the certificate shall have priority over all mortgages of the same ship or share created subsequently to the date of the entry of the certificate in the register and if there are more mortgages than one registered, the respective mortgagees claiming under the certificate shall, notwithstanding any express, implied or constructive notice, be entitled one before the other according to the date at which each mortgage is registered on the certificate, and not according to the date of the mortgage.

(6) Subject to the rules set out in this section, every mortgagee whose mortgage is registered on the certificate shall have the same rights and powers and be subject to the same liabilities as the mortgagee would have had and been subject to if his mortgage had been registered in the register instead of on the certificate.

(7) The discharge of any mortgage registered on the certificate of mortgage may be endorsed on the certificate by a Registrar or an appropriate officer on the production of such evidence as is, by this Act required to be produced to the Registrar on the entry of the discharge of a mortgage in the register and on that endorsement being made, the interest, if any, which passes to the mortgagee shall vest in the same person or persons in whom it would, having regard to the intervening acts and circumstances, if any, have vested if the mortgage had not been made.

(8) On the delivery of any certificate of mortgage to the Registrar by whom it was granted, the Registrar shall, after recording in the register in such manner as to preserve its priority, any unsatisfied mortgage registered on the certificate cancel the certificate and enter the fact of the cancellation in the register and every certificate so cancelled shall be void.

### **63. Loss of certificate of sale or mortgage**

On proof at any time to the satisfaction of the Minister that a certificate of sale or mortgage is lost or destroyed or damaged as to be useless and that the powers thereby given have never been exercised, or if they have been exercised, then, on proof of the several matters and things that have been done under the powers, the Registrar by whom the certificate was granted may, with the consent of the Minister, as circumstances require, issue a new certificate or direct such entries to be made in the register or such other things to be done, as might have been made or done if the loss, destruction or damage had not taken place.

### **64. Revocation of certificate of sale or mortgage**

(1) The registered owner of a ship registered in Nigeria, or a share in the ship in respect of which a certificate of sale or mortgage has been granted, specifying the places where the power given by the certificate is to be exercised, may, by an instrument under his hand, authorise the Registrar by whom the certificate was granted to give notice to the appropriate officer at every such place that the certificate is revoked.

(2) The Registrar shall, upon being authorised in subsection (1) of this section, give the required notice and the appropriate officer shall record the notice upon receiving it and after it is recorded, the certificate shall be deemed to be revoked in respect of any sale or mortgage which may be made after that in the place.

## **PART V**

### *Certificates of Sale*

### **65. General rules for certificates of sales**

(1) A certificate of sale of a ship shall not be granted under this Act except-

- (a) for the sale of an entire ship; and
- (b) upon an application, made by declaration in writing by all persons appearing on the register to be interested in the ship, as owners or mortgagees of the ship.

(2) The power conferred by a certificate issued under this Act shall be exercised in conformity with the directions contained in the certificate.

(3) A sale made in good faith in exercise of the power conferred by a certificate issued under this Act to a purchaser for valuable consideration shall not be impeached by reason of the death of the person who gave the power before the sale.

(4) Whenever any certificate of sale contains a specification of the place at which, and a limit of time not exceeding twelve months within which the power is to be exercised, a sale made in good faith to a purchaser for valuable consideration without notice, shall not be impeached by reason of the bankruptcy of the person by whom the power was given.

#### **66. Procedure where ship sold under certificate of sale granted in Nigeria**

(1) If a ship registered in Nigeria is sold in exercise of a power conferred by a certificate of sale granted under this Part of this Act to persons qualified to own a registered Nigerian ship-

- (a) a transfer of the ship shall be made by a bill of sale in the manner provided by this Part; and the bill of sale, when duly executed, and the certificate of sale shall be produced to the appropriate officer at the place at which the ship is sold, and that officer shall, upon the production, endorse and sign on the certificate of sale a memorandum of the fact of the sale of the ship and shall immediately notify the Registrar at the ship's port of registry;
- (b) the ship shall be registered anew in Nigeria in the manner provided by this Part of this Act or in any other country in the manner provided by the law of that country; and
- (c) the Registrar at the ship's former port of registry in Nigeria, upon receipt from the Registrar at the port at which the ship is registered a new certificate of sale and the ship's former certificate of registration on each of which is endorsed an entry of the fact of the sale, shall enter the sale of the ship in the register and the registration of the ship in that Register shall be considered as closed, except as far as relates to any unsatisfied mortgages or existing certificates of mortgage entered in the register.

(2) If a ship registered in Nigeria is sold in exercise of a power conferred by a certificate of sale, granted under this Part of this Act, to persons not qualified to own a registered Nigerian ship-

- (a) the certificate of sale and the certificate of registration shall be produced to the appropriate officer at the place at which the ship is sold and the officer shall retain those certificates and endorse and sign on each of the certificate a memorandum of the fact that the ship had been sold to persons not qualified to own a registered Nigerian ship;
- (b) the appropriate officer making the endorsements required by paragraph (a) of this subsection shall forward the certificates of sale and registration, each being duly endorsed, to the Registrar at the ship's port of registry;
- (c) the Registrar at the ship's port of registry, upon receipt of the certificates of sale and registration each being endorsed in accordance with paragraphs (a) and (b) of this subsection, shall make an entry of the sale in his register and the registration of the ship shall be considered as closed, except as far as it relates

to any unsatisfied mortgages or existing certificate of mortgage entered in the register;  
and

- (d) if default is made in the production of the certificates mentioned in this subsection, the persons to whom a ship is sold shall be considered to have acquired no title to, or interest in, the ship, and the person on whose application the certificate of sale was granted, and the person exercising the powers conferred thereby, commits an offence under this Act and on conviction is liable to a fine not less than one hundred thousand naira.

(3) If no sale is made in exercise of the powers conferred by a certificate of sale granted under this Part of this Act, that certificate shall be delivered to the Registrar by whom it was granted, and that Registrar shall upon the delivery to him of the certificate cancel the certificate and enter the fact of the cancellation in the register and every certificate so cancelled shall be void.

## PART VI

### *Maritime Liens*

#### **67. Sources of maritime liens**

The following claims shall be secured by maritime liens on the ship:

- (a) wages and other sums due to the master, officers and other members of the ship's complement in respect of their employment on the ship;
- (b) disbursements of the master on account of the ship;
- (c) claims in respect of loss of life or personal injury occurring whether on land or on water in direct connection with the operation of the ship;
- (d) claims for salvage, wreck removal and contribution in general average;
- (e) claims for ports, canal and other waterways, dues and pilotage dues.

#### **68. Priority of maritime liens**

The maritime liens listed in section 67 have priority over mortgages and preferential rights registered under this Act or which arise under the law relating to bankruptcy or any other law and no other claim shall have priority over the maritime liens listed except as provided in this Act.

#### **69. Order of priority of maritime liens**

(1) The maritime liens listed in section 67 of this Act, shall rank in the order in which they appear in that section except that the liens contained in section 67 (1) (d) take priority over all others if the others were registered prior to the time when the operations giving rise to the liens contained in the said section 67 (1) (d) were performed.

(2) Claims for contribution on general average shall be deemed to have accrued on the date on which the general average act was performed and claims for salvage shall be deemed to have accrued on the date on which the salvage operation was terminated.

## **70. Rights of ship builder and ship repairer**

(1) Notwithstanding any other law relating to the priority of liens, the lien or right of retention which-

- (a) a ship builder may have to secure claims for the building of the ship;
- (b) a ship repairer may have to secure claims for the repairs of the ship,

shall be postponed to all maritime liens set out in section 67 of this Act, but may be preferred to registered mortgages or preferential rights as long as the ship remains in his possession.

(2) For the purposes of this Act the liens or right of retention referred to in subsection (1) of this section is extinguished where the ship builder or ship repairer ceases to be in possession of the ship.

## **71. Overriding nature of maritime lien**

(1) The maritime liens set out in section 67 of this Act arise whether the claims secured by the liens are against the owner or against the demise or other charterer, manager or operator of the ship.

(2) Subject to the provisions of section 75 of this Act, the maritime liens securing the claims set out in section 67 of this Act, remain attached to the ship notwithstanding any change of ownership or of registration of the ship.

## **72. No lien attaching to claims related to oil pollution or radio-active material**

No maritime lien which arises out of or results from oil pollution or the radio-active properties or a combination of radio-active properties with toxic, explosive or other hazardous properties of nuclear fuel or of radio-active product or waste shall attach to a ship for the purpose of securing any claim set out in section 67 (1) (c) of this Act.

## **73. Extinguishing period for maritime liens**

The maritime liens set out in section 67 of this Act, shall be extinguished after a period of one year from the time when the claims secured by the lien arose, unless prior to the expiry of the period the ship was arrested and the arrest led to proceedings for a forced sale.

## **74. Interpretation of limitation period**

Prior to the forced sale of a ship, the court shall cause at least thirty days' written notice of the time and place of the sale to be given to-

- (a) all holders of registered mortgages and of other preferential rights which have not been issued to the bearer;
- (b) the holders of registered mortgages and rights issued to the bearer and to the holders of the maritime liens set out in section 67 of this Act, whose claims have been notified to the officers;
- (c) the Registrar of Ships.



## **75. Effects of forced sale of ship**

(1) In the event of the forced sale of a ship, all mortgages and preferential rights, except those assumed by the purchaser with the consent of the holders, and all liens and other encumbrances of whatsoever nature shall cease to attach to the ship.

(2) No charter party or contract for the use of the ship shall be deemed a lien or encumbrance for the purposes of this section.

## **76. Proceeds of sale**

The costs awarded by a court and arising out of the arrest and subsequent sale of a ship and the distribution of the proceeds shall first be paid out of the proceeds of the sale and the balance shall be distributed among the holders of-

- (a) maritime liens under section 67 of this Act;
- (b) preferential rights under section 70 of this Act; and
- (c) mortgages and other preferential rights registered under this Part of this Act,

in accordance with the provisions of this Part of this Act and to the extent necessary to satisfy the claims of the holders.

## **77. Certificate of sale by court**

(1) Where a ship registered in any foreign country has been the subject of a forced sale in Nigeria and the proceeds of the forced sale have been distributed in accordance with section 76 of this Act, the court shall, at the request of the purchaser, having ascertained that the provisions of this Part of this Act have been complied with, cause to be issued, a certificate to the effect that the ship is sold free of all mortgages and all liens and other encumbrances, except those assumed by the purchaser.

(2) Upon production by the purchaser of a ship under subsection (1) of this section, of a certificate described in that subsection relating to any ship registered under this Act, the Registrar shall delete all registered mortgages and other preferential rights except those assumed by the purchaser and register the ship in the name of the purchaser or issue a certificate of de-registration as the case may be.

## **PART VII**

### *Transfers and Transmissions*

## **78. Transfer by bill of sale**

(1) Where a ship or any share in the ship registered in Nigeria is disposed of to person qualified to own a registered Nigerian ship, they shall be transferred by a bill of sale.

(2) The bill of sale shall contain such description of the ship as is contained in the surveyor's tonnage certificate or other description sufficient to identify the ship to the satisfaction of the Registrar, and shall be in such form as may be approved by the Minister and executed by the transferor in the presence of one witness at least and the witness shall add his occupation and address after his signature.

## **79. Registry of transfer**

(1) Where a ship registered in Nigeria or any share in the ship, is transferred, the transferee shall not be registered as owner of the ship or share until he or in the case of a corporation, the person authorised by this Act to make declarations on behalf of the corporation, makes and signs a declaration referring to the ship, (in this Part referred to as a "declaration of transfer").

(2) A declaration of transfer shall be in the form approved by the Minister.

(3) Every bill of sale for the transfer of a ship registered in Nigeria, or a share in the ship shall, when duly executed, be produced to the Registrar at the ship port's of registry, with the declaration of transfer; and the Registrar shall upon the production, enter in the register the name of the transferee as the owner of that ship or share, and shall endorse on the bill of sale the fact that the entry has been made, with the date and time of the entry.

(4) Bills of sale of a ship, or of a share in the ship shall be entered in the register in the order of their production to the Registrar.

## **80. Transmission of property in ship on death, bankruptcy, etc.**

(1) When the property in a ship registered in Nigeria, or any share in the ship, is transmitted to a person qualified to own a registered Nigerian ship on the death or bankruptcy of any registered owner, or by any lawful means other than by a transfer under this Act-

- (a) the person shall authenticate the transmission by making in a form approved by the Minister and by signing a declaration (in this Part referred to as a "declaration of transmission") statement for the share required to be contained in the declaration of transfer or as near to it as circumstances permit and also a statement of the manner in which, and the person to whom, the property has been transmitted;
- (b) the declaration of transmission shall, if the transmission is consequent on death be accompanied by a grant of probate or letters of administration in the estate of the deceased owner, proof of survivorship to the satisfaction of the Registrar; and
- (c) the declaration of transmission shall, if the transmission is consequent on bankruptcy, be accompanied by such evidence as is for the time being receivable in any court in Nigeria as proof of the title of persons claimed under a bankruptcy.

(2) The Registrar, on receipt of the declaration of transmission so accompanied, shall-

- (a) enter in the register the name of the person entitled under the transmission as owner of the share in the ship the property in which has been transmitted; and
- (b) where there is more than one person entitled, enter the names of all those persons, but those persons however numerous shall, for the purpose of ownership in the register be considered as one person.

## **81. Order for sale on transmission to unqualified person**

(1) Where the property in a ship registered in Nigeria, or a share in the ship, is transmitted on death, or bankruptcy or otherwise to persons not qualified to own a registered Nigerian ship, a court of competent jurisdiction may, on application by or on behalf of the unqualified persons, order a sale of the property so transmitted, and direct that the proceeds of the sale, after deducting the expenses of the sale, be paid to the persons entitled under the transmission or otherwise as the court may direct.

(2) The court may require any evidence it thinks requisite in support of the application, and may make the order on such terms and conditions as the court thinks just, or may refuse to make the order, and generally act in the case as the justice of the case requires.

(3) Every application for sale under this section, shall be made within thirty days after the occurrence of the event on which the transmission took place, or within such further time, not exceeding one year from the date of the occurrence, as the court may allow.

## **82. Transfer or sale of ship by order of court**

When a court of competent jurisdiction, whether under this Act or otherwise, orders the sale of any ship or share in the ship, the order shall contain a declaration vesting in a person named in the order, the right to transfer that ship or share; and the person so named shall upon receiving the right be entitled to transfer the ship or share in the same manner and to the same extent as if the person were the registered owner of the ship or share and every Registrar shall obey the requisition of the person so named as if that person were the registered owner.

## **PART VIII**

### *Certificate of Competency of Masters and Crew*

## **83. Regulations regarding manning and qualifications of persons serving in Nigrianship**

(1) The Minister may make such regulations as he considers necessary or expedient for the manning requirements for Nigerian ships, qualifications of officers and seamen of the ships and for matters connected with the manning and qualification and without prejudice to the generality of such powers, the Minister may make regulations-

- (a) determining the categories of Nigerian ships by reference to their tonnage capacity, the nature of their cargo and the trading areas or voyages in which they are engaged;
- (b) with respect to the manning requirements in relation to such classes or descriptions of ships as may be prescribed, trading in such areas as may be prescribed, and in particular requiring ships to carry such number of qualified officers of any description, qualified doctors and qualified cooks and such number of other seamen or qualified seamen of any description as may be specified in the regulations;
- (c) prescribing conditions as to the nationality of a person for service on board a Nigerian ship or any ship engaged in local trade in Nigerian waters;

- (d) requiring that in any case a ship shall be under the charge of a properly certificated master and that watches at sea and in port shall always be kept by appropriately qualified officers;
- (e) requiring officers and seamen and other persons performing prescribed functions in relation to the operation and maintenance of ships to be holders of certificates of competency, proficiency, qualification, authorisation or otherwise and to satisfy such other conditions as may be prescribed, including conditions as to nationality and providing for the grant, revocation, extension, validation, suspension, endorsement or variation and the form and recording of the certificates;
- (f) relating to the holding and conduct of examinations for the certificates, the qualifications of candidates for such examinations and the qualifications of the examiners and the appointment, removal, re-appointment and the remuneration of the examiners, the fees for the examinations, and all such matters as the Minister may think necessary or expedient for the purpose of such examinations;
- (g) providing for the exemption of persons with prescribed qualifications or experience from the whole or parts of examinations for the certificates;
- (h) providing for the programmes of training and the curricula of study to be followed in the training of seafarers;
- (i) providing for the establishment, maintenance and operation of schools for the training of persons for certification as seafarers, and designating, from time to time, of institutions as recognised or affiliated places of training;
- (j) prescribing the manner in which enquiries may be instituted before a tribunal appointed under this Act, the procedure to be followed in the conduct of such proceedings and matters incidental to or consequential on the proceedings;
- (k) prescribing medical examinations, hours of work, safe working conditions and any other matter which may be, or is required by this Act to be prescribed.

(2) Regulations made pursuant to subsection (1) of this section may, in respect of the breach of any provisions of the Regulations provide penalties not less than one hundred thousand naira or imprisonment for a term not exceeding two years or both.

#### **84. Power to exempt ship**

The Minister may exempt any ship or class of ships from the requirements of any regulation made under section 83 of this Act and the exemption shall be confined to a particular period or to one or more particular voyages.

#### **85. Approval of foreign certificate**

(1) The Minister may approve in writing, a certificate of competency issued in accordance with any law in force in such country as may be prescribed, and any certificate so approved shall remain approved as long as it remains valid in that country.

(2) Where a person holding a certificate referred to in subsection (1) of this section is desirous of serving on a Nigerian ship as master, deck officer or engineer, the Minister may direct that the person-

- (a) where he is a citizen of Nigeria, be granted a certificate of equivalent grade under this Act;

- (b) where he is not a citizen of Nigeria, be issued with a licence, authorising that person to serve on a Nigerian ship in the same capacity as if the certificate had been granted under this Act, subject to such conditions as the Minister may impose.
- (3) A licence issued under subsection (2) of this section, shall-
  - (a) during the currency of the licence have the same force as a certificate of competency granted under this Act and may be cancelled or suspended for like reason;
  - (b) be valid for a period of five years from the date of issue, and may be renewed upon such conditions as may be prescribed by the Minister.

#### **86. Tribunal of Inquiry**

The Minister may from time to time appoint a Tribunal of Inquiry of not less than three or more than five persons at least one of whom shall be a ship's senior officer, to enquire in accordance with such provisions as may be prescribed, into any question whether a seafarer-

- (a) is suffering from any habit or any mental or physical condition which renders him unfit to be a seafarer;
- (b) is guilty of dishonesty, incompetence or misconduct in the performance of his functions as a seafarer;
- (c) procured his certificate of competency as a result of any misleading, false or fraudulent misrepresentation,

and the Tribunal appointed pursuant to this section shall, in respect of the matter enquired into, make such recommendations as it thinks fit to the Minister.

#### **87. Tribunal may recommend cancellation, etc., of a certificate**

Where a Tribunal holding a formal investigation under this Act, into a shipping casualty finds that loss of life or loss or abandonment of, or serious damage to, any ship has been caused by the wrongful act or default of a seafarer who holds a certificate issued or approved under this Act, the Tribunal may recommend to the Minister that the certificate be cancelled or suspended, or that the approval be withdrawn, as the case may be.

The Minister, acting on a recommendation made by a Tribunal under this Act, and consequent on conviction of a seafarer for such offence as may be prescribed by instrument in writing may-

- (a) cancel or suspend a certificate and order that it be surrendered at such place and within such time as the Minister may direct; or
- (b) withdraw the approval indefinitely or for such temporary period as the Minister may specify in the instrument.

#### **89. Appeals against cancellation, etc., of certificate**

(1) Any person who is aggrieved by an order of the Minister under section 88 of this Act, cancelling or suspending a certificate, or withdrawing an approval under this Act,

may, subject to subsection (3) of this section, appeal to the court against the order within such time and in such manner as may be prescribed.

(2) The court may-

- (a) dismiss the appeal and confirm the order;
- (b) allow the appeal and set aside the order;
- (c) vary the order as it thinks fit; and
- (d) where the matter had been enquired into by a Tribunal, allow the appeal and direct that the matter be re-heard by the same Tribunal or by another Tribunal appointed under section 86 of this Act.

#### **90. Offences**

(1) A person who--

- (a) serves as a seafarer on board a Nigerian ship without being the holder of a valid certificate appropriate to the category in which he is engaged to serve; or
- (b) on his own account or acting in the capacity of an agent, engages any person as a seafarer without taking all necessary steps to ascertain whether the person is the holder of a valid certificate appropriate to that category,

commits an offence under this Act and on summary conviction is liable to a fine not exceeding twenty-five thousand naira or to imprisonment for a term not less than two years or to both.

(2) For the purpose of paragraph (b) of subsection (1) of this section, where it is established that a seafarer is engaged to serve in any category without being the holder of a valid certificate appropriate to that category, the onus shall be on the person who engaged that seafarer to prove that he has taken all necessary steps to ascertain that the seafarer was at the time when he was engaged, the holder of a valid certificate appropriate to the capacity in which he is engaged to serve.

(3) A person who--

- (a) makes or procures or assists in making any false representation for the purpose of obtaining for himself, or for any other person any certificate or any certified copy of the certificate; or
- (b) forges, assists in forging or procures the forging of the certificate or copy of the certificate;
- (c) fraudulently alters or assists in the fraudulent alteration of the certificate or copy, or procures it to be fraudulently altered; or
- (d) fraudulently makes use of any certificate or copy of the certificate that is forged, altered, cancelled, or suspended or to which he is not entitled; or
- (e) fraudulently lends his certificate to, or allows it to be used by, any other person; or
- (f) makes or has in his possession any document so closely resembling the certificates as to be calculated to deceive,

commits an offence and is liable on summary conviction to a fine not less than twenty-five thousand naira or to imprisonment for a term not exceeding two years, or to both.

- (4) A person who-
  - (a) not being the holder of a valid certificate; or
  - (b) during a period when his certificate is suspended or approval of his certificate is withdrawn, as the case may be,

takes or uses any title, addition or description implying or calculated to lead persons to believe that he is entitled to serve as a seafarer on a Nigerian ship, commits an offence and on conviction, is liable to a fine not less than twenty thousand naira or to imprisonment not exceeding one year or to both.

(5) Any seafarer who, without reasonable cause, fails to comply with a direction of the Minister to surrender his certificate commits an offence and on conviction is liable to a fine not less than fifty thousand naira.

## PART IX

### *Employment of Seamen*

#### **91. Seafarer Services Office, NMLA No. 46 of 2003**

(1) There shall be established an office to be known as Seafarer Services Office which shall have in other places Seafarer Services Sub-offices at which shall be conducted all the business as within Nigeria, connected with the engagement and discharge of seamen on board Nigerian ships.

(2) There shall be appointed an officer of seamen and such other officers as may be necessary for service in the Office or Sub-offices.

(3) Any act done by or to or before, any other officer pursuant to subsection (2), within the powers conferred upon him by the superintendent of Seafarer Services Office shall have the same effect as if done by, to or before the superintendent.

(4) No seaman shall-

- (a) except with the approval of the Seafarer Services Office, be engaged to do duty on board a Nigerian or foreign ship provided that in the case of a foreign ship seamen may be engaged before a Consular Officer resident in Nigeria representing the flag of the foreign ship;
- (b) be engaged to do duty on board any Nigerian ship unless the seaman has produced to the superintendent a certificate of discharge from the seaman's last ship or failing production of the certificate the seaman has given a satisfactory explanation to the superintendent of the cause of the non-production.

(5) Any person who without reasonable cause engages a seaman in contravention of this section commits an offence and on conviction is liable to a fine not less than fifty thousand naira.

#### **92. Functions of superintendent**

The functions of the superintendent are to-

- (a) conduct any business connected with the engagement and discharge of all persons who serve on board Nigerian ships and all seamen who are citizens of Nigeria and serve on foreign ships;

- (b) afford facilities for engaging and discharging seamen by keeping registers of the names and conduct of
  - (i) seamen who apply to him for engagement;
  - (ii) seamen shipped or discharged by him;
  - (iii) seamen who produce continuous discharge certificates in proof of service in foreign or Nigerian ships;
  - (iv) seamen who serve in Nigerian ships;
- (c) cause copies of the certificates referred to in paragraph (b) (iii) to be kept at his office;
- (d) perform such other duties relating to seamen, apprentices and ships as are by or in pursuance of this or any other enactment relating to shipping entrusted to him.

*Agreements for Sea Service*

**93. Agreement with crew**

(1) The Minister may make regulations relating to the making of agreements between the master and crew of a Nigerian ship.

(2) The master of every Nigerian ship, except a ship of less than 80 tons exclusively employed in trading within such limits as may be prescribed, shall enter into an agreement, in accordance with this Part of this Act, with every seaman whom he carries to sea from any port in Nigeria.

(3) The master in the case of a foreign ship, and the owner and master in the case of any other ship or a Nigerian ship, who carries any seaman to sea without entering into an agreement with the seaman in accordance with this Part, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

**94. Form, period and conditions of agreement**

(1) An agreement made by the master of a ship with a crew member shall be in the prescribed form and shall be dated at the time of the signature of the agreement and signed by the master before the crew member signs same.

(2) The agreement made under subsection (1) of this section, may be for a definite period or for a voyage or for an indefinite period and shall state clearly the respective rights and obligations of each of the parties.

(3) An agreement under this section shall contain the--

- (a) surname and other names of the seaman, the date of his birth or his age and his birth place;
- (b) place at which and date on which the agreement was completed;
- (c) name of the vessel or vessels on board which the seaman undertakes to serve;
- (d) nature and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement, and the places or parts of the world, if any, to which the voyage or engagement is not to extend;



- (e) number and description of the crew, specifying how many are engaged as sailors;
- (f) capacity in which the seaman is to serve;
- (g) time at which the seaman is to be on board or to begin work;
- (h) welfare and necessities of life for good health provided for each seaman;
- (i) wages which the seaman is to receive;
- (j) termination of the agreement and the conditions for the termination of the agreement such as-
  - (i) if the agreement was made for a definite period, the date fixed for its expiry;
  - (ii) if the agreement was made for a voyage, the port of destination and the time which has to expire after arrival of the ship before the seaman is discharged;
  - (iii) if the agreement was made for an indefinite period, the conditions which entitle the parties to rescind the agreement as well as the required period of notice for rescission; so however that the period shall not be less for the ship owner than for the seaman;
- (k) annual leave with pay granted to the seaman after one year's service with the same shipping company;
- (f) any regulations as to conduct on board and as to fines, short allowance of provisions or other lawful punishment for misconduct which have been approved by the Minister as regulations proper to be adopted and which the parties agree to adopt.

#### **95. Provisions for termination**

An agreement entered into for a voyage, for a definite period, or for an indefinite period shall be duly terminated by-

- (a) the mutual consent of the parties;
- (b) the death of the seaman;
- (c) the loss or total unseaworthiness of the vessel;
- (d) any other circumstance that may be provided by law.

#### **96. Special provisions as to agreement with crew of sea-going ship**

(1) The special provisions in this section shall have effect with respect to the agreements made in Nigeria with the crew of sea-going ships.

(2) The agreement shall, subject to the provisions of this Act as to substitutes, be signed by each seaman in the presence of the superintendent.

(3) The superintendent shall cause an agreement under this section to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the agreement before the seaman signs it and the superintendent shall attest to each signature of the seaman.

(4) When the crew is first engaged, an agreement under this section shall be signed in duplicate, and one part retained by the superintendent, and the other shall be delivered to the master and shall contain a special place for the descriptions and signatures of substitutes or persons engaged subsequent to the first departure of the ship.

(5) When a substitute is engaged in the place of a seaman who duly signed the agreement made before the superintendent and whose services are, within twenty-four hours before the ship puts to sea, lost by death, desertion or other unforeseen cause, the master shall before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall upon the agreement being read to him sign the agreement in the presence of a witness, and the witness shall attest to the signature of the substitutes.

(6) The agreement may be made for a voyage or, if the voyages of the ship average less than six months in duration, may be made to extend over two or more voyages and any agreement so extended shall be referred to as a "running agreement".

(7) A running agreement shall not be for a period longer than six months, or the first arrival of the ship at the ship's port of destination in Nigeria after the expiration of that period, or the discharge of cargo consequent on the arrival.

(8) On every return to a port in Nigeria before the final termination of a running agreement, the master shall make an endorsement on the agreement as to the engagements or discharges made or intended to be made before the ship leaves port or that all those made were made as required by law.

(9) A master who wilfully makes a false statement in an endorsement referred to in subsection (8) of this section commits an offence and on conviction is liable to a penalty not less than one hundred thousand naira.

(10) The master of the ship shall deliver the running agreement endorsed to the superintendent, who shall, if the provisions of this Part relating to agreements have been complied with, sign the endorsement and return the agreement to the master.

### **97. Special provisions as to agreement with crew of a ship other than a sea-going ship**

(1) The provisions of this section shall have effect with respect to an agreement made with the crew of a ship in Nigeria other than a sea-going ship, for which an agreement with the crew is required in this Part of this Act.

(2) An agreement under this section may be made for service in a particular ship or for service in two or more ships belonging to the same owner, but, in the latter case, the nature of the service shall be specified in the agreement.

(3) The crew or individual seaman shall be engaged before the superintendent in the same manner as they are required to be engaged for sea-going ships.

(4) An agreement under this section for service in two or more ships belonging to the same owner may be made by the owner instead of the master, and the provisions of this Act with respect to the making of the agreement shall apply accordingly.

(5) An agreement shall not be for a longer period than six months, or the first arrival of the ship at her final port of destination in Nigeria after the expiration of the period, or the discharge of cargo consequent on the arrival.

(6) The owner of a ship or his agent may enter into a time agreement in the prescribed form with a seaman to serve in anyone or more ships belonging to the owner and the agreements may not necessarily expire at the time of the ship's agreement with the crew.

#### **98. Fees upon engagement and discharge**

(1) The fees payable upon an engagement and a discharge shall be as prescribed by the appropriate authority.

(2) The superintendent shall cause a scale of the fees, together with a copy of this section to be conspicuously exhibited in the Seafarer Services Office and may require the payment of the fees before proceeding with any engagement or discharge.

(3) The master of a ship who engages or discharges any seaman at the Seafarer Services Office shall pay to the superintendent the whole of the prescribed fees.

#### **99. Changes in crew of sea-going ships to be reported**

(1) The master of every sea-going ship whose crew was engaged before the superintendent shall, before finally leaving Nigeria, sign and send to the nearest superintendent, a full and accurate statement in the prescribed form, of every change which takes place in his crew before finally leaving Nigeria, and that statement shall be admissible in evidence.

(2) A master who fails without reasonable cause to comply with the provisions of this section commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

#### **100. Certificate as to agreement with crew of sea-going ship**

(1) In the case of a sea-going Nigerian ship, on the due execution of an agreement with the crew in accordance with this Part of this Act, and where the agreement is a running agreement, in compliance by the master, before the second and every subsequent voyage made after the first commencement of the agreement with the provisions of this Part respecting that agreement, the superintendent shall grant the master of the ship a certificate to that effect.

(2) The master of every sea-going Nigerian ship shall, before proceeding to sea, produce to the superintendent the certificate granted him under subsection (1) of this section and any such ship may be detained until the conditions precedent to the grant of the certificate exist.

(3) The master of every sea-going Nigerian ship shall, within forty-eight hours after the ship's arrival at the ship's final port of destination in Nigeria or upon the discharge of the crew, whichever first happens, deliver his agreement with the crew to the superintendent and the superintendent shall give the master a certificate of the delivery.

(4) A master of a ship who fails, without reasonable cause to deliver the agreement with the crew to the superintendent commits an offence and on conviction is liable to a fine not less than fifty thousand naira.

### **101. Certificate as to agreement with the crew of a ship other than a sea-going ship**

(1) The owner or master of a Nigerian ship, which is not a sea-going ship shall, within twenty-one days after expiration of an agreement with the crew or within forty-eight hours of the ship's next arrival in Nigeria, whichever first happens, deliver or transmit the agreement to the superintendent in Nigeria.

(2) The superintendent, on receiving an agreement under subsection (1) of this section, shall give the owner or master of the ship a certificate to that effect, and the ship may be detained until the conditions precedent to the grant of the certificate exist.

(3) Any such owner or master who fails, without reasonable cause, to comply with this section shall be guilty of an offence and on conviction shall be liable to a fine not less than twenty thousand naira.

### **102. Copy of agreement not to be made accessible**

(1) The master of every Nigerian ship to which the provisions of section 93 of this Act apply, shall at the commencement of any voyage or engagement, cause a legible copy of the agreement with the crew without the signatures of the crew to be posted up in a part of the ship which is accessible to the crew.

(2) Any master who fails, without reasonable cause, to comply with this section commits an offence and on conviction is liable to a fine not less than fifty thousand naira.

### **103. Forgery, etc., of agreement with crew**

(1) A person who fraudulently alters, makes any false entry in or delivers a false copy of any agreement with the crew to the superintendent commits an offence and on conviction is liable to a fine not less than five hundred thousand naira, or to imprisonment for a term not less than two years or both.

(2) A person who assists in committing, or procures to be committed, any offence under this section, commits an offence and on conviction is liable to a fine not less than fifty thousand naira or to imprisonment for a term not less than two years, or both.

### **104. Alterations in agreement with crew**

Every erasure, interlineation or alteration in any agreement with the crew, except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship, shall be wholly inoperative unless proved to have been made with the consent of all the persons interested in the erasure, interlineation or the alteration by the written attestation of the superintendent or appropriate officer.

### **105. Seaman not to be bound to produce agreement**

In any legal or other proceedings, a seaman may bring forward evidence to prove the contents of any agreement with the crew or otherwise to support his case without producing, or giving notice to produce, the agreement or any copy of the agreement.

**106. Engagement of Local Seamen**

(1) Where in the case of seamen engaged in Nigeria who are nationals of or are domiciled in Nigeria it is agreed that the engagement of the seamen shall end at any port not in Nigeria, the agreement shall contain such stipulations as may be prescribed by the Minister from time to time.

(2) Every stipulation under subsection (1) of this section shall be signed by the owner of the vessel or by the master on his behalf.

**107. Engagement between masters of foreign ships and local seamen**

(1) Where the master of a foreign ship at any port in Nigeria engages seamen who are nationals of or are domiciled in Nigeria to proceed to any port not in Nigeria, he shall, save in any case provided for in subsection (3) of section 94 of this Act, enter into an agreement with the seamen and the agreement shall be made before the superintendent in the manner provided for the making of agreements in the case of sea-going ships.

(2) The provisions of section 106 of this Act respecting the stipulations to be contained in agreements under this section, and the making and signing of the same shall be applicable to the engagement of the seaman.

(3) The master of any foreign ship shall, if so required by the superintendent, give to the superintendent a bond with the security of a person resident in Nigeria and approved by the superintendent for every such seaman and conditioned for the due performance of the agreement and any prescribed stipulations and for the repayment to the Government of Nigeria of all expenses which it may incur in respect of any such seaman who is discharged or left behind at any port out of Nigeria, and becomes distressed, and is relieved under the provisions of this Act.

**108. Penalty for breach**

Any master of foreign ships who engages any seaman who is domiciled in Nigeria otherwise than in accordance with this Part of this Act commits an offence and on conviction is liable to a fine not less than one hundred thousand naira for every such seaman so engaged.

**109. Inspection of foreign ships in connection with engagement of local seamen**

The superintendent may enter on board any foreign ship for the purpose of ascertaining that the requirements of section 107 of this Act have been complied with in respect of any seaman domiciled in Nigeria and engaged in Nigeria to proceed in the ship to any port not in Nigeria; and for these purposes, the superintendent shall have all the powers of an inspector under this Act.

*Discharge of Seamen*

**110. Procedure on discharge of seamen, etc.**

(1) The master of a ship shall not discharge any seaman from any foreign ship in Nigeria without the approval of the superintendent or of the consular officer, if any, representing

the nation to which the ship belongs, and unless due provision is made for the subsistence and maintenance of the seaman to the satisfaction of the consular officer.

(2) A master of a ship who discharges a seaman in contravention of subsection (1) of this section commits an offence and on conviction is liable to a fine not less than two hundred thousand naira.

(3) The provisions of subsection (1) of this section shall not apply in respect of any seaman who was engaged in Nigeria or any seaman who, being a Nigerian citizen or a foreign citizen domiciled in Nigeria, is discharged in accordance with the terms of his agreement.

(4) The master of a ship shall not, except with the approval of the superintendent, discharge a seaman from any Nigerian ship, in any place other than at the Seafarer Services Office.

(5) Whenever any seaman is discharged at the Seafarer Services Office from any ship within Nigeria, the master of the ship shall give to the seaman at the time of the discharge, a written certificate specifying the time and nature of service and the time and place of discharge of the seaman, signed by the master and if the master fails to do so, he commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

(6) The master of a ship shall upon the discharge of a certificated officer whose certificate of competency was delivered to and retained by the master return the certificate to the officer and if the master, without reasonable cause, fails to return the certificate, he commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

(7) The master of a foreign ship or other person belonging to a foreign ship who wrongfully forces on shore and leaves behind, or otherwise wilfully leaves behind in Nigeria, any seaman or cadet belonging to the ship before the completion of the voyage for which the seaman or cadet was engaged, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira or to imprisonment for a term not less than one year or to both.

### **111. Report of seaman's character**

(1) When a seaman is discharged before the superintendent, the master shall make and sign, in the prescribed form, a report of the conduct, character and qualifications of the seaman discharged, or may state in the form that he declines to give any opinion upon any or all of the particulars.

(2) The superintendent before whom a discharge under this section is made shall, if the seaman desires, give to the seaman or endorse on his discharge, a copy of the report.

### **112. Fake or forged certificate of report of character**

A person who-

- (a) makes a false report of character under this Part of this Act, knowing the same to be false; or

- (b) forges or fraudulently alters any certificate of discharge or report of character or a copy of a report of character or assists in committing or procuring the commission of any such offence; or
- (c) fraudulently uses any certificate of discharge or report of character, or copy of a report of character, which is forged or altered or does not belong to him,

commits an offence and on conviction is liable to a fine not less than two hundred thousand naira or to imprisonment for a term not less than two years or to both.

*Special Provisions as to Seamen Left Behind Abroad*

**113. Certificate of proper officer required where seaman left behind abroad**

(1) The master of a Nigerian ship shall not leave a seaman or cadet behind at any place out of Nigeria on shore or at sea except where-

- (a) a seaman is discharged in accordance with this Part of this Act; or
- (b) the service of a cadet is terminated in accordance with his training agreement;
- (c) the master previously obtains, endorsed on the agreement with the crew, the certificate of the appropriate officer at the port at which the seaman or cadet is left behind, stating the cause of his being so left behind, whether the cause be unfitness or inability to proceed to sea, desertion, disappearance or otherwise.

(2) An appropriate officer shall, when an application is made for his certificate under subsection (1) of this section, inquire into the grounds on which the seaman or cadet is to be left behind, and may for that purpose, if he thinks fit, administer oaths or affirmations, and grant or refuse the certificate as he thinks just; but the appropriate officer shall not unreasonably withhold the certificate.

(3) Where a seaman or cadet from a Nigerian ship is left behind at any place outside Nigeria on shore or at sea by reason of his desertion, absence without leave or failure to join the ship, the provisions of this Part of this Act and or the provisions of the First Schedule shall apply in respect of the seaman or cadet.

[First Schedule.]

(4) The master of a ship who fails to comply with the requirements of this Part, commits an offence in addition to any other liability under this Act, and on conviction is liable to a fine not less than one hundred thousand naira or to imprisonment for a term not less than two years, or to both.

(5) For the purposes of any proceedings under this section the burden of proving that the certificate was obtained, or could not be obtained without unreasonable delay to the ship, or was unreasonably withheld, shall lie on the master of a ship.

**114. Account of wages in case of seaman left behind on ground of unfitness, etc.**

(1) Where the master of a Nigerian ship leaves a seaman behind on shore at any port out of Nigeria on the ground of the seaman's unfitness or inability to proceed to sea, the master shall deliver to the appropriate officer at the port, a full and true account of the wages due to the seaman and if the port is a port in a foreign country, the master shall deliver the account in duplicate.

(2) A master of a ship who fails to comply with the requirements of this section commits an offence and on conviction is liable to a fine not less than fifty thousand naira.

**115. Payment of wages of seaman left behind on ground of unfitness, etc.**

(1) Where a seaman is left behind at any port in a foreign country, on shore or at sea, the master shall pay the wages due to the seaman to the appropriate officer.

(2) Where payment is made to an appropriate officer in a foreign country, the officer shall retain one duplicate of the account delivered to him, and, if satisfied with the account, endorse on the other duplicate a receipt for the payment and return the duplicate account to the master of the ship.

(3) The master of the ship shall-

- (a) if the voyage of the ship is to terminate in Nigeria within forty-eight hours after the arrival of the ship at the ship's port of destination in Nigeria;
- (b) if in the course of the voyage the ship touches and remains for forty-eight hours at any port in Nigeria; or
- (c) in any other case, within forty-eight hours after the ship's arrival at the ship's port of destination,

deliver the duplicate account to the superintendent or appropriate officer at the port.

(4) Payment under this section shall be made, whenever it is practicable, in cash and when not so practicable, by bills drawn on the owner of the ship.

(5) Where payment is made by bills under this section-

- (a) the appropriate officer shall certify by endorsing-
  - (i) on the bill that the bill is drawn for seamen's wages;
  - (ii) on the agreement with the crew the amount for which the bill is drawn; and
  - (iii) such further particulars as the Minister may require;
- (b) if the bill is drawn by the master, the owner of the ship shall be liable to pay the amount to the holder or endorse the amount on the bill and it is not necessary, in any proceedings against the owner upon the bill, to prove that the master had authority to draw the bill;
- (c) a bill purporting to be drawn and endorsed under this section shall, if produced out of the custody of the Minister or the superintendent, be admissible in evidence;

and any endorsement on any bill purporting to be made in pursuance of this section shall also be admissible as evidence of the facts stated in the endorsement.

(6) A master of a ship who fails, without reasonable cause, to make the payment of wages provided for under this section, commits an offence and on conviction is liable to a fine not less than fifty thousand naira.



### **116. Application by appropriate officer of payments on account of seaman left behind in foreign country**

Where the amount of wages due to a seaman left behind is, pursuant to section 115 of this Act, paid to an appropriate officer in a foreign country, the officer shall deal with the sum paid to him in the following manner:

- (a) if the seaman subsequently obtains employment at or quits the port at which the payment has been made, deduct out of the sum any expenses incurred by the appropriate officer in respect of the maintenance of the seaman pursuant to this Part of this Act except such expenses as the owner or master is by this Part of this Act required to defray, pay the remainder to the seaman and deliver to the seaman an account of the sums so received and expended on his behalf;
- (b) if the seaman dies before his ship quits the port, the appropriate officer shall deal with the sum as part of the property of a deceased seaman;
- (c) if the seaman is sent to a proper return port at the public expense in accordance with this Act or any regulations made under this Act, the appropriate officer shall account for the sum to the Minister and the sum, after any expense duly incurred in respect of the seaman have been deducted except such expenses as the owner or master is by this Part required to defray, shall be dealt with as wages of the seaman.

### **117. Repatriation of seaman on termination of service at foreign port**

(1) Where the service of a seaman or cadet belonging to a Nigerian ship terminates during the currency of the agreement at any port out of Nigeria, otherwise than by the consent of the seaman to be discharged, or otherwise than in accordance with the training agreement-

- (a) the master of the ship shall, apart from complying with the other applicable provisions of this Part, make adequate provision in accordance with this Part for the maintenance of the seaman or cadet and for his return to a proper return port; and
- (b) the appropriate officer shall endorse upon the agreement with the crew of the ship which the seaman or cadet is leaving the particulars of any provision so made.

(2) If the master fails, without reasonable cause, to comply with the requirements of subsection (1) of this section, the expenses of maintenance and of return to the proper return port shall-

- (a) if defrayed by the seaman or cadet, be recoverable as wages due to the seaman; and

(b)

ime being, or

if defrayed by the appropriate officer or by any other person unless the seaman or cadet has been guilty of barratry, be a charge upon the ship to which the seaman or cadet belonged, and may also be recovered in the same manner as seaman's wages are recoverable from-

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- (iii) where the ship has been transferred to persons not qualified to own a registered Nigerian ship, the owners for the time being or the person who was the owner of the ship at the time of the transfer, at the suit of the person defraying the expenses or if the expenses have been repaid to that person out of moneys allowed by the Minister as a debt due to the Federal Government.

(3) When the master of a ship is required under subsection (1) of this section, to provide for the return of a seaman or cadet to a proper return port, the master may, instead of providing the seaman or cadet with-

- (a) a passage or the expenses of his journey; or
- (b) means to pay his passage or the expenses for his journey,

deposit with the appropriate officer such sum as that officer considers sufficient to defray the expenses of the return of the seaman or cadet to a proper return port.

#### *Distressed Seamen*

### **118. Rules as to relief and maintenance of distressed seamen**

(1) The Minister may make rules with respect to the relief, maintenance and return to a proper return port of masters of ships, seamen and cadets who are shipwrecked or found otherwise in distress at any place beyond the limits of Nigeria in this Act referred to as distressed seamen.

(2) Without prejudice to the generality of subsection (1) of this section, rules made pursuant to this section may make provisions-

- (a) for such conditions as are deemed expedient with regard to the relief and maintenance of a distressed seaman and his return to a proper return port; and
- (b) enabling the appropriate officer and in the case of expenses required to be incurred in Nigeria, the Minister or the superintendent, to defray any expenses properly incurred by or on behalf of any foreign country or by any person, in making arrangements for the return of a distressed seaman to a proper return port; and any expenses so incurred shall, for the purposes of this Part, be deemed to be expenses incurred on behalf of the distressed seaman.

(3) Save as provided by this Act or any other written law, a master, seaman or cadet shall not be relieved, maintained or sent to a proper return port except in the cases and to the extent and on the conditions provided by rules made or deemed to have been made pursuant to this section.

(4) All expenses paid under this Act by or on behalf of the Federal Government for the relief of a distressed seaman shall be charged upon the Consolidated Revenue Fund without further appropriation than this section, and all sums received or recovered towards those expenses shall be paid into the Fund.

### **119. Provisions for relief and maintenance of distressed or shipwrecked seaman**

(1) Where a distressed seaman-

- (a) whether or not he is a Nigerian citizen, is found at any place out of Nigeria discharged or left behind from any Nigerian ship or any Nigerian Government

ship, or by reason of having been discharged or left behind from any such ship in any place out of Nigeria in distress in that place; or

- (b) who is a Nigerian citizen who was engaged by any person acting as principal or agent to serve on a ship belonging to the Government or a subject or citizen of a foreign country, is in distress in any place out of Nigeria,

an appropriate officer shall, in accordance with and on the conditions prescribed by rules made or deemed to have been made pursuant to section 118 of this Act, provide in accordance with this Act, for the return of the distressed seaman to a proper return port.

(2) The appropriate officer shall provide for the seaman the necessary clothing and maintenance he would require until his departure to a proper port and in addition, in the case of a shipwrecked seaman, for the repayment of any expenses incurred in the conveyance of the distressed seaman to port after the shipwreck and his maintenance while being so conveyed.

### **120. Recovery of money advanced for distressed seaman**

(1) Where any expenses, other than excepted expenses as defined by this section, are incurred by or on behalf of the Federal Government or are incurred by the Government of any foreign country and repaid to that Government by or on behalf of the Federal Government on account of any distressed seaman-

- (a) for the maintenance, medical expenses, necessary clothing and conveyance of the distressed seaman to a proper return port; or
- (b) in case of death of the distressed seaman for his burial, or otherwise in accordance with this Act, the expenses, together with the wages, if any, due to the distressed seaman,

shall be charged upon the ship to which the distressed seaman belonged and shall be a debt due to the Federal Government from the master of the ship.

(2) For the purposes of subsection (1) of this section, the master of the ship includes-

- (a) the owner of the ship for the time being; or
- (b) where the ship has been lost, the person who was the owner of the ship at the time of the loss; or
- (c) where the ship has been transferred to persons not qualified to own a registered Nigerian ship, the owners for the time being or the person who was the owner of the ship at the time of the transfer;
- (d) in the case of a seaman or cadet who belonged to any foreign ship, the person, whether principal or agent, who engaged the seaman or cadet for service on the ship.

(3) The debt, in addition to any penalties which may have been incurred, may be recovered by the Minister on behalf of the Federal Government in the court and in the manner in which wages may be recovered by seamen.

(4) In any proceedings for the recovery of debt under this section, the production of the account, if any, of the expenses furnished in accordance with this Act and proof of payment of the expenses by or on behalf of the Minister or by Minister's direction, shall

be sufficient evidence that the expenses were incurred or repaid under this Act by or on behalf of the Federal Government.

(5) For the purpose of this section, "**excepted expenses**" means-

- (a) expenses incurred in cases where the certificate of the appropriate officer obtained on leaving a seaman or cadet behind states, or the Minister is otherwise satisfied, that the cause of the seaman or cadet being left behind is desertion, disappearance, imprisonment for misconduct or discharge from his ship by a naval court on the ground of misconduct; and
- (b) expenses incurred on account of the return to a proper return port of a distressed seaman who has been discharged at the port at which he was shipped, or at some neighbouring port.

### **121. Mode of providing for return**

(1) A distressed seaman may be sent to a proper return port by any reasonable route by land, sea or air or by any two or more of these modes of travel, in accordance with subsection (2) of this section.

(2) Provisions shall, where practicable, be made for the return of the distressed seaman by sea as to the whole or any part of the route by-

- (a) placing the seaman on board any ship which is in want of seamen to make up its complements;
- (b) providing the seaman with a passage on any ship or with the money for his passage on any such ship; and
- (c) as to any part of the route which is by land or by air, paying the expenses of the journey of the seaman and of his maintenance during the journey or providing him with means to pay those expenses.

### **122. Decision on questions as to return port**

(1) If any question arises as to what return port a distressed seaman is to be sent, in any case or as to the route by which the seaman should be sent, that question shall be decided by the appropriate officer.

(2) In deciding a question in subsection (2) of this section, the appropriate officer shall-

- (a) have regard to the provisions of this Act relating to the proper return port; and
- (b) subject to the provisions of this Act, have regard to the convenience of the distressed seaman, the expense involved, and where that is the case, the fact that a ship, which is in want of seamen to make up its complement, is about to proceed to the proper return port.

### **123. Provisions as to taking distressed seaman on ship, etc.**

(1) Where a distressed seaman is, for the purpose of his return to a proper return port, placed on board any ship, the appropriate officer of the country in which the ship is, shall endorse on the agreement with the crew, the name of the distressed seaman so placed on

board together with any particulars directed to be endorsed on the agreement by the law of that country.

(2) Where a distressed seaman is provided with a passage on a ship and is not signed on as a member of the crew of the ship, on the production of-

- (a) a certificate, signed by the appropriate officer by whose arrangements a distressed seaman to whom any rules made or deemed to have been made pursuant to section I 18 of this Act apply received on board any Nigerian ship, specifying the number and the names of the distressed seamen and the time when each of them was received on board; and
- (b) a declaration in writing made by the master of the ship, before the superintendent or appropriate officer stating the number of days during which each distressed seaman has received maintenance,

the master of the ship shall be paid, in respect of the maintenance and passage of each distressed seaman so conveyed, maintained and provided for by him and shall be paid such sum for each day or part of a day as is allowed by any rules made or deemed to have been made pursuant to section 118 of this Act.

#### **124 Appropriate officer may require master of Nigerian ship to take seaman in distress**

(1) The appropriate officer may, in the case of any distressed seaman to whom any rules made or deemed to have been made pursuant to section 118 apply, require the master of any Nigerian ship-

- (a) to receive on board the distressed seaman or as the case may be the seamen or cadets to whom the request relates (in this section included in the expression "distressed seaman"); and
- (b) to afford a distressed seaman passage and maintenance;

so however that a master shall not be required to receive more than one distressed seaman for every five hundred tons of his ship's tonnage.

(2) Where an appropriate officer requires the master of a ship to receive and afford a passage and maintenance to a distressed seaman the master of the ship shall endorse upon the agreement of the ship such particulars as are required by any rules made or deemed to have been made pursuant to section 118 of this Act or by the Minister.

(3) The master of a Nigerian ship who, pursuant to subsection (1) of this section, is required to receive and afford a passage and maintenance to any distressed seaman shall comply with the requirement and shall during the passage provide the distressed seaman with a proper berth or sleeping place, effectually protected against sea and weather.

(4) A master of a ship who fails, without reasonable cause, to comply with the provisions of subsection (3) of this section commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

#### *Payment a/Wages*

#### **125. Payment of wages before superintendent**

(1) Where a seaman is discharged before the superintendent, the seaman shall receive

his wages which shall be paid by the owner or master of the ship to the superintendent

through or in the presence of the superintendent unless otherwise directed by a court of competent jurisdiction.

(2) The owner or master of a ship who pays the wages of a seaman within Nigeria in any other manner than as provided under subsection (1) of this section, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

#### **126. Master to deliver account of wages**

(1) The master of every ship shall, before paying off or discharging a seaman in Nigeria, deliver at the time and in the manner provided by this Act a full and true account, in the prescribed form, of the seaman's wages and of all deductions to be made from the seaman's wages on any account whatever.

(2) The account to be delivered by the master of a ship under subsection (1) of this section, shall be delivered-

- (a) where the seaman is not to be discharged before the superintendent, to the seaman himself not less than twenty-four hours before the seaman is discharged or paid off; and
- (b) where the seaman is to be discharged before the superintendent, to the seaman himself at or before the time of the seaman leaving the ship but not less than twenty-four hours before the discharge or payoff.

(3) A master of a ship who fails, without reasonable cause, to comply with the provisions of this section commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

#### **127. Deductions from wages**

(1) The master of a ship shall not deduct from the wages of a seaman who is paid off or discharged in Nigeria unless the deduction is included in the account delivered in pursuance of section 126 of this Act or in respect of a matter happening after the delivery.

(2) The master shall, during each voyage, enter the various matters in respect of which deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce the book at the time of the payment of wages, and upon a hearing before any competent authority, of any complaint or question relating to the payment.

#### **128. Notice of disrating of seaman**

(1) Where the master of a Nigerian ship disrates a seaman, he shall immediately enter or cause to be entered in the official log-book, a statement of the disrating and furnish the seaman with a copy of the entry.

(2) Any reduction of wages, consequent on the disrating of a seaman shall not take effect until the entry required under subsection (1) of this section has been made and the copy so furnished.

(3) Any reduction of wages consequent on the disrating of a seaman shall be deemed to be a deduction from wages within the meaning of sections 126 and 127 of this Act.



### **129. Time of payment of wages for sea-going ships**

(1) The owner or master of a sea-going Nigerian ship, other than a ship employed on a voyage for which a seaman by the terms of his agreement is wholly compensated, by a share in the profits of the adventure shall-

- (a) pay to each seaman on account, at the time when the seaman lawfully leaves the ship at the end of his engagement, one-fourth of the balance of wages due to him, and shall pay to the seaman the remainder of his wages within two clear days, exclusive of any Sunday or public holiday, after he so leaves the ship;
- (b) if the seaman consents, leave the final settlement of the seaman's wages to the superintendent, and the receipt of that officer shall, in that case, operate as if it were a release given by the seaman in accordance with this Part of this Act.

(2) In the event of the seaman's wages or any part of the wages not being paid or settled in accordance with this section, and the delay is due to the act or default of the seaman or to any reasonable dispute as to liability or to any other cause which is not the wrongful act or default of the owner or master, the seaman's wages shall continue to run and be payable until the time of the final settlement of the wages.

### **130. Time of payment of wages for Nigerian ship other than a sea-going ship**

(1) The owner or master of every Nigerian ship, other than a sea-going ship, shall pay to each seaman his wages within two days after the termination of the agreement with the crew, or at the time when the seaman is discharged, whichever first occurs.

(2) If the owner or master of a ship fails, without reasonable cause, to make payment at the time prescribed under subsection (1) of this section, he shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days during which payment is delayed but the sum payable shall not exceed ten days' double pay.

(3) Any sum payable under this section may be recovered as wages.

### **131. Settlement of wages**

(1) Where a seaman is discharged from a Nigerian ship and the settlement of his wages is completed before the superintendent, the seaman shall sign in the presence of the superintendent, a release in the prescribed form, of all claims in respect of the past voyage or engagement, and the release shall also be signed by the master or owner of the ship and attested to by the superintendent.

(2) A release signed and attested to under subsection (1) of this section, shall operate as a mutual discharge and settlement of all demands between the parties to the release in respect of the past voyage or engagement.

(3) A release under this section shall be retained by the superintendent and, on production from his custody, shall be admissible in evidence.

(4) Where the settlement of a seaman's wages is, by this Part of this Act, required to be completed through, or in the presence of the superintendent, no payment, receipt or settlement made otherwise than in accordance with this Part shall operate or be admitted as evidence of the release or satisfaction of any claim.

(5) When payment is made by a master before the superintendent, the superintendent shall, if required, sign and give to the master a statement of the whole amount paid; and the statement shall, as between the master and his employer, be admissible as evidence that the master has made the payments mentioned in the statement.

(6) A seaman may except from the release signed by him under this section, any specified claim or demand against the owner or master of the ship, and a note to any claim or demand so excepted shall be entered upon the release.

(7) A release upon which an exception is entered shall not operate as a discharge or settlement of any claim or demand so noted, nor shall subsection (4) of this section apply to any payment, receipt or settlement made with respect to any such claim or demand.

### **132. Decision on wages by superintendent**

(1) Where a question as to wages is raised between the master or owner of a ship and a seaman or cadet before the superintendent, and the amount does not exceed ten thousand naira, the superintendent may on the application of any party involved, decide the question and the decision of the superintendent shall be final; but if the superintendent is of opinion that the question is one which ought to be decided by a court, he may refuse to make a decision on it.

(2) Where any question of whatever nature and whatever amount in dispute, between a master or owner and any of the crew is raised before a superintendent and both parties agree in writing to submit the same to the superintendent, he shall hear and decide the question so submitted to him.

(3) An award made by the superintendent upon the submission shall be conclusive as to the rights of the parties; and the submission or award shall not require a stamp; and a document purporting to be the submission or award shall be admissible as evidence of award or submission.

### **133. Power of superintendent to require production of ship's papers**

(1) The superintendent in any proceedings before him relating to the wages, claims or discharge of a seaman, may require the owner or his agent, the master or any mate or other member of the ship's crew, to produce any log-book, paper or other document in his possession or power relating to a matter in question in the proceedings and may require the attendance of and examination of any of those persons, being then at or near the place, on the matter.

(2) Any person required under subsection (1) to do anything who fails, without reasonable cause, to comply with the requisition commits an offence and on conviction is liable to a fine not less than twenty-five thousand naira.

### **134. Rule as to payment of seaman in currency other than that mentioned in the agreement**

Where a seaman agrees with the master of a Nigerian ship for payment of his wages in local currency or any other currency, any payment of, or on account of, his wages if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement, for the time being current at the place where the payment is made.

### **Leave entitlement**

Every seaman is entitled to annual leave, for minimum of 30 days with pay, for each year of service.

#### **136. Pro-rata entitlement for periods less than one year**

A seaman whose length of service in anyone year is less than that required for the full entitlement prescribed in section 135 of this Act shall be entitled in respect of that year to annual leave with pay proportionate to his length of service during that year.

#### **137. Unavoidable absence to be counted as part of period of service**

Absence from work to attend an approved maritime vocational training course or for reasons beyond the control of the seaman concerned such as illness or injury shall be counted as part of the period of service.

#### **138. Periods not to be counted as part of leave**

The minimum annual leave with pay shall not include-

- (a) public holidays;
- (b) periods of incapacity for work resulting from injury;
- (c) temporary shore leave granted to a seaman whilst on cadetship;
- (d) compensatory leave of any kind.

#### **139. Leave pay in advance**

Every seaman who takes his annual leave shall receive in respect of the full period of the leave at least his normal monthly remuneration in advance of the leave.

#### **140. Payment in lieu of leave**

A seaman who leaves or is discharged from the service of his employer before he takes the annual leave due to him shall receive his normal remuneration for the period of the leave.

#### **141. Divisibility of leave pay**

The division of the annual leave with pay into parts or the accumulation of the annual leave due in respect of one year together with a subsequent period of leave shall be permissible provided that the seaman so requests.

#### **142. Place of taking of annual leave**

(1) No seaman shall be required without his consent to take annual leave due to him at a place other than the place where he was engaged or recruited.

(2) Where the seaman is required to take his annual leave in a place other than the place of his recruitment, he shall be entitled to-

- (a) free transportation to the place where he was engaged or recruited; and

(b) subsistence and other costs directly involved in his return to the State where he was engaged or recruited from the employer.

(3) Travel time involved in subsection (2) of this section shall not be deducted from the annual leave with pay due to the seaman.

#### **143. Agreement to relinquish right to leave null and void**

Any agreement to relinquish the right to the minimum annual leave with pay to forgo the leave shall be null and void and the superintendent shall ensure proper compliance with the right to minimum annual leave.

#### **144. Cancellation of annual leave emergency**

A seaman who is on annual leave shall be recalled only in cases of extreme emergency after due notice has been given to him.

#### *Advance and Allotment of Wages*

#### **145. Advances restricted**

(1) Where an agreement with the crew is required to be made in a prescribed form, the agreement shall contain-

- (a) a stipulation for payment to or on behalf of the seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement; and
- (b) stipulations for the allotment of a seaman's wages in accordance with this Part of this Act.

(2) Except as stated in subsection (1) of this section, an agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from any port in Nigeria shall be void, and any money paid in satisfaction or in respect of any such agreement shall not be deducted from the seaman's wages; and no person has any right of action, suit or set-off against the seaman or his assignee in respect of any money so paid or purported to have been so paid.

#### **146. Allotment notes**

(1) Any stipulation made under section 145 of this Act by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence, shall be inserted in the agreement with the crew, and shall state the amounts and times of the payments to be made.

(2) Where the agreement with the crew is required to be made in a prescribed form, the seaman may require a stipulation to be inserted in the agreement for the allotment, by means of an allotment note, of any part, not exceeding one-half, of his wages in favour of a near relative or a prescribed bank.

(3) An allotment note may by agreement with the master be granted to a seaman providing for payment of a greater sum than one-half of the wages.

(4) Allotment notes shall be in the prescribed form.

(5) When a seaman has signed the agreement, the superintendent before whom the seaman is engaged shall enquire if the seaman requires a stipulation for allotment of wages by an allotment note; and if the seaman requires it, the superintendent shall insert the stipulation in the agreement with the crew, and it shall be deemed to have been agreed to by the master.

(6) Save with the agreement of the master, nothing in subsection (5) shall apply to any stipulation within subsection (3) of this section or subsection (2) of section 150 of this Act.

(7) For the purposes of this Act and with respect to allotment notes, "near relative" means the spouse, father, mother, grandfather, grandmother, child, grandchild, brother or sister of the seaman.

#### **147. Allotment through savings banks**

An allotment in favour of a prescribed bank shall be made in favour of such persons, and carried into effect in such manner, as may be prescribed.

#### **148. Master to give facilities**

(1) Where the balance of wages due to a seaman belonging to a Nigerian ship is more than two thousand naira, and the seaman expresses to the master of the ship, while the ship is in Nigeria, his desire to have facilities afforded to him for remitting all or part of the balance to a prescribed bank, or to a near relative in whose favour an allotment note is made, the master shall give to the seaman all reasonable facilities for so doing (so far as regards so much of the balance as is in excess of two thousand naira) but the master shall be under no obligation to give those facilities while the ship is in port if the sum will become payable before the ship leaves port, or otherwise than conditionally on the seaman going to sea in the ship.

(2) A master of a ship who fails to comply with the provisions of subsection (1) of this section commits an offence and on conviction is liable to a fine not less than twenty-five thousand naira.

#### **149. Right of suing on allotment notes**

(1) A person in whose favour an allotment note under this Part of this Act is made may, unless the seaman is shown, in the manner specified in this Act, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted, when and as the same are made payable, with costs from-

- (a) the owner of the ship with respect to which the engagement was made; or
- (b) from any agent of the owner who has authorised the allotment,

in the same court and manner in which wages of seaman not exceeding twenty thousand naira may be recovered under this Act.

(2) The spouse of a seaman who deserts the children or misconducts himself or herself in such a way as to be undeserving of support from his or her spouse, shall forfeit all rights to further payments under any allotment made in his or her favour.

### **150. Time for payment of an allotment note**

(1) A payment under an allotment note shall begin at the expiration of one

(3) In any proceedings for recovery under subsection (1) of this section, it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorised agent.

(4) A seaman shall be presumed to be duly earning his wages unless the contrary is shown to the satisfaction of the court by-

- (a) the official statement of any change in the crew caused by the seaman's absence, made and signed by the master, as required by this Act;
- (b) a certified copy of an entry in the official log-book to the effect that the seaman has left the ship;
- (c) a credible letter from the master of the ship to the effect that the seaman has left the ship; or
- (d) such other evidence as the court, in its absolute discretion, may consider sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

month from the date of the note of agreement with the crew, and shall be paid at the expiration of every subsequent month after the first month and paid respect of wages earned before the date of payment.

(2) An allotment note may, by the agreement with the master, be granted to a seaman providing for payment at a period earlier than one month from the date of the agreement with the crew and at intervals more frequent than one month.

#### *Rights of Seamen in respect of Wages*

### **151. Rights to wages, etc, when to begin**

The right of a seaman belonging to a Nigerian ship to wages and provisions shall to begin at the time at which the seaman commences work or at the time specified in the agreement for the seaman's commencement of work or presence on board, whichever ever first occurs.

### **152. Right to recover wages and salvage not to be forfeited**

(1) A seaman belonging to Nigerian ship shall not by any agreement-

- (a) Forfeit his lien on the ship; or
- (b) be deprived of any remedy for the recovery of his wages, to which, in the absence of the agreement, he would be entitled; or
- (c) abandon his right to wages in case of the loss of the ship; or
- (d) abandon any right that he has or obtains in the nature of salvage.

(2) Every stipulation in any agreement which is inconsistent with any of the provisions of this Act shall be void.

(3) Nothing in this section shall apply to a stipulation made by a seaman who belongs to any Nigerian ship according to the terms of the agreement is to be employed on salvage with respect to the remuneration to be paid to him for

salvage service with respect to the remuneration to be paid to him for salvage services to be rendered by that ship to any other ship.

### **153. Wages not to depend on freight**

(1) The right of a seaman who belongs to a Nigerian ship to wages shall not depend on the earning of freight.

(2) Every seaman and cadet who is entitled to demand and recover any wages if the ship in which he has served had earned freight shall, subject to all other rules of law and conditions applicable to the case, demand and recover the same notwithstanding that freight has not been earned.

(3) In all cases of wreck or loss of a ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo and stores shall bar his claim to wages.

(4) Where a seaman or cadet who is entitled by virtue of this section to demand and recover any wages, dies before the wages are paid, the wages shall be paid and applied in the manner provided for by this Part of this Act with respect to the wages of a seaman who dies during a voyage.

### **154. Wages on termination of service by wreck**

(1) Where by reason of the wreck or loss of a ship, the services of a seaman employed in a Nigerian ship is terminated before the date contemplated in the agreement the seaman is entitled to receive wages at the rate to which he was entitled at the date of termination of his service in respect of each day on which he is in fact unemployed for a period of two months from date of termination.

(2) A seaman shall not be entitled to receive wages under this section if the owner shows that-

- (a) the unemployment was not due to the wreck or loss of the ship; and
- (b) the seaman was able to obtain suitable employment on any day during the period of two months from the date of termination of his service.

(3) In this section, "seaman" includes any person employed or engaged in any capacity on board a ship, but in the case of a ship which is a fishing vessel, does not include any person who is entitled to be remunerated only by a share in the profits or the gross earnings of the working of the vessel.

### **155. Wages on termination of service by illness**

Where the services of a seaman who belongs to a Nigerian ship terminates before the date contemplated in his agreement by reason of the seaman being left on shore at any place outside Nigeria under a certificate granted under section 113 of this Act, or his unfitness or inability to proceed on the voyage, the seaman shall be entitled to wages up to the time of the termination, but not for any longer period.

### **156. Wages not to accrue during refusal to work or imprisonment**

A seaman or cadet who belongs to a Nigerian ship shall not be entitled to wages for any time during which he-

- (a) unlawfully refuses or neglects to work, when required, whether before or after the time fixed by the agreement for his commencement of such work;

- (b) is lawfully imprisoned for an offence committed by him unless a court hearing the case otherwise directs.

**157. Forfeiture of wages, etc., of seaman when illness caused by his own default**

Where a seaman who belongs to a Nigerian ship is, by reason of illness, incapable of performing his duty and it is proved that the illness has been caused by his own wilful act or default, the seaman shall not be entitled to wages for the time during which he is, by reason of the illness, incapable of performing his duty.

**158. Court's order on costs of punishment may be deducted from wages**

Whenever, in any proceedings relating to a seaman's wages, it is shown that a seaman or cadet who belongs to a Nigerian ship has, in the course of the voyage, been convicted of an offence by a competent tribunal and rightfully punished for that offence by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to the seaman, not exceeding one month's wages, to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment.

**159. Compensation to seaman improperly discharged**

If a seaman who signed an agreement to serve in a Nigerian ship is discharged otherwise than in accordance with the terms of the agreement before the commencement of the voyage, or before one month's wages are earned-

- (a) without fault on his part justifying the discharge; and
- (b) without his consent,

the seaman shall receive from the master or owner, in addition to any wages which he has earned, due compensation for the damage caused to him by the discharge not exceeding one month's wages, and may recover that compensation as if it were wages duly earned by him.

**160. Restriction on sale of a charge upon wages**

(1) As respect the wages due or accruing to a seaman or cadet belonging to a Nigerian ship-

- (a) the wages shall not be subject to attachment or arrest from any court;
- (b) an assignment or sale made prior to the accruing of the wages shall not bind the person making the same;
- (c) a power of attorney or authority for the receipt of the wages shall not be irrevocable; and
- (d) a payment of wages to the seaman or cadet shall be valid in law notwithstanding any previous sale or assignment of those wages, or any attachment, encumbrance or arrest of the wages.

(2) Nothing in this section shall-

- (a) affect the provisions of this Part of this Act with respect to allotment notes; or
- (b) restrict or limit the requirements of the National Social Insurance Trust Fund Act as to contributions by a seaman or apprentice belonging to a Nigerian ship.



## *Mode of Recovering Wages*

### **161. Summary proceedings for wages**

A seaman or cadet or a person duly authorised on his behalf, may, as soon as any wages due to him become payable, sue for the same in a summary manner in any court of competent jurisdiction in or near the place at which his service was terminated, or at which he was discharged or at which any person, on whom the claim is made, is or resides, and the order made by the court in the matter shall be final.

### **162. Saving for cases of ships other than Nigerian ships**

Nothing in this Part of this Act shall be construed as limiting the jurisdiction of a court to refuse to entertain an action for wages by the master or a member of the crew of a ship if the ship is not a Nigerian ship.

### **163. Remedies of master for wages disbursements, etc.**

(1) The master of a ship as far as the case permits, has the same rights, liens and remedies for the recovery of his wages as a seaman has under this Act or any law or custom.

(2) The master of a ship, and every person lawfully acting as master of a ship by reason of disease or incapacity from illness of the master of the ship, shall so far as the case permits, have the same rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3) If, in any proceedings in a court of competent jurisdiction dealing with the claim of a master in respect of wages, or of such disbursements or liabilities as are mentioned in subsections (1) and (2) of this section, any right of set-off or counterclaim is set up, the court may enter into and adjudicate upon all questions, and settle all accounts then arising or outstanding and unsettled, between the parties to the proceedings and may direct payment of any balance found to be due.

### **164. Powers of court in case of unreasonable delay in paying master's wages**

In any action or other legal proceedings by the master of a ship for the recovery of any sum due to him on account of wages, the court may, if it appears to it that the payment of the sum due has been delayed otherwise than by-

- (a) the act or default of the master; or
- (b) any reasonable dispute as to liability; or
- (c) any other cause not being the wrongful act or default of the person liable to make the payment,

order the person to pay, in addition to any sum due on account of wages, such sum as the court thinks just as damages in respect of the delay, without prejudice to any claim which may be made by the master on that account.

**165. Power of court to rescind contract between owner or master and seaman or cadet**

(1) Where proceedings are instituted in or before any court of competent jurisdiction in relation to any dispute between an owner or master of a ship and a seaman or cadet, arising out of or incidental to their relation as such, the court may, having regard to all the circumstances of the case, rescind any contract between the owner or master and the seaman or cadet, or any contract of cadetship, upon such terms as the court thinks just.

(2) The power to rescind a contract between the owner or master of a ship and a seaman or a cadet under subsection (1) of this section shall be in addition to any other power which the court has under this Act.

*Property of Deceased Seaman*

**166. Property of seaman who dies during voyage**

(1) If any seaman or cadet who belongs to a Nigerian ship, the crew of which is to be discharged in or the final port of destination of which is in Nigeria, dies during a voyage, the master of the ship shall take charge of the money or effects belonging to the seaman or cadet on board the ship.

(2) The master may, if he thinks fit, cause any of the effects to be sold by auction at the mast or otherwise by public auction.

(3) The master shall enter in the official log-book the following particulars-

- (a) a statement of the amount of the money and a description of the effects;
- (b) in the case of a sale under subsection (2), a description of each article sold, and the sum received for each; and
- (c) a statement of the sum due to the deceased as wages, and of the amount of deductions, if any, to be made from the wages.

(4) The entry in the official log-book shall be signed by the master and attested to by a mate and any other member of the crew.

(5) The money, effects and balance of wages mentioned in subsections (1) to (4) of this section are in this Part of this Act, referred to as the "property of the seaman or cadet".

**167. Dealing with and account of property of seaman who dies during voyage**

(1) Where a seaman or cadet dies during a voyage as provided in section 166 of this Act, the master of the ship shall, within forty-eight hours after his arrival at his port of destination in Nigeria, deliver and pay the property of the seaman or cadet to the superintendent at the port.

(2) In all cases where a seaman or cadet dies during the progress of a voyage or engagement, the master shall give to the superintendent such account, and in such form as, the superintendent may require, of the property of the seaman or cadet.

(3) A deduction claimed by the master in the account shall not be allowed unless verified, if an official log-book is required to be kept, by an entry in that book made and attested as required by this Act, and by such vouchers, if any, as are reasonably required by the superintendent.

(4) The superintendent may, if he thinks fit, sell any of the property of the seaman or cadet delivered to him, or of which he takes charge, under this Part of this Act and the proceeds of the sale shall form part of the property of the seaman or cadet.

(5) The superintendent shall grant to a master, upon due compliance with such provisions of this section as relate to acts to be done at the port of destination, a certificate to that effect.

#### **168. Penalty for non-compliance with provisions as to property of the deceased seaman**

(1) A master of a ship to whom section 167 of this Act refers who fails to comply with the provisions of this Part of this Act with respect to-

- (a) taking charge of the property of the seaman; or
- (b) making in the official log-book the proper entries relating to the properties of the seaman or cadet; or
- (c) procuring the proper attestation of those entries as required by this Part of this Act; or
- (d) the payment or delivery of the property of the seaman or cadet,

shall be accountable for the property to the superintendent and shall pay and deliver the same accordingly.

(2) The master of a ship who contravenes the provisions of subsection (1) of this section commits an offence, and in addition to paying and delivering the property, is liable on conviction to a fine not less than triple the value of the property not accounted for or if the value is not ascertained, to a fine not less than one hundred thousand naira.

(3) If the property of a seaman or cadet is not duly paid for, delivered or accounted for by the master as provided under this section, the owner of the ship shall pay, deliver and account for the same and the property shall be recoverable from the owner.

(4) The owner of a ship who fails to account for and deliver or pay for the property of the seaman or cadet, commits an offence and is liable on conviction to a fine not less than triple the value of the property not accounted for, delivered or paid over or if the value is not ascertained to a fine not exceeding one hundred thousand naira.

(5) The property of the seaman or cadet may be recovered in the same court and in the same manner in which the wages of a seaman may be recovered under this Act.

#### **169. Recovery of wages of seaman with owner of ship**

(1) Where a seaman or cadet who belongs to a ship to which section 166 of this Act refers, is lost with the ship, the superintendent may recover the wages due to the seaman or cadet from the owner of the ship in the same court and in the same manner in which the seaman's wages are recoverable and shall deal with the wages in the same manner as the wages of a deceased seaman and cadet are dealt with under this Part of this Act.

(2) In any proceedings for the recovery of the wages of a seaman under this section, if it is shown by an official return produced out of the custody of the superintendent, or by other evidence, that a ship left the port of departure twelve months or more before the institution of the proceedings, the ship shall unless it is shown that it was heard of within twelve months after that departure, be deemed to have been lost with all hands on board immediately after the time at which the ship was last heard of or at such later time as the court hearing the case thinks probable.

(3) Any duplicate agreement made out, or statement of change of the crew delivered, under this Part of this Act at the time of the last departure of the ship from Nigeria, or a certificate purporting to be a certificate from a consular or other public officer at any port outside Nigeria, stating that certain seamen and cadets were shipped in the ship from that port, shall, if produced out of the custody of the superintendent, be, in the absence of proof to the contrary, sufficient proof that the seamen and cadets named in the certificate as belonging to the ship were on board at the time of the loss.

### **170. Property of seaman dying in Nigeria**

If a seaman or cadet who belongs to a ship to which section 166 of this Act refers, dies in Nigeria and at the time of his death was entitled to claim any effect from the master or owner of a ship in which he served, any effects or unpaid wages, the master or owner shall pay and deliver or account for such property to the superintendent at the port where the seaman or cadet was discharged, or was to have been discharged.

### **171. Payment over of property of deceased seaman by the superintendent**

(1) Where any property of a deceased seaman or cadet who belong to a ship to which section 166 of this Act refers comes into the hands of the superintendent, the superintendent shall, after deducting the expenses incurred in respect of the seaman or cadet or of his property, such sum as he thinks proper to allow, subject to the provisions of this Part of this Act, deal with the residue as follows:

- (a) if the property exceeds twenty thousand naira in value, the superintendent shall pay and deliver the residue to the legal personal representative of the deceased;
- (b) if the property does not exceed twenty thousand naira in value, the superintendent may, as he thinks fit-
  - (i) pay or deliver the residue to any claimant who is proved to the satisfaction of the superintendent to be the spouse or a child of the deceased seaman or cadet, or to be entitled to the property of the deceased, under his will, if any, or any statute of distribution or otherwise, or to be a person entitled to take out representation, although no such representation has been taken out, and shall be discharged from all further liability in respect of the residue so paid or delivered, or
  - (ii) require representation to be taken out and pay and deliver the residue to the legal personal representative of the deceased.

(2) Every person to whom any residue is paid or delivered under subsection (1) of this section shall apply the same in due course of administration.

### **172. Dealing with deceased seaman's property when he leaves a will**

(1) Where a deceased seaman or cadet who belonged to a ship to which section 168 of this Act refers left a will, the superintendent may refuse to pay or deliver any residue under section 174 of this Act-

- (a) if the will was made on board the ship, to any person claiming under the will, unless the will is in writing, and is signed or acknowledged by the testator in the presence of, and is attested by, the master or first mate of the ship; and
- (b) if the will was not made on board the ship, to any person claiming under the will, who is not related to the testator by blood or marriage, unless the will is in writing and is signed or acknowledged by the testator in the presence of, and is attested to by two witnesses, one of whom shall be the superintendent or a person holding a similar office or a minister of religion officiating in the place in which the will is made or where there are no such persons, a magistrate, notary public or consular officer of a foreign country or an officer of customs.

(2) Whenever the superintendent refuses under this section to pay or deliver the residue to a person claiming under a will, the residue shall be dealt with as if no will had been made.

### **173. Claims by the children**

(1) A creditor is not entitled to claim from the superintendent, the property of a deceased seaman or cadet received by the superintendent under this Act, or any Part of this Act, by virtue of any representation obtained as creditor.

(2) A creditor is not entitled by any means whatsoever to obtain payment of his debt out of the property of a deceased seaman or cadet, if the debt accrued more than three years before the death of the deceased or if the demand is not made within two years after the death of the seaman or cadet.

(3) A demand under subsection (2) of this section shall be made to the superintendent by the creditor delivering an account in writing signed by him and verified by a statutory declaration, stating the particulars of the creditor's demand and the place of his abode.

(4) If before the demand under subsection (2) of this section is made under this section, any claim to the property of the deceased seaman or cadet made by any other person has been allowed, the superintendent shall give notice to the creditor of the allowance of the claim.

(5) If no claim to the property of the deceased seaman or cadet has been allowed, the superintendent shall investigate the creditor's account, and may for that purpose require the creditor to prove same and produce all books, accounts, vouchers and papers relating to the debt and, if by means of the documents produced the creditor satisfies the superintendent of the justice of the demand in whole or in part, the demand shall be allowed and paid accordingly, as far as the property of the deceased seaman or cadet in the hands of the superintendent extends for that purpose, and the superintendent shall be discharged from all further liability in respect of money paid.

(6) If the superintendent is not satisfied as to the claim or if the books, account vouchers or papers required to be produced in subsection (5) of this section are not

produced, and sufficient reason is not given for the non-production, the demand shall be disallowed.

(7) In any case whatsoever, the superintendent may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand.

(8) If, in the course of the period of one year, a claim to the property of the deceased is made by any person as widow, next-of-kin or legatee, and allowed by the superintendent under this Part of this Act, the superintendent may pay and deliver the same to that person.

(9) Where the property of a deceased seaman or cadet has been paid and delivered by the superintendent to any person as widow, next-of-kin or legatee of the deceased, whether before or after the demand made by the creditor, the creditor shall have the same rights and remedies against that person as if he had received the property as the legal personal representative of the deceased.

#### **174. Dealing with unclaimed property of deceased seaman**

(1) Where no claim to the property of a deceased seaman or cadet received by the superintendent under this Part of this Act is substantiated within one year after the receipt of the claim, the superintendent shall pay the same or the proceeds of the property committed into cash, into the Consolidated Revenue Fund.

(2) If any subsequent claim is made to the property or the proceeds of a deceased seaman or cadet and the claim is established to the satisfaction of the superintendent, the amount or so much as appears to be due to the claimant, shall be paid to the claimant out of the Consolidated Revenue Fund.

(3) If any claim is not established to the satisfaction of the superintendent, the claimant may apply by summons to a court of competent jurisdiction and the court, after taking evidence orally or on affidavit, shall make such order on the summons as the court deems just.

(4) No claim on the property of a deceased seaman or cadet shall be entertained by the superintendent after the expiration of six years from the receipt of the property or proceeds by the superintendent without the approval of the Minister.

#### **175. Forgery of documents, etc., for the purpose of obtaining property of deceased seaman**

A person who, for the purpose of obtaining any property of a deceased seaman or cadet for himself or any other person-

- (a) forges or fraudulently alters, or assists in forging or fraudulently altering, or produces to be forged or fraudulently altered, any document purporting to show or assist in showing any right to the property; or
- (b) makes use of any document which has been so forged or fraudulently altered as mentioned in paragraph (a) of this section; or
- (c) gives or assists in giving, or produces to be given, any false evidence, knowing the same to be false; or

- (d) makes or assists in making, or produces to be made, any false representation, knowing the same to be false; or
- (e) assists in producing any false evidence or representation or causes any such evidence or representation to be given or made, knowing the same to be false,

commits an offence and on conviction is liable to a fine of not less than two hundred thousand naira or to imprisonment for a term not less than two years or to both.

## PART X

### *Welfare of Seamen*

#### *Provisions, Health and Accommodation*

#### **176. Definition**

In this Part of this Act, "**crew accommodation**" includes sleeping rooms, mess rooms, sanitary accommodation, hospital accommodation, recreation accommodation, store rooms and catering accommodation provided for the use of seamen, but does not include any accommodation which is used by or provided for the use of passengers.

#### **177. Regulations relating to crew accommodation**

(1) The Minister may make regulations with respect to crew accommodation which shall be provided on board a Nigerian ship.

(2) Without prejudice to the generality of subsection (1) of this section, regulations made under this section may in particular-

- (a) prescribe the minimum space per man which shall be provided by way of sleeping accommodation for seamen and the maximum number of persons by whom a specified part of the sleeping accommodation may be used;
- (b) regulate the positions in the ship in which the crew accommodation or any part of the accommodation may be located and the standards to be observed in the construction, equipment and furnishing of the accommodation;
- (c) require the submission to a Surveyor of Ships, of plans and specifications of any works proposed to be carried out for the purpose of the provision or alteration of any accommodation under this section and authorise the surveyor to inspect any such works; and
- (d) provide for the maintenance and repair of any accommodation under this section and prohibit or restrict the use of any accommodation for purposes other than those for which the accommodation is designed.

(3) Regulations made under this section may-

- (a) make different provisions with respect to different descriptions of ships or with respect to ships which were registered in Nigeria at different dates and with respect to crew accommodation provided for seamen of different descriptions;
- (b) exempt ships of any description from any requirements of the regulations made under the Act and the Minister may grant other exemptions from the requirements with respect to any ship; and





(c) require the master of a ship or any officer authorised by him for that purpose to carry out such inspection of the crew accommodation as may be prescribed by the regulations.

(4) A person who contravenes any of the provisions of the regulations made under this section commits an offence and on conviction is liable to a fine of not less than one hundred thousand naira.

(5) Regulations under this section may exempt ships of any description from any requirements of the Regulations made under this Act and the Minister may grant other exemptions from the requirement with respect to any ship.

#### **178. Complaints as to provisions of water**

(1) If three or more of the crew of a Nigerian ship within Nigeria, consider that the provisions or water for the use of the crew are at any time-

- (a) of bad quality; or
- (b) *unfit for use*
- (c) *below such scale as may be prescribed*

the crew shall complain of their findings to the superintendent or a Port Health Officer and the superintendent or Port Health Officer shall examine the provisions or water complained of or cause them to be examined.

(2) Where, upon examination as prescribed under subsection (1) of this section it is found that the provisions or water are of bad quality and unfit for use, or below the scale or quantity prescribed, the superintendent or the officer shall in writing to the master of the ship, report on the condition of the provisions or water and the master of the ship shall upon receiving the report, provide other appropriate provisions or water in lieu of any so reported to be of bad quality and unfit for use.

(3) Where the master of a ship to whom a report is made-

- (a) does not provide the appropriate provisions or water in lieu of those reported to be bad; or
- (b) does not procure the requisite quantity of the provisions or water so reported to be deficient in quantity; or
- (c) uses any provisions or water so reported to be of bad quality and unfit for use, he commits an offence and on conviction is liable to a fine not less than fifty thousand naira.

(4) The superintendent, officer or other person making an examination under this section shall enter a statement of the result of the examination in the official log-book of the ship and send a report of the examination to the superintendent and the report shall be admissible in evidence.

(5) Where the superintendent, officer or person making an examination under this section, certifies in the statement entered in the official log-book that there were no reasonable grounds for the complaint under subsection (1) of this section, each of the complainants shall be liable to forfeit to the owner of the ship out of his wages, a sum not exceeding one week's wages.

(6) Where provisions or water are examined under this section, the owner, master or agent shall pay, in respect of the examination, such fees as may be prescribed.

(7) If, in accordance with subsection (5) of this section, it is certified that there are no reasonable grounds for the complaint, the owner, master or is entitled to recover such fee as may be prescribed, from the complainants in addition to any penalty to which the complainants may be liable under that subsection.

(1) An inspecting officer may inspect, before shipment or on board the ship, any provisions, other than provisions made by the crew themselves or water intended for the use of the crew of any Nigerian ship which is going from any port in Nigeria and for which an agreement with the crew is required under this Act.

(2) If an inspecting officer finds that the provisions or water are in any respect deficient in quality, the ship shall be detained by the inspecting officer until the defects are remedied to his satisfaction.

(3) An inspection of provisions or water under this section shall, whenever practicable, be made before shipment.

(4) The owner, agent or master of a ship may give notice to an inspecting officer that any provisions or water for the ship are ready for inspection and the inspecting officer shall inspect the provisions or water under this subsection, if the provisions or water are at a convenient place for inspection, within forty-eight hours after the notice is given.

(5) The inspecting officer may inspect any provisions or water not specified in the notice given under subsection (3) of this section without necessarily delaying the ship and may proceed on board a ship in order to satisfy himself that there has been no evasion of the requirements of this section by the substitution of other provisions or water for those which have been inspected on shore or specified in a notice as being the provisions or water for the ship, or otherwise.

(6) Where an inspecting officer finds the provisions or water deficient in quality, the master of the ship shall be deemed to have committed an offence under this section and on conviction be liable to a fine not less than fifty thousand naira, unless-

- (a) the court before which the case is tried thinks that the finding of the inspecting officer was not justified; or
- (b) the master of the ship shows to the satisfaction of the court that the responsibility for the defects in the provisions or water rests on the owner of the ship or any agent of the owner of the ship or with the person who supplied the provisions or water in which case the owner, agent or person other than the master, shall be deemed to have committed the offence and liable to payment of the fine.

(7) The master of the ship and any other person who has charge of any provisions or water liable to inspection under this section shall give the inspecting officer every reasonable facility for the purpose of the inspection under this section; and any master or person who refuses to provide the necessary facility commits an offence and on conviction is liable to a fine not less than twenty thousand naira.

(8) Where provisions are inspected under this section before shipment or on board a ship, the owner, agent or master of the ship shall in respect of such inspection, pay such fees as may be prescribed but where the provisions which have been inspected and sealed by an inspecting officer are found on board any ship within such time as may be prescribed as the time for which the seals are to hold good, no fee shall be charged for the verification of the seals.

(9) The Minister may appoint officers for the purposes of any inspection under this section, and the expression "**inspecting officer**" wherever used in this section, means an officer appointed to inspect provisions or water under this section.

#### **180. Allowance of short or bad provisions**

(1) Where, during the voyage of a Nigerian ship-

- (a) the allowance of any of the provisions for a seaman as stipulated by his agreement is reduced except-
  - (i) in accordance with the regulations for reduction by way of punishment contained in the agreement with the crew; and
  - (ii) for any time during which the seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct on board or on shore; or
- (b) it is shown that some of the provisions are or have been bad in quality and unfit for use,

the seaman shall receive, by way of compensation for that reduction or bad quality, such sums as may be prescribed.

(2) The court before which a case is tried under this section shall, if satisfied that the allowance of any provision was reduced due to inability to procure or supply the provisions in proper quantities, and that proper and equivalent substitutes were supplied in lieu of the provisions, take those circumstances into consideration and modify or refuse to make an order for compensation as the justice of the case may require.

#### **181. Weights and measures on board**

(1) The master of a Nigerian ship shall keep on board the ship, proper weights and measures for determining the board quantities of the different provisions and articles served out, and ensure that the weights and measures are used at the time of serving out the provisions and article, in the presence of a witness, whenever any dispute arises in respect of the quantities.

(2) The master of a Nigerian ship who fails, without reasonable cause, to comply with the provisions of this section, commits an offence and on conviction is liable to a fine not less than ten thousand naira.

#### **182. Ship to carry medicines, etc., in accordance with scale**

(1) The owner, agent and master of a Nigerian ship of a tonnage exceeding fifteen tons shall cause to be kept on board the ship-

- (a) a supply of medicines and medical stores in accordance with the scale; and

(b) a copy of the instructions for dispensing the medicines and medical stores as prescribed.

(2) A ship owner, agent and master to which subsection (1) of this section applies, who wilfully refuses or neglects to provide and keep on board such medicines, medical stores and instructions as are required by this section commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

### **183. Inspection of medicines, etc.**

(1) A Port Health Officer may inspect any medicines, medical stores or appliances with which any ship is, under the provisions of this Part of this Act required to be provided and for the purposes of the inspection have all the powers of an inspector under this Act.

(2) Where a Port Health Officer is of the opinion that the articles inspected are deficient in quantity or quality, or are placed in improper receptacles, the officer shall give notice in writing to the superintendent and the owner, agent or master of the ship.

(3) The master of the ship who is given notice under subsection (2) of this section shall before proceeding to sea, produce to the superintendent a certificate under the hand of the Port Health Officer showing that the default found by the Port Health Officer has been remedied and if he fails to produce the certificate, the ship shall be detained by the superintendent until the certificate is produced.

(4) Where a ship proceeds to sea without the production of the certificate by the master as provided in subsection (3) of this section, the owner, agent and master of the ship shall be deemed to have committed an offence and on conviction shall each be liable to a fine not exceeding one hundred thousand naira.

### **184. Expenses of medical attendance in case of injury or illness**

(1) Where a master, seaman or cadet belonging to a Nigerian ship is hurt or injured in the course of his service in the ship or suffers from any illness, not being an illness due to his own wilful act or default or to his own misbehaviour the expenses of-

- (a) providing the necessary surgical and medical advice and attendance and medicine; and
- (b) the maintenance of the master, seaman or cadet until he is cured, or he dies or is returned to his proper return port and of his conveyance to the port; and
- (c) in the case of death, his burial,

shall be defrayed by the owner of the ship without any deduction on that account from the wages of the master, seaman or cadet.

(2) Nothing in this section shall prejudice the rights of any master, seaman or cadet under the Workmen's Compensation Act or the National Social Insurance Trust Fund Act, so however, that no person shall be entitled to periodical payments under any of these Acts in respect of the period during which the owner of the ship is liable to defray the expenses of the maintenance of the person under this Part of this Act.

[Cap. W6, Cap. N88.]

(3) Where a master, seaman or cadet referred to in subsection (1) of this section, on account of any illness is temporarily removed from his ship for the purpose of preventing infection or otherwise for the convenience of the ship and subsequently returns to his duty, the expenses of the removal and of providing the necessary advice, attendance and medicine and of his maintenance while away from the ship, shall be defrayed in the manner provided in subsections (1) and (2) of this section.

(4) The expenses of all medicines, surgical and medical advice and attendance given to a master, seaman or cadet whilst on board his ship shall be defrayed in the manner provided in subsections (1) and (2) of this section.

(5) In all other cases, any reasonable expenses duly incurred by the owner of a ship for any seaman or cadet in respect of illness and the burial of any seaman or cadet who dies whilst on service shall, if duly proved, be deducted from the wages of the seaman or cadet.

### **185. Recovery of expenses from owner**

(1) If any of the expenses attendant on the illness, hurt or injury of a seaman or cadet to be paid under this Part by the owner or master of the ship to which the seaman or cadet belongs are paid by any authority on behalf of the Federal Government or if other expenses in respect of the illness, hurt or injury of a seaman or cadet who belongs to a Nigerian ship and whose wages are not accounted for under this Part to that authority, are so paid, those expenses shall be repaid to the authority by the owner or master of the ship.

(2) Where expenses are not repaid as required by subsection (1) of this section, the amount of the expenses with costs, shall be a charge upon the ship and shall be recoverable from-

- (a) the master or owner of the ship for the time being; or
- (b) where the ship is lost, from the person who was the owner of the ship at the time of the loss; or
- (c) where a registered Nigerian ship has been transferred to a person not qualified to own such a ship, from the owner for the time being or from the person who was the owner of the ship at the time of the transfer, as a debt due to the Federal Government by ordinary process of law or in the court and in the manner in which wages may be recovered under this Part by a seaman or cadet.

(3) In any proceedings for recovery under this section, a certificate of the facts, signed by the authority which paid for expenses referred to in this section, together with such vouchers, if any as the case require, shall be sufficient proof that the expenses in respect of which the proceedings instituted were duly paid for by that authority.

### **186. Accommodation for seamen, etc.**

The accommodation for seamen and cadets in Nigerian ships shall be such as may be prescribed and provisions shall be made in the same manner for the inspection of the accommodation and for fees to be paid in respect of the inspection.

### **187. Certain ships to carry medical practitioner**

(1) The owner or master of any sea-going ship which proceeds from Nigeria, having fifty persons or upwards on board, shall carry on board as part of the complement of the ship a duly qualified medical practitioner.

(2) Where a ship to which this section applies proceeds for a voyage from Nigeria without a duly qualified medical practitioner, the owner shall, for every voyage of the ship made without a duly qualified medical practitioner, be deemed to have committed an offence under this section and on conviction is liable to a fine not less than two hundred thousand naira.

(3) For the purposes of subsection (1) of this section, "**duly qualified medical practitioner**" means a medical practitioner who is authorised by law to practise as a legally qualified medical practitioner in the country to which the ship belongs.

#### **188. Penalty on master for filthy condition of passenger carrying ship**

(1) Where any passenger carrying ship is found on arrival in Nigeria to be in a filthy and insanitary condition, the master of the ship shall be deemed to have committed an offence and on conviction is liable to a fine not less than one hundred thousand naira.

(2) The Port Health Officer may inspect a passenger carrying ship on arrival in order to ascertain the sanitary condition of the ship and the officer shall, for that purpose, have all the powers of an inspector under this Act.

#### **189. Medical inspection of seaman**

The Port Health Officer shall, on application by the owner or master of any ship and on payment of the prescribed fees by the owner or master, examine a seaman applying for employment in that ship and give to the superintendent a report under his hand stating whether the seaman is in a fit state for sea, and a copy of the report shall be given to the owner or master of the ship.

#### *Prevention of Accidents to Seaman*

#### **190. Accidents to be reported and investigated**

The master of a Nigerian ship shall ensure that any accident involving a seaman on board his ship is adequately investigated and reported to the superintendent.

#### **191. Superintendent to investigate serious accident**

The superintendent shall investigate the causes of and circumstances surrounding occupational accidents which result in the loss of life or serious personal injury to a seaman on board a Nigerian ship and shall cause research to be undertaken into the general trends and hazards as the statistics reveals.

#### **192. Minister to make regulations**

(1) The Minister may make regulations for the prevention of accidents, the protection of health in employment and may by regulations specify measures for the prevention of accidents which are peculiar to maritime employment.

(2) The regulations made under this section shall include provisions dealing with-

- (a) general and basic issues;
- (b) structural features of the ship;
- (c) machinery;

- (d) Special Safety measures on and below deck
- (e) loading and unloading equipment
- (f) fire prevention and fire-fighting
- (g) anchors, chains and lines
- (h) dangerous cargo and ballast; and
- (i) personal protective equipment for seamen.

(3) The regulations made under this section shall clearly specify the obligations of the shipowners, seamen and others concerned, to comply with them and for the use of the equipment and safeguards by seamen and a requirement that they comply with the relevant accident prevention measures.

### **193. Minister to promote training in accident prevention**

The Minister shall ensure that instructions in the prevention of accidents and in measures for the protection of health in employment are included as part of the instructions in professional duties in curricula for all categories and grades of seamen of vocational training institutions.

#### *Facilities for making Complaints*

### **194. Facilities for making complaints**

(1) Where a Nigerian ship is within Nigeria and a seaman or cadet on board the ship states to the master of the ship his desire to make a complaint to the superintendent against the master or any of the crew, the master shall, as soon as the service of the ship permits-

- (a) if the ship is at a port in Nigeria; or
- (b) if the ship is not at any port in Nigeria, soon after her first arrival at any such port,

allow the complainant to go ashore or send him ashore in proper custody, to enable the seaman or cadet to make his complaint.

(2) A master of a ship who fails without reasonable cause to comply with this section, commits an offence and on conviction is liable to a fine not less than twenty thousand naira,

#### *Provisions as to Discipline*

### **195. Misconduct endangering life or ship**

Where a master, seaman or cadet belonging to a Nigerian ship, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness-

- (a) does any act tending to the immediate loss, destruction or serious damage of the ship, or tending immediately to endanger the life or limb of a person belonging to or on board the ship; or
- (b) refuses or omits to do any lawful act, proper and requisite to be done by him for preserving the ship from immediate loss, destruction or serious damage or

for preserving any person belonging to, or on board the ship from immediate danger to life or limb,

the master, seaman or cadet commits an offence and on conviction is liable to a fine not less than one hundred thousand naira or to imprisonment for a term not exceeding two years or both.

#### **196. Notice of absence from ship or duty to be given by seaman or cadet**

(1) A seaman or cadet who in Nigeria intends to absent himself from his ship or his duty, may give notice of his intention, to the owner or to the master of the ship, not less than forty-eight hours before the time at which he ought to be on board his ship.

(2) Where a seaman or cadet gives notice as provided in subsection (1) of this section, the court shall not exercise any of the powers conferred by paragraph (a) of subsection (2) of section 197 of this Act.

#### **197. General offences against discipline**

(1) A seaman lawfully engaged in or a cadet belonging to a Nigerian ship who commits any of the offences under this section (in this Part of this Act, referred to as "offences against discipline") shall on conviction be liable to such penalty as is provided for the offence under this section.

(2) A seaman or cadet who-

- (a) quits the ship without leave after the arrival of the ship at its port of delivery and before the ship is placed in security, commits an offence under this section and on conviction is liable to forfeit out of his wages, a sum not exceeding one month's pay;
- (b) wilfully disobeys any lawful command commits an offence under this section and on conviction is liable to imprisonment for a term not exceeding four weeks;
- (c) continues to wilfully disobey lawful commands or continues wilfully to neglect his duties, commits an offence under this section and on conviction is liable to imprisonment for a term not less than twelve weeks;
- (d) assaults any officer of the ship, commits an offence under this section and on conviction is liable to imprisonment for a term not less than twelve weeks;
- (e) conspires with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, commits an offence under this section and on conviction is liable to imprisonment for a term not less than twelve weeks;
- (f) wilfully damages the ship in which he is engaged or dishonestly misappropriates or converts any of its stores or cargo to his own use or commits a criminal breach of trust in respect of or wilfully damages any of its stores or cargo, commits an offence under this section and is liable on conviction to forfeit out of his wages, a sum equal to the loss sustained by the ship and at the discretion of the court, to imprisonment for a term not less than twelve weeks;
- (g) involved in any act of smuggling whereby loss or damage is occasioned to the owner or master of the ship commits an offence under this section and is liable





on conviction to pay to the owner or master, a sum sufficient to reimburse the loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability, without prejudice to any further remedy.

#### **198. Summary remedies not to affect other remedies**

Nothing in section 197 of this Act takes away or limits any remedy, by suit or otherwise, which an owner or master would, but for the provisions of that section, have had for a breach of contract in respect of the matters constituting an offence under section 197 of this Act, but an owner or master shall not be compensated more than once in respect of the same damage.

#### **199. Penalty for false statement as to last ship or name**

(1) A seaman who, on or before being engaged, wilfully and fraudulently makes a false statement of the name of his last ship, or alleged last ship, or wilfully and fraudulently makes a false statement of his own name, commits an offence and on conviction is liable to a fine not less than twenty thousand naira.

(2) Where a seaman is liable to payment of the fine under subsection (1) of this section, the fine may be deducted from any wages which the seaman may earn by virtue of his engagement and the fine shall be paid into the Consolidated Revenue Fund.

#### **200. Deductions of fines from wages and payment to superintendent**

(1) Where the agreement of a seaman belonging to a Nigerian ship imposes a fine for any act of misconduct the fine shall be deducted as provided in this subsection-

- (a) if the seaman is discharged in Nigeria and the offence and the entry in the logbook required by this Act in respect of the offence, are proved to the satisfaction of the superintendent before whom the seaman is discharged, the master or owner shall deduct the fine from the wages of the offender and pay it to the superintendent;
- (b) if the seaman is discharged abroad, and the offence and the entry referred to in paragraph (a) of this subsection are proved to the satisfaction of the appropriate officer by whose sanction the seaman is discharged, the fine shall be deducted as specified in paragraph (a) and shall be paid to the appropriate officer and an entry of the deduction and payment shall be made in the official log-book of the ship which shall be signed by the appropriate officer.

(2) Every fine paid to the superintendent or appropriate officer, as the case may be, under this section shall be paid by him into the Consolidated Revenue Fund.

(3) Any master or owner of a ship who fails, without reasonable cause, to pay any fine required to be paid under this section, commits an offence and on conviction is liable to a fine not exceeding six times the amount of the fine not so paid.

(4) An act of misconduct for which a fine has been imposed and paid by or deducted from the wages of the seaman shall not be otherwise punishable under this Act.

#### **201. Penalty on stowaways**

A person who hides himself in any ship intending to go to sea in the ship without the consent of the owner, agent or master or a mate or of the person in charge of the ship or

of any other person entitled to give that consent, commits an offence and on conviction is liable to imprisonment for a term of two years.

## **202. Master's powers of arrest**

The master of a ship registered in Nigeria may cause any person on board the ship to be put under restraint if and for as long as it appears to him necessary or expedient in the interest of safety or for the preservation of good order or discipline on board the ship.

## **PART XI**

### *Registers*

#### *Official Log-books*

## **203. Official log-books as evidence**

(1) An official log-book shall be kept in every Nigerian ship, in the appropriate form for that ship approved by the Minister.

(2) The official log-books to be kept, may be for different classes of ships and shall contain proper spaces for the entries required by this Act.

(3) The official log-book may, at the discretion of the owner or master, be kept distinct from or join with the ship's ordinary log-book, so however that, in all cases, the spaces in the official log-book are duly filled up.

(4) An entry required by this Act in an official log-book shall be made as soon as possible after the occurrence to which it relates and if the entry is not made on the same day as the occurrence, it shall be made and dated so as to show the date of the occurrence and of the entry respecting it.

(5) Any entry made in respect of an occurrence happening before the arrival of a ship at the ship's final port of discharge, shall not be made more than twenty-four hours after its arrival.

(6) Every entry in the official log-book shall be signed by the master and by the mate or any other member of the crew, but if the entry is that of-

- (a) illness, injury or death, it shall be signed by the surgeon or medical practitioner on board, if any; and
- (b) wages due to a seaman or cadet who dies, it shall be signed by the mate and by a member of the crew in addition to the master.

(7) Every entry made in an official log-book in the manner provided by this Act shall be admissible in evidence.

## **204. Entries required in official log-book**

The master of a Nigerian ship shall enter or cause to be entered in the official log-book-

- (a) any conviction by a legal tribunal of a member of his crew, and the penalty imposed;
- (b) every offence committed by a member of his crew for which prosecution is intended or to enforce a forfeiture or to exact a fine, together with the statement concerning the copy or reading over of that entry and the reply, if

- any, made to the charge, as required by this Act;
- (c) every offence for which punishment is provided and imposed on board;
  - (d) a statement of the conduct, character and qualifications of each of his crew, or a statement that the master declines to give an opinion of these particulars;
  - (e) every case of illness or injury occurring to a member of the crew, and the nature of and the medical treatment adopted if any;
  - (f) every marriage which takes place on board, with the names and ages of the parties;
  - (g) the name of every seaman or cadet who ceases to be a member of the crew, otherwise than by death, with the place, time, manner and reason for his ceasing to be a member;
  - (h) the wages due to any seaman or cadet who dies during the voyage, and the gross amount of all deductions to be made from the wages;
  - (i) every collision with any other ship, and the circumstances under which the collision occurred;
  - (j) every accident sustained or caused by the ship which has occasioned any loss of life or any serious injury to any person or any material damage to the ship affecting the seaworthiness of the ship or the efficiency in its hull, equipment or machinery including every grounding of the ship; and
  - (k) any other matter directed by this Act to be entered in the log-book.

#### **205. Offences in respect of official log-books**

(1) A master of a ship who fails to keep an official log-book or make an entry in an official log-book in the manner required by this Act and at the time and in the manner provided under this Act, commits an offence and except as is otherwise expressly provided in this Act, is on conviction liable to a fine not less than one hundred thousand naira.

(2) Any person who makes or procures to be made or assists in making an entry in an official log-book in respect of any occurrence which took place before the arrival of the ship at its final port of discharge, more than twenty-four hours after the arrival, commits an offence and on conviction is liable to a fine not less than twenty thousand naira.

(3) A person who wilfully destroys, mutilates or renders illegible any entry in an official log-book or wilfully makes or procures to be made or assists in making a false or fraudulent entry in, or omission from the official log-book, commits an offence and on conviction is liable to a fine not less than two hundred thousand naira, or to imprisonment for a term not less than two years, or to both.

#### **206. Delivery of official log-books to superintendent**

(1) The master of every sea-going Nigerian ship other than a ship whose crew is engaged on a running agreement shall, within forty-eight hours after the arrival of the ship

at its final port of destination in Nigeria or upon the discharge of the crew, whichever first happens, deliver or transmit the official log-book of the voyage to the superintendent.

(2) The owner or master of every Nigerian ship, other than a ship to which subsection (1) of this section applies shall, upon the discharge of the crew, deliver the official log-book to the superintendent before whom the crew is discharged.

(3) Upon the delivery or transmission of an official log-book to the superintendent, under the provisions of this section, the superintendent shall give to the owner or master of the ship a certificate of the delivery or transmission and may detain any ship to which this section applies until the condition precedent to the giving of the certificate is fulfilled.

(4) The owner or master of a ship who fails, without reasonable cause, to deliver or transmit an official log-book as required by this section, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

#### **207. Official log-books to be sent to Registrar of Ships on transfer or loss of ship**

(1) Where, by reason of transfer of ownership or change of employment of a Nigerian ship, the official log-book ceases to be required in respect of the ship or to be required at the same date, the master or owner of the ship shall, if the ship is in Nigeria, within one month and if it is elsewhere, within six months after the cessation, deliver or transmit to the Registrar of Ships the official log-book duly made out at the time of the cessation.

(2) If a Nigerian ship is lost or abandoned, the master or owner of the ship shall if practicable, and as soon as possible, deliver or transmit to the Registrar of Ships the official log-book duly made out at the time of the loss or abandonment.

(3) The master or owner of the ship referred to in subsections (1) and (2) of this section shall inform the Seafarer Services Office of the transfer or change of employment or loss or abandonment of the ship.

(4) The owner or master of a ship who fails, without reasonable cause, to comply with any requirement of this section, commits an offence and on conviction is liable to a fine not exceeding one hundred thousand naira.

#### *Registration and Returns*

#### **208. Register of seamen**

The Minister shall, by means of the documents transmitted to him in pursuance of this Act and by any other means in his power, keep a register of all persons who serve on Nigerian ships.

#### **209. Return of births and deaths on Nigerian ships**

(1) The master of every Nigerian ship, shall, as soon as may be after the birth of a child or the death of a person on board his ship, record in his official log-book or otherwise the fact of the birth or death and other particulars as may be prescribed concerning the birth or death or as may be known to the master.

(2) The master of every Nigerian ship shall, upon the arrival of the ship at a port in Nigeria, deliver or transmit to the superintendent, in such form as may be prescribed, a return of the facts recorded by the master in respect of the birth of a child or the death of a person on board the ship.

(3) The superintendent shall send a certified copy of the returns relating to the births and deaths to the Principal Registrar of Births and Deaths who shall cause same to be filed.

(4) The master of any ship who fails to comply with any requirement under the provisions of this section, commits an offence and on conviction is liable to a fine not less than fifty thousand naira.

#### **210. Transmission of documents to Minister**

(1) The superintendent shall take charge of all documents which are delivered or transmitted to or retained by him under this Act, and shall keep them for such period as may be necessary for the purpose of settling any business arising at his port or for any other proper purpose.

(2) The superintendent shall if required produce the documents for any of the purposes in subsection (1) of this section and shall transmit the documents to the Minister who shall record and preserve them.

(3) The documents transmitted under this section, shall be admissible in evidence and shall, on payment of the prescribed fee or without payment, if the Minister so directs, be open to inspection by any person.

#### **211. Documents to be handed over to successor on change of master**

(1) If, during the progress of a voyage of a Nigerian ship, the master is removed, superseded or for any other reason, the master quits the ship and is succeeded in the command by any other person, the master shall deliver to his successor the various documents, relating to the navigation of the ship and to the crew of the ship, which are in his custody.

(2) Any master of a ship who contravenes the provisions of subsection (1) of this section, commits an offence and on conviction is liable to a fine not less than two hundred thousand naira.

(3) The successor to every master shall, immediately on assuming the command of a ship, enter in the official log-book a list of the documents delivered to him by his predecessor.

#### *Miscellaneous*

#### **212. Minister may dispense with transaction before superintendent**

The Minister may from time to time dispense with the transaction before the superintendent, of any matters required by this Part of this Act to be so transacted, and upon dispensing with the transaction, those matters, if otherwise transacted, shall be as valid as if they were transacted before the superintendent.

### **213. Deposit of documents at overseas port**

(1) Whenever a Nigerian ship, (other than a ship whose business for the time being is to carry passengers, whether cabin or deck passengers) arrives at a port in a country outside Nigeria, at which there is an appropriate officer and remains there for forty-eight hours, the master of the ship shall, within forty-eight hours of the arrival of the ship, deliver to the appropriate officer the agreement with the crew, and also all indentures and assignments of cadetships, or such of those documents as the ship is provided with.

(2) The appropriate officer shall keep the documents during the ship's stay in the port, and, in cases where any endorsements upon the agreement are required by this Act, shall make the endorsement and return the documents to the master within a reasonable time before his departure, with a certificate endorsed on the agreement stating the time when the documents were respectively delivered and returned.

(3) If it appears that the required forms have been neglected, or that the existing laws have been transgressed, the appropriate officer shall make an endorsement to that effect on the agreement and immediately transmit to the Minister a copy of the endorsement, with the full information the appropriate officer is able to gather regarding the neglect or transgression.

(4) The master of a ship who fails, without reasonable cause, to deliver any document in pursuance of this section, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

(5) In any prosecution for an offence under this section, if the master of a ship fails to produce the certificate issued under subsection (2) of this section, it shall be presumed, until the contrary is proved, that the master failed to deliver the document concerned, in pursuance of this section.

### **214. Conflict of laws**

Where, in any matter relating to a ship or to a person belonging to a ship, there appears to be a conflict of laws and if there is in this Part of this Act, any provision on the subject which is hereby made to extend to that ship, the case shall be governed by the provision but if there is no such provision, the case shall be governed by the law of the country in which the ship is registered or to which the ship belongs.

### **215. Application to unregistered ships**

This Part of this Act shall apply in the case of any unregistered ship which is by Part III of this Act required to be licensed in Nigeria or in any foreign country, as it applies in the case of Nigerian ships.

## **PART XII**

### *Safety of Life at Sea*

#### *General Provisions*

### **216. Application of some related maritime safety Conventions and Protocols**

As from the commencement of this Act, the following Conventions, Protocols and their amendments relating to maritime safety shall apply, that is-

- (a) International Convention for the Safety of Life at Sea, 1974 (SOLAS);

- (b) Protocol relating to the International Convention for the Safety of Life at Sea, 1988 and Annexes I to V thereto;
- (c) International Convention on Standards of Training Certification and Watch Keeping of Seafarers, 1978 (STCW) as amended;
- (d) International Convention on Maritime Search and Rescue, 1979 (SAR);
- (e) International Labour Organisation Convention (No. 32 of 1932) on Protection against Accident of Workers Employed in Loading or Unloading Ships (Dockers Convention Revised 1932);
- (f) International Convention on Maritime Satellite Organisation, 1976 (INMARSAT) and the Protocol thereto;
- (g) the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 and its Protocol of 1990;
- (h) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 and the Protocol thereto;
- (i) International Convention on Salvage, 1989;
- (j) Placing of Seamen Convention, 1920;
- (k) International Ship and Ports Facility Security (ISPS) Code; and
- (l) International Convention for Safe Containers, 1972.

### **217. Regulations**

- (1) The minister may make such regulations as he deems necessary or expedient for the purpose of carrying out the provisions of this part of this Act.
- (2) Without prejudice to the generality of subsection (1) of this section and the provisions contained in this section, the Ministry may by regulation provide for-
  - (a) the survey of ships and the issue of certificates.
  - (b) the types and forms of certificates;
  - (c) the construction and equipments of ships including the provision of life-saving and fire-fighters appliances.
    - (d) radio communications in ships.
    - (e) the safety of navigation.
    - (f) the carriage of grain by ships;
    - (g) the carriage of dangerous goods by ships.
    - (h) the safety of navigation.
    - (i) the design, construction, surveys and marking of nuclear ships;
    - (j) the management and safe operations of ships.
    - (k) the construction, surveys and marking of high speed crafts; and
    - (l) special measures to measures to enhance the memorandum on port state control.
- (3) The regulations made under this section shall, in the case of ships to which the safety Convention applies, include such requirements as appear to the Minister necessary



for the implementation of the provisions of the Safety Convention or any International Convention on safety.

### **218. Breach of safety regulations**

Any person who fails to comply with and does or attempts to do any act contrary to the provisions of any safety regulations made under section 217 of this Act commits an offence and is liable on conviction to a fine not less than three hundred thousand naira.

#### *Survey of ships*

### **219. Surveyors of ships**

(1) The Minister may appoint such number of qualified persons as surveyors of ships, as he deems necessary for the purposes of this Part of this Act.

(2) The Minister may, from time to time, recognise any qualified person as a Surveyor of Ships for the purposes of this Act, whether generally or for any specific purpose, or occasion.

(3) Every Surveyor of Ships and every Radio Surveyor shall have and perform the powers, functions and duties conferred on him by this Act and such other powers, functions and duties as may be necessary to carry into effect the provisions of this Part of this Act.

(4) Without prejudice to the generality of subsection (3) of this section, a Surveyor of Ships or a Radio Surveyor may-

- (a) in the execution of his duties, at all reasonable times, go on board any Nigerian ship, wherever the ship may be and any other ship while the ship is in Nigeria, and without unnecessarily detaining or delaying the ship from proceeding on any voyage or excursion, surveyor inspect the ship or any part of the ship, or any of the machinery, boats and equipment, cargo and other property or articles on board the ship, and any certificates or other documents which relate to the ship, or to any officer of the ship, and to which this Act applies; and
- (b) in consequence of an accident in a ship or for any other reason he considers necessary, require the ship to be taken into dock for the purpose of surveying or inspecting the hull of the ship.

(5) The Minister may make rules as to the powers, functions and duties of surveyors under this Act.

### **220. Ships to be surveyed annually**

(1) The owner of a Nigerian ship or coastal trade and inland water ship, shall, except this Act otherwise provides, cause the ship to be surveyed in the manner provided in this Part of this Act, at least once every year.

(2) If the ship referred to in subsection (1) of this section is, during the whole of the last month of any annual period prescribed, absent from Nigeria, the owner shall cause the ship to be surveyed within one month from the date on which the ship next returns to a Nigerian port.

## **221. Surveyor's record of inspections and certificates**

A surveyor shall keep a record of the inspections he makes and certificates he issues in such form and with such particulars respecting the inspection and certificates as the Minister may direct.

## **222. Ships not to proceed to sea without certificate of survey**

(1) No ship to which this section applies shall, except where this Act otherwise provides, ply or proceed to sea or on any voyage or excursion unless there is a valid certificate of survey in force in respect of that ship under this Part, which certificate is applicable to the voyage or excursion on which the ship is about to proceed.

(2) This section applies to--

- (a) a Nigerian registered ship;
- (b) any coastal trade and inland waters ship; and
- (c) any other passenger ship, while it is within any port in Nigeria.

(3) A ship to which this section applies that attempts to ply or go to sea without producing a valid certificate of survey may be detained until the certificate is produced.

## **223. Declaration of survey and partial surveys**

(1) The declaration of a surveyor shall, subject to the provisions of this section as to surveys and partial surveys, state--

- (a) the number of passengers which the ship is, in the judgment of the surveyor, fit to carry and distinguish, if necessary between the respective numbers to be carried on the deck, in the cabins, and in different parts of the deck and cabins;
- (b) the number of persons comprising the crew (including the master) for whom accommodation is provided in accordance with this Act; and, where the case requires, any conditions and variations, according to the time of year, the nature of the voyage, the cargo carried or other circumstances to which the number is subject;
- (c) such other matters as the Minister may direct from time to time.

(2) If, in the judgment of a surveyor, a ship is fit to ply on international voyages only while engaged in a special passenger trade, the surveyor shall state that fact in the declaration of survey.

(3) If, in the judgment of any surveyor, a ship is fit to ply or proceed within certain limits only, the surveyor shall state that fact in the declaration of survey.

(4) If, in the judgment of a surveyor, a ship is fit to ply within certain limits subject to compliance with certain conditions, the surveyor shall specify those conditions in the declaration of survey; and, if those conditions need to, in the judgment of the surveyor, be varied according to different intended uses of the ship, the surveyor shall, in his declaration of survey, specify the conditions appropriate to each of the uses.

(5) If, under subsection (1) of this section, a ship is partially surveyed, the surveyor shall state in the declaration of survey the extent to which he has surveyed the ship.

(6) Subject to the provisions of subsections (1) to (7) of this section and to the other provisions of this Act, the declaration of survey shall contain such statements of particulars as, having regard to the applicable requirements of this Act, the Minister may from time to time or in a particular case direct.

(7) The owner of a ship surveyed, or his agent shall within seven days after the receipt of a declaration of survey, deliver the declaration of survey to the Minister or to such person as the Minister may direct.

(8) An owner or agent who fails, without reasonable cause to deliver the declaration of survey received by him to the Minister, commits an offence and on conviction is liable to a fine not less than twenty thousand naira for each day the offence continues,

#### **224. Owner may appeal if surveyor refuses declaration**

(1) Subject to the provisions of this section, if the owner of a ship is aggrieved by the declaration of survey of a surveyor, or by the refusal of the surveyor to give the declaration, the owner may appeal in the prescribed manner to the Minister.

(2) On receipt of an appeal under subsection (1) of this section the Minister shall convene a Board of Survey, or refer the appeal to a scientific referee under this Act at the port at which or nearest to the place, where the ship is, for the time being,

(3) The Board of Surveyor the scientific referee as the case may be, shall investigate and make a report to the Minister and the Minister may, if satisfied that the requirements of the report and of the provisions of this Part of this Act have been complied with, issue a certificate of survey,

(4) Where a surveyor (making a survey for the purposes of a declaration of survey) is required by the owner of a ship to make the survey for the purposes of this Part of this Act in his presence or in the presence of a person appointed by the owner, and the surveyor and the owner or person appointed by the owner agree on the declaration of survey, no appeal shall lie under this section to the Minister.

#### **225. Surveyors to make returns**

(1) Every surveyor appointed under this Act shall, from time to time, make such returns to the Minister as the Minister may require with respect to the build, dimensions, draught, position of the load lines or other markings, tonnage, rate of sailing, room for fuel and the nature and particulars of machinery and equipment of any ship surveyed by the surveyor pursuant to this Part of this Act.

(2) The owner, master and engineer of any ship surveyed shall, on demand, give to the surveyor all the information and assistance within the power of the owner, master or engineer required for the purpose of returns under subsection (1) of this section,

(3) Any owner, master or engineer who fails to furnish the surveyor with any information required for the purposes of returns under subsection (2) of this section commits an offence and on conviction is liable to a fine not less than one hundred thousand naira,

## 226. Recognition of certificate of survey granted in other countries

(1) Where a foreign ship, which is not a Safety Convention passenger ship, has a foreign certificate of survey attested by an appropriate officer at a port in a foreign country, and the Minister is, by the production of that certificate, satisfied that-

- (a) the ship has been officially surveyed at the port;
- (b) *the certificate remains in force; and*
- (c) *as to the matters covered by the survey made for the purposes of the certificate, it appears to meet substantially the requirements of this Act*

the Minister may, subject to compliance by the owner with any condition which the Minister may specify, direct that the certificate shall be deemed to be a certificate of survey issued under this Act, and the certificate shall have effect accordingly.

(2) The Minister may, by order declare that the provisions of this subsection shall not apply in the case of a foreign ship whose certificate of survey complies with the requirements of this section, if it appears to the Minister that corresponding advantages are not extended to Nigerian ships at the port at which the foreign ship was surveyed.

(3) Without limiting the discretion of the Minister to require compliance with any condition pursuant to subsections (1) and (2) of this section, the conditions may provide for-

- (a) the survey annually of the hull, machinery and equipment or any part of the hull, machinery or equipment, of the ship by a Surveyor of Ships under this Act, and compliance with any requirements of the surveyor;
- (b) the survey by a Surveyor of Ships under this Act in respect of any requirement of this Act or of any subsidiary legislation made or deemed to have been made under this Act relating to any matter which, in the judgment of the Surveyor of Ships, has not (or may not have) been surveyed in the manner under this Act.

(4) Where the Minister directs that a certificate of survey, to which the provisions of subsections (1), (2) and (3) of this section apply is deemed to be a certificate of survey issued under this Act, except as may be required by the Minister pursuant to those subsections, the ship in respect of which the certificate was issued shall, while the certificate remains in force, be exempt from survey under section 220 of this Act.

(5) The period of an exemption under subsection (4) of this section shall in no case exceed one year from the date of the survey in respect of which the certificate was granted.

(6) Where a ship which has been issued with a certificate of survey to which, if in force, subsection (1) of this section applies, calls at a port in Nigeria before the termination of its voyage and the term of its certificate expires during the course of that voyage, the Minister may, upon the report of a surveyor that he is satisfied as to the seaworthiness of the ship, grant a permit for the ship to clear from Nigeria in continuation of its voyage.

(7) Where a permit under subsection (4) of this section has been granted in respect of any ship, the ship shall for the purpose of continuing its voyage, be exempt from section 220, and section 222 shall apply to that ship as if it had not made that call at a port in Nigeria.

## *Certificates*

### **227. Issue of certificates of survey**

(1) The Minister on the receipt of a declaration of survey shall, if satisfied that this Part of this Act has been complied with, issue in duplicate a certificate of survey stating the compliance, and stating-

- (a) the limits, if any, beyond which the ship is not fit to ply or proceed;
- (b) the number of persons, including the master, comprising the crew of the ship for whom accommodation is provided;
- (c) the number of passengers, if any, that the ship is fit to carry, distinguishing if necessary, the number of passengers to be carried in each part of the ship, and conditions and variations to which the number is subject; and
- (d) any other particular as may be prescribed.

(2) A certificate of survey issued in respect of a ship under this section shall bear as its date of issue a day not later than fourteen days after the day on which the Minister received the declaration of survey relating to the ship.

### **228. Issue of safety certificates to passenger ships, etc.**

(1) If the Minister, on receipt of a declaration of survey in respect of a Nigerian passenger ship, is satisfied that the ship-

- (a) complies with the construction rules, rules for lifesaving appliances, radio rules applicable to the ship and to such international voyages as the ship is to be engaged on; and
- (b) is properly provided with the lights, shapes and means of making fog signals required by the collision rules,

the Minister shall, on the application of the owner, issue in respect of the ship a certificate, in this Act referred to as a "general safety certificate", showing that the ship complies with the requirements of the Safety Convention applicable.

(2) If the voyages on which the ship is to be engaged are short international voyages and the ship complies only with such of those rules as are applicable to the voyages, the certificate (in this Act referred to as a "Short Voyage Safety Certificate") shall show that the ship complied with the requirements of the Safety Convention applicable to it as a ship plying on short international voyages.

(3) If the Minister, on receipt of a declaration of survey in respect of any passenger ship, is satisfied that the ship is exempt, by virtue of any exercise by the Minister of a power in that behalf conferred on him by this Act or by the rules in question, from any of the requirements of the construction rules, rules for lifesaving appliances, radio rules applicable to the ship and to such international voyages as the ship is to be engaged on, whether short voyages or otherwise, that the ship complies with the rest of these requirements, and is properly provided with the lights, shapes and means of making fog signals required by the collision rules, the Minister shall, on the application of the owner, issue in respect of the ship-

- (a) an exemption certificate stating which of the requirements of the Safety Convention applicable to the ship, the ship is exempt from, and that the exemption

is conditional on the ship plying only on the voyages and being engaged only in the trades and complying with the other conditions, if any, specified in the certificate; and

(b) a certificate showing that the ship complies with the rest of the requirements.

(4) A certificate issued under paragraph (b) of subsection (2) of this section shall in this Act be referred to as a "qualified safety certificate" or a "qualified short voyage safety certificate", as the case may be.

### **229. Issue to cargo ships of safety equipment and exemption certificates**

(1) If the Minister, on receipt of a declaration of survey in respect of a Nigerian cargo ship, is satisfied that the ship-

(a) complies with the rules for lifesaving appliances applicable to the ship and to such international voyages as the ship is to be engaged on; and

(b) is properly provided with the lights, shapes and means of making fog signals required by the collision rules,

the Minister shall, on the application of the owner, issue in respect of the ship, a certificate showing that the ship complies with the requirements of the Safety Convention relating to the matters applicable to the ship and a certificate issued under this subsection shall be referred to as a "safety equipment certificate".

(2) If the Minister, on receipt of a declaration of survey in respect of any ship as referred to in subsection (1) of this section, is satisfied that the ship is exempt, by virtue of any exercise by the Minister of a power in that behalf conferred on him by this Act or by the rules for lifesaving appliances, from any of the requirements of those rules applicable to the ship and to the international voyages the ship is engaged on, and that the ship complies with the rest of the requirements and is properly provided with the lights, shapes and means of making fog signals required by the collision rules, the Minister shall, on the application of the owner, issue in respect of the ship-

(a) an exemption certificate stating which of the requirements of the Safety Convention, relating to the rules for lifesaving appliances and applicable to the ship, the ship is exempt from and that the exemption is conditional on the ship plying only on the voyages and complying with the other conditions, if any, specified in the certificate; and

(b) a certificate showing that the ship complies with the rest of the requirements.

(3) A certificate issued under paragraph (b) of subsection (2) of this section shall in this Act be referred to as a "qualified safety equipment certificate".

### **230. Issue to cargo ships of radio certificates and exemption certificates**

(1) If the Minister, on receipt of a declaration of survey in respect of a Nigerian cargo ship, is satisfied that the ship complies with the radio rules applicable to the ship and to such international voyages as the ship is to be engaged on, the Minister shall, on the application of the owner, issue in respect of the ship, a certificate showing that the ship complies with such of the requirements of the Safety Convention relating to radio communications as are applicable and any certificate issued under this subsection shall in this Act be referred to as a "radio certificate".

(2) If the Minister, on receipt of a declaration of survey in respect of a Nigerian cargo ship, is satisfied that the ship is exempt, by virtue of any exercise by the Minister of a power in that behalf conferred on him by this Act or by the rules in question, from any of

the requirements of the radio rules applicable to the ship and to such international voyages as the ship is to be engaged on, and that it complies with the rest of the requirements of the radio rules, the Minister shall, on the application of the owner, issue in respect of the ship-

- (a) an exemption certificate stating which of the requirements of the Safety Convention relating to radio communications, are requirements applicable to the ship and from which the ship is exempt and that the exemption is conditional on the ship complying only on the voyages and complying with the other conditions, if any, specified in the certificate; and
- (b) a certificate showing that the ship complies with the rest of the requirements.

(3) A certificate issued under paragraph (b) of subsection (2) of this section shall in this Act be referred to as a "qualified radio certificate".

(4) Where any Nigerian ship is wholly exempt from the requirements of the radio rules, the Minister shall, on the application of the owner, issue an exemption certificate stating that the ship is wholly exempted from the requirements of the Safety Convention relating to radio communications, and specifying the voyages from which, and conditions, if any, on which, the ship is so exempt and any certificate issued under this subsection shall in this Act be referred to as a "radio exemption certificate".

### **231. Issue of general safety certificates, etc., on partial compliance with rules**

Where a ship complies with all the requirements of the construction rules, rules for lifesaving appliances, radio rules applicable to the ship and to the voyages on which it is to be engaged, so far as those requirements are requirements of the Safety Convention applicable to the ship, the Minister may issue in respect of the ship-

- (a) a general safety certificate;
- (b) short voyage safety certificate;
- (c) a safety equipment certificate; or
- (d) a radio certificate, as the case may be,

notwithstanding that the ship is exempt from, or for some other reason does not comply with, any requirements of the rules that are not applicable requirements of the Safety Convention.

### **232. Transmission of certificates**

(1) The Minister shall cause every certificate issued under this Part of this Act to be transmitted to the Registrar of Ships or a Surveyor of Ships at the port mentioned by the owner for the purpose, or at the port where the owner or agent of the ship resides, or where the ship has been surveyed or is at the time lying.

(2) The Minister shall cause a notice of the transmission made pursuant to subsection (1) of this section to be given to the owner, agent or master of the ship and the Registrar of Ships or Surveyor of Ships to whom the certificate was transmitted shall, on the owner, agent or master applying and paying the proper fee and other sums, if any,

mentioned in this Act as payable in that behalf, deliver the certificate to the owner, agent or master of the ship.

(3) In proving the issue of a certificate, it is sufficient to show that the certificate was duly received by the Registrar of Ships or Surveyor of Ships and that due notice of the transmission was given to the owner, agent or master of the ship.

(4) In any case where there is no time for a certificate of survey to be delivered to the owner, agent or master as provided in subsection (2) of this section, before the ship sails from the port of survey, the surveyor may grant an interim certificate in such form as the Minister may approve.

(5) Every interim certificate issued under subsection (4) of this section shall have effect as if it were a certificate of survey issued under the provisions of this Part of this Act, and shall be in force for the period specified in the certificate not exceeding two months from the date of its issue.

### **233. Modification of provisions for exemption of ships**

The provisions of subsection (1) of section 245 of this Act and any order made or deemed to have been made under that section shall not apply to Safety Convention ships plying on certain international voyages in respect of the exemption of the ships from any of the provisions of this Part of this Act except section 256 of this Act.

### **234. Notice of alterations and additional surveys**

(1) The owner or master of a ship in respect of which certificate issued under this Part is in force shall, as soon as possible after any alteration is made in the ship's name, ownership, hull, equipment or machinery affecting the efficiency or the seaworthiness of the ship or the terms of the certificate, give notice in writing containing full particulars of the alteration, to the Minister.

(2) The Minister may where he has reason to believe that-

- (a) a certificate issued in respect of any ship under this Part of this Act was obtained fraudulently or on wrong information; or
- (b) since the making of the last declaration of survey, an alteration, as is mentioned in subsection (1) of this section, has been made to any ship; or
- (c) since the making of the last declaration of survey, the hull, equipment or machinery of a ship had sustained any injury or had otherwise become insufficient,

immediately cancel any certificate issued in respect of the ship under this Part of this Act; or require the owner of the ship to have the hull, equipment and machinery of the ship surveyed again to such extent as the Minister thinks fit; and, if the requirement is not complied with, may cancel any certificate issued in respect of the ship under this Part of this Act.

(3) Whenever the Minister cancels any certificate under subsection (3) of this section, he shall give notice to the owner, agent or master of the ship of the cancellation and of the reasons for the cancellation.



(4) In any such case, the Minister may, if satisfied that the ship complies with the requirements of this Part of this Act as to survey, and that the justice of the case so requires, re-Issue any cancelled certificate or Issue a new certificate in its place, without requiring that the ship be re-surveyed or that a further declaration of survey be transmitted.

(5) For the purposes of this section, "alteration", in relation to anything, includes the renewal of any part of the thing.

(6) The owner or master of a ship who fails to give notice of an alteration under this section commits an offence and on conviction is liable to a fine not less than fifty thousand naira.

### **235. Certificate to be posted on board**

(1) The owner or master of every ship shall, immediately on the receipt by him or his agent of a certificate under this Part, cause the certificate to be put up in some conspicuous place on board the ship, such that the certificate is legible to all persons on board, and is so kept and legible while the certificate remains in force and the ship is in use.

(2) The owner or master who fails to put up the certificate as provided in subsection (1) of this section commits an offence and on conviction is liable to a fine not less than fifty thousand naira.

(3) If a ship plies or goes to sea or on any voyage or excursion with or without passengers on board, without complying with the provisions of this section, the owner and the master of the ship shall each be deemed to have committed an offence and on conviction be liable to a fine not less than fifty thousand naira.

### **236. Prohibition on proceeding to sea without appropriate certificates**

(1) No Nigerian ship shall proceed to sea on an international voyage from a port in Nigeria unless there is in force in respect of the ship-

- (a) if the ship is a passenger ship, a safety certificate which, subject to the provisions of this section relating to short voyage safety certificates, is applicable to the voyage on which the ship is about to proceed and to the trade in which it is for the time being engaged; or
- (b) if the ship is a cargo ship, both-
  - (i) a safety equipment certificate or a qualified safety equipment certificate; and
  - (ii) a radio certificate, a qualified radio certificate or a radio exemption certificate.

(2) The provisions of subsection (1) of this section shall not prohibit a cargo ship from proceeding to sea if there is in force in respect of the ship such certificate or certificates as would be required if the ship were a passenger ship.

(3) The master and owner of a ship which proceeds to sea without a certificate in accordance with this section shall be deemed to have committed an offence and on conviction shall be liable to a fine not less than five hundred thousand naira or to imprisonment for three years or to both.

(4) For the purposes of this section, a qualified safety equipment certificate shall not be deemed to be in force in respect of a ship unless there is also in force in respect of the ship, the corresponding exemption certificate and an exemption certificate shall be of no effect unless the certificate is, by its terms, applicable to the voyage on which the ship is about to proceed.

(5) The master of every Nigerian ship shall produce to the collector of customs from whom a clearance for the ship is demanded for an international voyage, any certificate required by subsections (1), (2) and (3) of this section to be in force when the ship proceeds to sea, and the collector of customs shall not grant clearance to and may detain the ship until the required certificate is produced.

(6) Where the Minister permits a passenger ship in respect of which a short voyage safety certificate is in force, whether qualified or not, to proceed to sea on an international voyage from a port in Nigeria not exceeding twelve hundred nautical miles in length between the last port of call in Nigeria and the final port of destination, the certificate shall, for the purposes of this section, be deemed to be applicable to the voyage on which the ship is about to proceed, notwithstanding that the voyage exceeds six hundred nautical miles between those ports.

(7) Where an exemption certificate, including a valid exemption certificate issued under this Part of this Act in respect of a Nigerian ship specifies conditions on which the certificate is issued and those conditions are not complied with, the owner and master of the ship shall each be deemed to have committed an offence and on conviction be liable to a fine not less than five hundred thousand naira.

### **237. Modification of Safety Convention certificates in respect of lifesaving appliances**

(1) If, on any international voyage, a Nigerian passenger ship in respect of which a safety certificate is in force has on board a total number of persons less than the number stated in that certificate to be the number for which the lifesaving appliances on the ship provide, the Minister may, at the request of the master of the ship, issue a memorandum stating the total number of persons carried on the ship on that voyage, and the consequent modification which may be made for the purpose of that voyage in the particulars with respect to lifesaving appliances stated in the certificate, and that memorandum shall be annexed to the certificate.

(2) The master of the ship in respect of which any memorandum is issued shall return the memorandum to the Minister at the end of the voyage to which it relates and if it is not so returned, the master of the ship commits an offence and on conviction is liable to a fine not less than two hundred thousand naira.

### **238. Duration of certificates**

(1) A certificate of survey, a safety certificate, a radio certificate or a radio exemption certificate shall be in force for a period of one year, and a safety equipment certificate shall be in force for two years, from the date of the issue of the certificate or for such shorter period as may be specified in the certificate.

(2) No certificate under subsection (1) of this section shall remain in force after notice is given by the Minister to the owner, agent or master of the ship in respect of which it has been issued that the Minister has cancelled the certificate.

(3) An exemption certificate, other than a radio exemption certificate, shall be in the force for the same period as the corresponding qualified certificate.

### **239. Expired and cancelled certificates to be given up**

(1) A certificate issued under this Part of this Act, which certificate has expired or has been cancelled, shall be delivered by the owner, agent or master of the ship to the Minister or a person nominated by the Minister.

(2) Where, under this Act, two or more certificates are combined in one document, and one of the certificates has expired or been cancelled and the other certificate remains in force, the document shall be delivered by the owner, agent or master of the ship to the Minister or his nominee for the purpose of endorsement; and any document so delivered shall, when endorsed, be returned to the master, owner or agent in the manner provided for the transmission of certificates by section 232 of this Act.

(3) If a certificate or document is required to be delivered under this section, the Minister may cause the ship to be detained until the certificate is delivered.

### **240. Extension of certificates**

(1) The Minister may, in his discretion, if satisfied that the condition of the hull, machinery and equipment of a ship is such as to justify the Minister in doing so, grant an extension of any certificate issued under this Part-

- (a) in the case of any certificate of survey issued under section 227 of this Act; and
- (b) in the case of a Safety Convention certificate issued in respect of a Nigerian ship, for a period not exceeding one month from the date when the certificate would have, but for the extension, expired.

(2) If any Nigerian ship in respect of which any safety certificate, or any safety equipment certificate or radio certificate, whether qualified or not, or any radio exemption certificate is issued under this Part of this Act is absent from Nigeria on the date when the certificate is due to expire, the Minister or any person authorised by him in that behalf may grant an extension of that certificate for a period not exceeding five months from that date.

(3) Any extension of a certificate under the provisions of this section may be granted, notwithstanding that the certificate has expired, as long as the application for the extension is received before the date the certificate expired.

(4) On any extension being granted under subsection (3) of this section, the certificate shall be deemed always to have been in force but nothing in that subsection shall be deemed to authorise the granting of any extension beyond the period specified in subsections (1) and (2) of this section.

#### **241. Safety Convention certificates and admissibility in evidence**

(1) A Safety Convention certificate shall be in such form as may be approved by the Minister, and the construction rules, rules for lifesaving appliances and radio rules as the case may be, shall make such provisions with respect to Safety Convention certificates, as appear to the Minister to be necessary, having regard to the Annexures to the Safety Convention.

(2) Any safety certificate or any radio certificate, whether qualified or not, or any radio exemption certificate, issued under this Part of this Act in respect of any ship may be combined in one document with any certificate of survey issued under this Part of this Act in respect of the ship.

(3) A certificate issued by the Minister under this Part of this Act, and any document in which two or more certificates are, under the provisions of subsections (1) and (2) of this section combined, may be signed on behalf of the Minister by any person authorised by the Minister for this purpose and the certificate or document purporting to be so signed shall be admissible in evidence.

#### **242. Issue of certificates by one Government at request of another**

(1) The Minister may request the Government of a country to which the Safety Convention applies to issue in respect of a Nigerian ship, any Safety Convention certificate which is authorised to be issued under this Part of this Act; and a certificate issued in pursuance of the request and containing a statement that it has been so issued, shall have effect for the purposes of this Act as if it had been issued by the Minister and not by the Government of that country.

(2) The Minister may, at the request of the Government of a country to which the Safety Convention applies, issue in respect of a ship registered in or belonging to that country, any Safety Convention certificate, the issue of which in respect of Nigerian ships is authorised under the preceding provisions of this Part, if the Minister is satisfied that it is proper for him to do so; and a certificate issued in pursuance of the request, and containing a statement that it has been so issued, shall have effect for the purposes of this Act as if it had been issued by that Government and not by the Minister.

#### **243. Forgery of certificates**

A person who-

- (a) knowingly and wilfully makes, or assists in making or procures to be made, a false or fraudulent declaration of surveyor certificate under this Part of this Act; or
- (b) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering or procures to be fraudulently altered, any such declaration or certificate, or anything contained in or any signature to any such declaration or certificate,

commits an offence and on conviction is liable to a fine not less than two hundred thousand naira or to imprisonment for a term not less than two years, or to both.

**244. Certificates of Convention ships of other countries**

(1) The Minister may by Order provide that certificates issued in accordance with the Safety Convention by the Government of a country other than Nigeria in respect of Safety Convention ships, not being Nigerian ships, or having effect under subsection (2) of section 242 of this Act as if so issued, be accepted as having the same force as corresponding certificates issued by the Minister under this Act.

(2) Any certificate required by an Order under subsection (1) of this section to be so treated is in this Act referred to as "Accepted Safety Convention Certificate".

(3) A surveyor for the purpose of verifying-

- (a) that there is in force in respect of a Safety Convention ship, not being a Nigerian ship, an Accepted Safety Convention certificate; or
- (b) that the condition of the hull, equipment and machinery of any Safety Convention ship corresponds substantially with the particulars shown in the certificate; or
- (c) that the number, grades and qualifications of radio officers or operators on board correspond with those shown in the certificate except where the certificate states that the ship is wholly exempt from the provisions of the Safety Convention relating to radio communications; or
- (d) that the conditions on which a certificate, being the equivalent of an exemption certificate, is issued are complied with,

shall have all the powers of an inspector under this Act.

(4) Where there is attached to an Accepted Safety Convention Certificate in respect of a Safety Convention passenger ship, not being a Nigerian ship, a memorandum which-

- (a) is issued by or under the authority of the Government of the country in which the ship is registered or to which the ship belongs; and
- (b) modifies for the purpose of any particular voyage, in view of the number of persons carried on the voyage, the particulars stated in the certificate with respect to lifesaving appliances,

the certificate shall have effect for the purpose of the voyage as if it were modified in accordance with the memorandum.

**245. Modified survey of passenger ships holding Convention certificates**

(1) Where an Accepted Safety Convention Certificate is produced in respect of a Safety Convention passenger ship, not being a Nigerian ship-

- (a) the ship shall not be required to be surveyed under this Act by a surveyor except for the purpose of determining the number of passengers, if any, that the ship is fit to carry; and
- (b) on receipt of any declaration of survey for the purpose of determining the number of passengers, the Minister shall issue a certificate under section 227

of this Act containing only a statement of the particulars set out in paragraph (c) of subsection (1) of section 227 of this Act and a certificate so issued shall have effect as a certificate of survey.

(2) Where there is produced in respect of any ship mentioned in subsection (1) of this section an Accepted Safety Convention Certificate, and a certificate issued by or under the authority of the Government of the country in which the ship is registered or to which it belongs showing the number of passengers the ship is fit to carry, and the Minister is satisfied that the number has been determined substantially in the same manner as in the case of a Nigerian ship, the Minister may, if he thinks fit, dispense with any survey of the ship for the purpose of determining the number of passengers that the ship is fit to carry, and direct that the last mentioned certificate has effect as a certificate of survey.

#### **246. Modified survey of cargo ships holding Convention certificates**

Where a Safety Convention cargo ship, which is not a Nigerian ship, is surveyed in Nigeria in the manner prescribed in this Part of this Act, and there is produced in respect of the ship an Accepted Safety Convention Certificate by virtue of the production of which that ship is, under section 247 of this Act, exempted from the rules for lifesaving appliances, or, as the case may be, from the radio rules, the surveyor shall state in his declaration of survey that if the Minister upon receipt of a declaration of survey, issues a certificate of survey in respect of any such ship, the Minister shall state in the certificate the rules from which that ship is exempted and the reasons for the exemption.

#### **247. Miscellaneous privileges of ships holding Convention certificates**

Where an Accepted Safety Convention Certificate is produced in respect of a Safety Convention ship which is not a Nigerian ship, and the certificate shows that the ship-

- (a) is properly supplied with the lights, shapes and means of making signals required by the collision rules; or
- (b) complies with the requirements of the Safety Convention as to lifesaving and fire-extinguishing appliances or if exempted from some of those requirements the ship complies with the rest; or
- (c) that the ship complies with or is exempted from the requirements of the Safety Convention relating to radio communications, or if exempted from some of those requirements,

the ship complies with the rest, the ship shall, to the extent to which the certificate is applicable, be exempted from inspection for the purposes of enforcing the collision rules or from the provisions of the rules for lifesaving appliances or of the radio as the case may be.

#### **248. Further provisions as to the production of Convention certificates**

(1) The master of a Safety Convention ship, which is not a Nigerian ship, shall produce to the collector of customs from whom a clearance for the ship is demanded in respect of an international voyage from a port in Nigeria, an Accepted Safety Convention Certificate that is the equivalent of the Safety Convention Certificate issued by the Minister under this Part of this Act, required to be in force in respect of the ship if the ship were a Nigerian ship; and a clearance shall not be granted, and the ship may be detained until the certificate is so produced.

(2) The production of an Accepted Safety Convention Certificate which IS the

equivalent of-

- (a) a qualified safety equipment certificate; or
- (b) an exemption certificate, other than a radio exemption certificate,

shall not avail for the purposes of this section or section 247 of this Act unless there is produced, the corresponding exemption certificate or qualified certificate, as the case may be.

#### **249. Interpretation of this Part**

In this Part of this Act-

**"certificate"** means a certificate issued In accordance with the safety regulations made under this Act;

**"Safety Convention"** means the International Convention for the Safety of Life at Sea, 1974 as amended and its Protocol of 1978, together with such further other International Conventions on Safety as the Minister may, by Order declare to be in effect;

**"Safety Convention Certificate"** means a certificate that is required to be issued to a Safety Convention ship that complies with the relevant provisions of the Safety Convention and includes a Safety Certificate, Safety Construction Certificate, Safety Equipment Certificate, Safety Radio Certificate and any such certificate that is limited, modified or restricted by an exemption certificate;

**"Safety Convention country"** means a country the Government of which has accepted the Safety Convention;

**"Safety Convention ship"** means a ship to which the Safety Convention applies.

### PART XIII

#### *Construction of Ships*

#### **250. Construction rules**

(1) The Minister may make rules (in this Part of this Act referred to as "construction rules") prescribing requirements as to the hull, equipment and machinery of a Nigerian ship or any class of coastal or inland water ship.

(2) Every Nigerian ship or coastal or inland water ship shall, unless any of those classes of ships are otherwise exempted under this Act from the requirements of annual survey, comply with the requirements as are applicable.

(3) The power to make construction rules includes the power to make such further rules in relation to the construction rules as appear to the Minister necessary to implement the provisions of the Safety Convention.

(4) The Minister shall ensure that every ship constructed in Nigeria, to which the Safety Convention is applicable, shall comply in every particular with the provisions of the Convention.

## **251. Ships built in Nigeria**

(1) The provisions of this section shall apply with respect to every ship built in Nigeria.

(2) The builder of a ship shall submit the plans and specifications of the ship in duplicate to the Minister, and shall not commence the building until the Minister has approved of the plans and specifications.

(3) If a builder of a ship builds a ship without complying with the provisions of this section, the Minister may order the ship to be detained absolutely or until the builder performs the conditions with respect to alterations as the Minister thinks fit.

(4) The builder of a ship shall pay such fees for the examination of the plans and specifications of a ship under this section, as the Minister may, from time to time, direct.

(5) Any person who contravenes any of the provisions of this section commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

### *Lifesaving Appliances*

## **252. Rules for lifesaving appliances**

The Minister may make rules for lifesaving appliances which rules shall include such requirements as appear to the Minister expedient for the implementation of the provisions of the Safety Convention relating to the matters mentioned in this Part of this Act.

## **253. Ships to be provided with lifesaving appliances**

The owner and the master of a ship to which this Part of this Act applies shall ensure that his ship is provided, in accordance with the rules for lifesaving appliances, with such of the appliances as, having regard to the nature of the service for which the ship is employed, and the avoidance of undue encumbrance of the ship's deck, are best adapted for securing the safety of the ship's crew and passengers.

## **254. Inspection of ships for purposes of rules**

(1) A Surveyor of Ships may inspect a ship for the purpose of ensuring that the ship is properly provided with lifesaving appliances in conformity with this Act, and for the purpose of the inspection shall have all the powers of an inspector under this Act.

(2) If a Surveyor of Ships finds that the rules for lifesaving appliances have not been complied with, he shall give to the master or owner of the ship, a notice in writing stating in what respect there has been failure in compliance and what, in the opinion of the surveyor, is required to remedy the same.

(3) A notice given under subsection (2) of this section shall be communicated in the manner directed by the Minister, to the collector of customs at any port at which the ship may seek to obtain a clearance, and a clearance shall not be granted to the ship, which ship shall be detained by the collector of customs, until a certificate under the hand of a Surveyor of Ships is produced to the effect that the matter required to be remedied has been rectified.



## *Baal Drill and Fire Drill*

### **255. Boat and fire drill**

(1) The master of a Nigerian ship shall-

- (a) cause his crew to be properly exercised in boat and fire drills at such times and in such manner as may from time to time be prescribed by the rules for lifesaving appliances;
- (b) cause an entry to be made in the official log-book of every occasion on which a boat drill or a fire drill is practised on board the ship or on which the appliances and equipment required by the rules for lifesaving appliances to be carried are examined to see whether they are fit and ready for use, and of the result of any such examination;
- (c) if in the case of-
  - (i) a passenger ship, a boat drill or fire drill is not practised on board the ship in any week, or
  - (ii) any other ship, a boat drill or fire drill is not practised on board the ship in any month, or
  - (iii) any ship, the boat and fire drill appliances and equipment are not examined in any such period as is prescribed by the rules for lifesaving appliances, the master of the ship shall cause a statement of the reasons why the drill was not practised or the appliances and equipment were not examined in that week, month or period to be entered in the official log-book;
- (d) permit any Registrar of Ships or surveyor, or any collector or other officer of customs, to be present at any drill, and to inspect any entry made in the official log-book in pursuance of this section;
- (e) cause a boat or fire drill, or both, to be carried out in the presence of a surveyor at such times, while the ship is in port as the surveyor may require.

(2) Any master of a ship who fails to comply with any of the provisions of this section commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

## *Adjustment of Compasses*

### **256. Ships to have compasses adjusted**

The Minister may make rules-

- (a) providing for the licensing of properly qualified persons to be adjusters of compasses;
- (b) prescribing the examination to be passed by applicants for such licences;
- (c) fixing the fees to be paid for the adjustment of compasses;
- (d) providing for the adjustment of compasses and the transmission of deviation tables;
- (e) providing for the keeping and inspection of certificates;

- (j) providing for the granting of exemptions for specified classes of ships; and
- (g) providing for the recognition of certificates granted in other countries.

## PART XIV

### *Radio Rules*

#### **257. Radio rules**

(1) The Minister may make rules (in this Act referred to as "radio rules") requiring ships to which this section applies to-

- (a) be provided with radio installation, other than a radio navigational aid, of such a nature as may be prescribed by the rules; and
- (b) maintain such a radio service and to carry such number of radio officers or operators, of such grades and possessing such qualifications, as may be so prescribed, and the rules may contain provisions for preventing, as far as is practicable electrical interference with the radio installation by other apparatus on board.

(a) (2) This section applies to-

- (a) a sea-going Nigerian ship;
- (b) *any other sea-going ship while it is within any port in Nigeria.*

(3) The radio rules shall include such requirements as appear to be necessary to implement the provisions of the Safety Convention relating communications

(4) A Radio Surveyor may inspect any ship for the purpose of seeing that the ship is properly provided with a radio installation and radio officers or operators in conformity with the radio rules, and for that purpose shall have all the powers of an inspector under this Act; and, if the Radio Surveyor finds that the ship is not provided with a radio installation or radio officers or operators in conformity with the radio rules, he shall give to the owner or master notice in writing pointing out the deficiency, and pointing out what in his opinion is requisite to remedy the deficiency.

(5) A notice given under subsection (4) of this section shall be communicated in the manner directed by the Minister to the collector of customs, at any port at which the ship may seek to obtain a clearance, and the ship shall be detained by the collector of customs until a certificate under the hand of a Radio Surveyor is produced to the effect that the ship is properly provided with a radio installation and radio officers or operators in conformity with the radio rules.

### *Radio Surveyors*

#### **258. Appointment of Radio Surveyors**

Subject to the provisions of any rules made under this Part of this Act, there shall be appointed such number of qualified persons to be Radio Surveyors, as may be necessary, and the Minister may recognise any qualified person as a Radio Surveyor generally or for a specified purpose or for a specified occasion.

## PART XV

### *Safety Provisions for Miscellaneous Vessels*

#### **259. Safety rules for miscellaneous vessels**

(1) The Minister may make rules generally for the safety of vessels in Nigeria other than ships which are not Safety Convention ships and in respect of which the Minister is satisfied that other adequate provisions do not exist.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Minister may make rules to-

- (a) prescribe the requirements that the hull, equipment and machinery of any such vessel shall comply with;
- (b) provide for the inspection and licensing of any such vessel;
- (c) prohibit or prevent the overloading or overcrowding with passengers of any vessel to which the rules made or deemed to have been made under this Act and for such purposes do not apply;
- (d) require any such vessel to which the rules for lifesaving appliances do not apply to have on board such equipment as maybe prescribed; and
- (e) prescribe requirements for the manning and working of any such vessel to which the manning regulations do not apply; and
- (f) in respect of different classes of vessel or vessels of the same class in different circumstances.

#### **260. Exemption of certain ships from certain provisions of this Part**

(1) Nothing in this Part of this Act-

- (a) prohibiting or preventing a ship from proceeding to sea unless there are in force in respect of the ship or is produced, the appropriate Safety Convention Certificate issued under this Part or the appropriate Accepted Safety Convention Certificate; or
- (b) conferring powers on a surveyor for the purpose of verifying the existence, validity or correctness of any Safety Convention Certificate, or that the conditions under which any such certificate was issued are complied with; or
- (c) requiring information about a ship's stability to be carried on board; or
- (d) imposing a penalty for the contravention of any rule relating to openings in the hulls of ships and watertight bulkheads,

shall apply to any troop-ship, pleasure yacht, fishing boat or to any ship of less than one hundred tons gross tonnage, other than a passenger ship, or to any ship not propelled by mechanical means.

(2) Notwithstanding that any provision of this Part of this Act is expressed to apply to ships not registered in Nigeria while they are within any port in Nigeria, the provision shall not apply to a ship that entered into the port due to the stress of weather or any other circumstances that the master or owner, or the character, if any, of the ship could not have prevented or forestalled.

## **261. Survey of small fishing boats and other craft**

(1) The provisions of this Act as to annual survey of ships shall not apply to any ship under this section, unless affected by safety rules for vessels in Nigeria made or deemed to be made under this Part or the Minister otherwise directs in respect of a particular ship under this section.

(2) An owner of a ship who fails to comply with any direction of the Minister under subsection (1) of this section commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

(3) For the purposes of this section, "**ship**" includes-

- (a) fishing boats not exceeding fifteen tons;
- (b) pleasure yachts not exceeding fifty tons; and
- (c) ships not exceeding sixteen feet in overall length, not being ships propelled by mechanical power which are ferries and carry passengers for hire or reward.

(4) Nothing in this Part of this Act prohibiting a ship from plying or progressing to sea or on any voyage or excursion unless there is in force in respect of that ship or is produced, a certificate of survey issued under this Act, shall apply to any ship within this section.

## **262. Fishing boats in certain circumstances deemed to be passenger or cargo ships**

(1) For the purposes of this section and the provisions of this Act as to survey, any fishing boat shall, except as provided in subsections (2) and (3) of this section deemed to be-

- (a) a passenger ship on any occasion when the fishing boat carries more than four passengers or carries any passenger for hire or reward;
- (b) a cargo ship on any occasion when the fishing boat carries any cargo other than the fish caught by the crew of the fishing boat.

(2) No fishing boat shall be deemed to be a passenger ship by reason only of the carriage of any person rescued from the sea, or any registered medical practitioner or registered nurse traveling in the course of his profession, or any person necessarily travelling to obtain urgent medical attention, or any police officer or officer of the Ministry traveling on official duties.

(3) The Minister may, from time to time, subject to such conditions as he thinks fit, issue a permit to the owner or master of any fishing boat to carry more than four passengers or to carry any passenger or cargo for hire.

(4) No permit issued under subsection (3) of this section shall continue in force for more than twelve months from its date of issue and any such permit may at any time be cancelled by notice in writing from the Surveyor of Ships to the owner of the fishing boat.

(5) Except as provided in subsections (2) and (3) of this section, nothing in this section shall operate to make lawful the carriage of passengers in any fishing boat in any circumstances where, but for the provisions of this section, such carriage of passengers shall be unlawful.

(6) Any owner or the master of a fishing boat that is used for the carriage of passengers or cargo contrary to the provisions of this section, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

### **263. Water and provisions for passengers**

(1) The master of every near coastal trade ship and inland waters ship shall issue to every passenger a sufficient quantity of water and wholesome provisions, unless the passenger had agreed to provide himself with such water or provisions.

(2) If the owner or charter or the master of a ship referred to in subsection (1) of this section fails to provide the sufficient quantity of water and provisions, he commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

### **264. Pilot ladders**

(1) Every Nigerian ship engaged on a voyage in which a pilot is likely to embark shall carry a pilot ladder which shall comply with the rules for lifesaving appliances made pursuant to this Part of this Act.

(2) Any owner or master of a ship that does not carry a pilot ladder as provided in subsection (1) of this section, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

### **265. Countries to which Safety Convention applies**

Where the Minister is satisfied-

- (a) that the Government of any country has accepted or denounced, the Safety Convention; or
- (b) that the Safety Convention extends or has ceased to extend, to any territory, he may, by Order, make a declaration to that effect.

## **PART XVI**

### *Safety of Navigation*

### *Prevention of Collisions*

### **266. Collision rules**

(1) The Minister may make rules (in this Act called "collision rules") with respect to ships, and to aircraft on the surface of the water, for the prevention of collisions; and the rules shall contain such requirements as appear to the Minister necessary to implement the provisions of the international treaties, agreements and regulations for the prevention of collisions at sea that are for the time being in force.

(2) The collision rules, together with the provisions of this Part of this Act relating to those rules or otherwise relating to collisions, shall apply to all ships and aircraft which are locally within the jurisdiction of Nigeria.

(3) In any case arising in any court concerning matters arising locally within the jurisdiction of Nigeria, all ships and aircraft to which subsection (2) of this section applies

concerning the collision rules and those provisions of this Part, shall be treated as if they were Nigerian ships or as the case may be aircraft registered in or belonging to Nigeria.

(4) For the purposes of this section, aircraft taking off from or landing on water shall be deemed to be on the surface of the water when they are in contact with water.

(5) This section shall apply in the case of ships and aircraft belonging to the Federal Government as it applies in the case of other ships and aircraft.

#### **267. Owners and masters to observe collision rules**

(1) Every owner, master of a ship and owner and person in command of an aircraft shall obey the collision rules, and shall not carry or exhibit any lights or shapes, carry or use any means of making signals, other than those which are required or permitted by the collision rules to be carried, exhibited or used.

(2) Where an infringement of the collision rules is caused by the wilful default of the owner or master of a ship, as the case may be, of the owner of any aircraft or of the pilot or other person on duty in charge of any aircraft, that person commits an offence and on conviction is liable to a fine not less than five hundred thousand naira or to imprisonment for a term not less than two years or to both.

(3) Where any damage to person or property arises from the non-compliance by any ship or aircraft with any of the collision rules, the damage shall be deemed to have been occasioned by the wilful default of the officer in charge of the deck of the ship at the time or as the case may be, of the pilot or other person on duty in charge of the aircraft at the time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the rules necessary.

(4) The Agency shall furnish a copy of the collision rules to any owner or master of a ship, or any owner or person in command of an aircraft, on the application of that owner, master or person in command.

(5) This section shall apply in the case of ships and aircraft belonging to the Federal Government as it applies in the case of other ships and aircraft.

#### **268. Inspection for enforcing collision rules**

(1) Unless otherwise exempted under this Act, any ship may be inspected by a Surveyor of Ships for the purpose of seeing that the ship is properly provided with lights, shapes and the means of making sound signals in conformity with the collision rules; and if he finds that the ship is not so provided, the surveyor of ships shall give to the master, owner or his agent notice in writing pointing out the deficiency, and also what is, in his opinion, requisite in order to remedy the same.

(2) Every notice so given shall be communicated in the manner directed by the Minister to the collector of customs at any port at which the ship may seek to obtain a clearance; and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the ship is properly provided with lights, shapes and with the means of making sound signals in conformity with the collision rules.

(3) For the purpose of an inspection under this section, a surveyor shall have all the powers of an inspector under this Act.

(4) Where a certificate as to lights, shapes and means of making the sound signals is refused, the owner may appeal to the Minister and the Minister may appoint a Board of Survey under this Act at the port nearest to the place where the ship is.

(5) On any such appeal, the Board of Survey or, if the matter is referred to a scientific referee under this Act, shall report to the Minister on the question raised by the appeal; and the Minister, when satisfied that the requirements of the report and of this Act as to lights, shapes and means of making sound signals have been complied with, may issue, or direct a surveyor or other person appointed by the Minister to issue, the certificate.

(6) Where a surveyor making an inspection under this section is required by the owner to make the survey in the presence of the owner or of any person appointed by the owner, and the surveyor and the owner or person appointed by the owner agree, no appeal shall lie to the Minister.

#### **269. Duties of master in case of collision**

(1) In every case of collision between two ships, the master or person in charge of each ship shall, if he can do so without danger to his own ship, crew and passengers, if any

- (a) render to the other ship, its master, crew and passengers, if any, such assistance as may be practicable and necessary to save them from any danger caused by the collision, and shall stay by the other ship until he has ascertained that there is no need of further assistance; and
- (b) give to the master or person in charge of the other ship the name of his own ship and of the port at which the ship is registered or to which it belongs and also the names of the ports from which it comes and to which it is bound.

(2) If the master or person in charge of a ship fails, without reasonable cause, to comply with this section, he commits an offence and on conviction is liable to a fine not less than five hundred thousand naira or to imprisonment for a term not less than two years or to both.

(3) The failure of the master or person in charge of a ship to comply with the provisions of this section shall not raise any presumption of law that the collision was caused by his wrongful act, neglect or default.

#### **270. Collision to be entered in official log-book**

(1) In every case of collision in which it is practicable so to do, the master of every ship shall, immediately after the occurrence, cause a statement of the collision and of the circumstances under which it occurred, to be entered in the official log-book; and the entry shall be signed by the master and also by the mate or one of the crew.

(2) Every master who fails to comply with this section commits an offence and on conviction shall be liable to a fine not less than one hundred thousand naira.

#### **271. Application of collision rules to foreign ships and aircraft**

Whenever it appears to the Minister that the Government of any foreign country is willing that the collision rules, or the provisions of this Part of this Act relating to the collision rules or otherwise should apply to ships or aircraft registered in or belonging to

that country, when not locally within the jurisdiction of Nigeria, the Minister may, by Order, direct that those rules and provisions shall, subject to any limitation of time and to any conditions and qualifications contained in the Order, apply to the ships and aircraft of that country, whether or not they are locally within the jurisdiction of Nigeria, and that those ships and aircraft shall, for the purpose of those rules and provisions, be treated as if they were Nigerian ships or, as the case may be, aircraft registered in or belonging to Nigeria.

### **272. General duty to render assistance**

(1) The master or person in charge of a ship shall, in so far as he can do so without serious danger to his own ship, its crew and passengers, if any, render every assistance to any person, even if that person is a subject of a State at war with Nigeria, who is found at sea in danger of being lost.

(2) A master or person in charge of a ship who fails to comply with the provisions of subsection (1) of this section commits an offence and on conviction is liable to a fine not less than two hundred thousand naira or imprisonment for a term not exceeding two years or to both.

(3) The compliance by the master or person in charge of a ship with the provisions of this section shall not affect his right or the right of any other person to salvage.

#### *Signals of Distress*

### **273. Signals of distress**

(1) The Minister may make rules to prescribe what signals shall be used by ships as signals of distress and the circumstances in which and the purposes for which any signal prescribed by any such Order is to be used and the circumstances in which it is to be revoked.

(2) A person who uses, displays, causes, or permits any person under his authority to use or display-

- (a) any signal prescribed by any rules made or deemed to have been made under this section, except in the circumstances and for the purposes prescribed by the rules made or deemed to have been made pursuant to this section; or
- (b) any private signal that is liable to be mistaken for any signal so prescribed by any rule,

commits an offence and on conviction is liable to a fine not less than fifty thousand naira, and, in addition, shall pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal's having been supposed to be signal of distress; and that compensation may, without prejudice to any other remedy, be recovered in the same manner as salvage is recoverable.

(3) Nothing in subsection (3) of section 275 of this Act shall interfere with the transmission of signals prescribed under this section.

### **274. Obligation to assist vessels in distress, etc.**

(1) The master of a Nigerian ship, on receiving at sea a signal of distress or information from any source that a ship or other vessel or an aircraft or any person is in distress



at sea, shall proceed with all speed to the assistance of the persons in distress, informing them if possible, that he is doing so, unless he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to do so, or unless he is released under the provisions of subsection (3) or subsection (4) of this section.

(2) Where the master of any ship in distress has requisitioned any Nigerian ship that has answered his call, it shall be the duty of the master of the requisitioned ship to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

(3) A master shall be released from the obligation imposed by subsection (1) of this section as soon as he is informed of the requisition of one or more ships, other than his own, and that the requisition is being complied with by the ship or ships requisitioned.

(4) A master shall be released from the obligation imposed by subsection (1) of this section and if his ship has been requisitioned, from the obligation imposed by subsection (2) of this section, if he is informed by the persons in distress or by the master of any ship that has reached the persons in distress, that assistance is no longer required.

(5) A master of a ship who fails to comply with the provisions of subsections (1) and (2) of this section, commits an offence and on conviction is liable to a fine not less than five hundred thousand naira or to imprisonment for a term not exceeding two years or to both.

(6) Where a master of a Nigerian ship, upon receiving at sea a signal of distress or information from any source that a ship or other vessel or an aircraft or any person is in distress at sea, is unable or in the special circumstances of the case considers it unreasonable or unnecessary, to go to the assistance of the persons in distress, he shall immediately cause a statement to be entered in the official log-book of his reasons for not going to the assistance of those persons and if he fails to do so, he commits an offence and on conviction is liable to a fine not less than twenty thousand naira.

(7) The master of every Nigerian ship shall enter or cause to be entered in the official log-book every signal of distress or message that a ship or other vessel, or an aircraft or person, is in distress at sea; and, if he fails to do so, he shall be guilty of an offence and on conviction shall be liable to a fine not less than twenty-five thousand naira.

(8) Nothing in this section shall affect the provisions of section 272 of this Act and compliance by the master of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.

#### *Dangers to Navigation*

### **275. Report of dangers to navigation**

(1) The master of a Nigerian ship, on meeting with a dangerous derelict, a tropical storm or any other direct danger to navigation, shall send information accordingly, by all means of communication at his disposal and in accordance with any rules made or deemed to have been made by the Minister for the purposes of this section, to ships in the vicinity and to such authorities on shore as may be prescribed by those rules.

(2) A master of a ship who fails to comply with the provisions of this section, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

(3) A person in charge of a radio communication station which is under the control of the Federal Government or which is established or installed under licence of the Government shall on receiving the signal indicating that a message is about to be sent under this section, refrain from sending messages for a time sufficient to allow other stations to receive the message, and, if so required by the Minister, shall transmit the message in such manner as may be required by the Minister; and compliance with this subsection shall be deemed to be a condition of every licence for a radio communication station granted by or on behalf of the Federal Government.

(4) For the purposes of this section "tropical storm" means a hurricane, typhoon, cyclone or other storm of a similar nature; and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in his vicinity.

#### *Report of Accidents and Loss of Ship*

### **276. Accidents to be reported to Minister**

(1) When any ship to which this section applies has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting its seaworthiness or its efficiency either in its hull or in the case of a ship propelled by mechanical power, in any part of its machinery or has been in collision with another ship, the master shall transmit to the Agency-

- (a) where possible, by radio communication in the first instance, a preliminary report; and
- (b) in all cases, if in port when the accident or damage occurs, within twenty-four hours of the happening, or otherwise within twenty-four hours of first reaching a port, whether in Nigeria or elsewhere, a full report in writing signed by him,

of the accident or damage, and of the probable cause thereof, stating the name of the ship, its official number, if any, the port at which the ship is registered or to which it belongs and the place where it is.

(2) Where the managing owner or in the event of there being no managing owner resident in Nigeria, the agent, of any ship to which this section applies has reason to believe that the ship has sustained or caused any such accident or received any such damage as is mentioned in subsection (1) of this section, he shall satisfy himself that the accident or damage has not been reported to the Minister by the master and if such accident or damage has not been so reported, the managing owner or agent shall as soon as convenient send to the Minister notice in writing stating the name of the ship, its official number, if any, and the port at which the ship is registered or to which it belongs and stating also, to the best of his knowledge and belief, the nature and extent of the accident or damage, the probable cause of and the place where the ship is.

(3) This section shall apply to-

- (a) all Nigerian ships;

- (b) other near coastal trade and inland water ships; and
- (c) other ships to which any such accident or damage as is mentioned in subsections (1) and (2) of this section occur, or is believed to have occurred, on or near the coast of Nigeria.

(4) Every master and managing owner or agent who fails, without reasonable cause, to comply with this section, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

#### **277. Notice to be given of apprehended loss of ship**

(1) If the managing owner, or, in the event of there being no managing owner resident in Nigeria, the agent of any ship to which this section applies has reason, owing to the non-appearance of the ship or to any other circumstance, to apprehend that the ship has been wholly lost, he shall, as soon as may be convenient, send to the Minister notice in writing stating the name of the ship, its official number, if any, and the port at which the ship is registered or to which it belongs, and stating also to the best of his knowledge and belief the probable cause of the loss.

(2) This section shall apply to-

- (a) all Nigerian ships;
- (b) other near coastal trade and inland water ships; and
- (c) other ships which are lost or are supposed to have been lost on or near the coasts of Nigeria.

(3) Any managing owner or agent who fails, without reasonable cause, to comply with this section within a reasonable time, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

#### *Search for Missing Ships*

#### **278. Search for missing ships**

(1) Where a Nigerian ship or a near coastal trade ship or inland water ship, is missing, and the owner has not caused reasonable search to be made for the ship, the Minister may require the owner to make such a search; and, if after being so required, the owner does not immediately cause reasonable search to be made for the ship, the owner commits an offence and on conviction is liable to a fine not less than two hundred thousand naira.

(2) For the purposes of this section, service of any notice on the agent of the owner shall be deemed to be service on the owner.

#### **279. Search and rescue regulations**

The Minister may make regulations for search and rescue procedures to be followed by all Nigerian vessels and organisation and for the establishment of Rescue Co-ordination Centres.

## PART XVII

### *Unseaworthy Ships*

#### **280. Penalty for sending unseaworthy ships to sea**

(1) A person who sends or attempts to send, or is party to sending or attempting to send, a Nigerian ship to sea in such an unseaworthy state that the life of any person is likely to be endangered by so doing, commits an offence under this Act, unless he proves that he used all reasonable means to ensure that the ship was sent to sea in a seaworthy state or that its going to sea in such an unseaworthy state, was under the circumstances, reasonable and justifiable.

(2) Every master of a Nigerian ship who knowingly takes the ship to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered commits an offence unless he proves that the ship's going to sea in such an unseaworthy state was under the circumstances, reasonable and justifiable.

(3) Any person who commits an offence under subsection (1) or (2) of this section shall on conviction be liable to a fine not less than one million naira or to imprisonment for a term not less than two years, or both.

#### **281. Implied obligations as to seaworthiness**

(1) In every contract of service, express or implied, between the owner of a ship and the master or any seaman of the ship and in every instrument of cadetship by which any person is bound to serve as a cadet on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing of the ship for sea, or the sending of the ship to sea, shall use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep it in a seaworthy condition during the voyage.

(2) Nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justified.

#### **282. Power to detain unsafe Nigerian ships**

(1) Where a Nigerian ship, or an unregistered ship which is owned wholly by persons qualified to own a registered Nigerian ship, being in any port in Nigeria is an unsafe ship by reason of-

- (a) the defective condition of the ship hull, equipment or machinery; or
- (b) overloading or improper loading; or
- (c) under-manning or being insufficiently ballasted, or in the case of a ship propelled by mechanical power, by reason of having insufficient fuel on board for the intended voyage when proceeding at ordinary full speed, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which the ship is intended,

the ship may be provisionally detained for the purpose of being surveyed or of ascertaining the sufficiency of its crew or fuel, and may be finally detained or released as provided in subsection (2) of this section.

(2) The Minister-

- (a) may if he has reason to believe, on complaint or otherwise, that a ship to which this section applies is unsafe, order the ship to be provisionally detained as an unsafe ship for the purpose of being surveyed;
- (b) when a ship is provisionally detained, there shall be immediately served on the master of the ship a written statement of the grounds of the detention of the ship and the Minister may, if he thinks fit, appoint a surveyor to survey the ship and where necessary, inspect the crew and report on it to the Minister;
- (c) on receiving the report, may order the ship to be released or, if in his opinion, the ship is unsafe, may order it to be finally detained absolutely or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo or ballast, or the manning of the ship, or the supply of fuel, as the Minister thinks necessary for the protection of human life and, may from time to time, vary or add to any such order;
- (d) before the order for final detention is made, a copy of the report shall be served upon the master of the ship and within seven days after that service, the owner or master of the ship may appeal in the prescribed manner to the Minister and the Minister may appoint a board of survey under this Act to consider the case at the port at or nearest to which the ship is detained;
- (e) where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed under this section to survey the ship makes that survey, may require that, that person be accompanied by some person of nautical, engineering or other special skill or knowledge, as the owner or master may select; and, in that case, if the surveyor and the person so selected agree, shall cause the ship to be detained or released accordingly; but, if they differ, the Minister may act as if the requisition has not been made; and the owner and the master shall have right of appeal touching the report of the surveyor as in paragraph (d) of this subsection;
- (f) where a ship has been provisionally detained, may at any time, if he thinks it expedient, refer the matter to a board of survey at the port at or nearest to which the ship is detained;
- (g) may at any time, if satisfied that a ship detained under this section is not unsafe, order it to be released upon or without any conditions.

(3) A person authorised by the Minister for the purpose (in this Act referred to as a "detaining officer") shall have the same power as the Minister under this section to order the provisional detention of a ship for the purpose of being surveyed, and

of appointing a surveyor or surveyors to survey the ship; and if he thinks that a ship so detained by him is not unsafe, may order the ship to be released.

(4) A detaining officer shall immediately report any order made by him for the detention or release of a ship to the Minister.

(5) An order for the detention of a ship, provisional or final, and an order varying same, shall be served as soon as practicable on the master of the ship.

(6) A ship detained under this section shall not be released by reason of her register in a foreign country being subsequently closed.

(7) A detaining officer shall, for the purpose of his duties, have all the powers of an inspector under this Act.

(8) A detaining officer and any surveyor appointed under this section to survey a ship may, in the performance of their duties, go on board any ship and inspect the same and every part of the ship and the machinery, equipment and cargo thereof, and may require the unloading or removal of any cargo, ballast or tackle.

(9) Any person who wilfully impedes a detaining officer or any such surveyor in the execution of the surveyor fails to comply with any requisition made by a detaining officer or surveyor, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

### **283. Liability for costs of detention and damages**

(1) If it appears that there was no reasonable cause for the provisional detention of a ship under this Part of this Act as an unsafe ship, the Federal Government shall be liable to pay to the owner of the ship his costs of, and incidental to, the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

(2) If a ship is finally detained under this Part of this Act, or if it appears that a ship provisionally detained was at the time of that detention an unsafe ship within the meaning of this Part, the owner of the ship shall be liable to pay to the Federal Government the costs of, and incidental to, the detention and survey of the ship, and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

(3) For the purposes of this section, the costs of, and incidental to, any proceeding before a Board of Survey and a reasonable amount in respect of the remuneration of the surveyor or detaining officer shall be part of the costs of the detention and survey of the ship; and where there is a dispute as to the amount of the costs the dispute may be referred to any registrar of a court of competent jurisdiction who shall on request by the Minister, ascertain and certify the proper amount of those costs.

### **284. Security for costs may be required**

(1) Where a complaint is made to the Minister or a detaining officer that a foreign ship is unsafe, the Minister or officer may, if he thinks fit, require the complainant to give security to the satisfaction of the Minister for the costs and compensation which the complainant may become liable to pay as mentioned in this section.

(2) The security under subsection (1) of this section shall not be required where the complaint is made by one-fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Minister or officer, frivolous or vexatious; and the Minister or officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained.

(3) Where a ship is detained in consequence of any complaint and the circumstances are such that the Federal Government is liable under this Act to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Federal Government all such costs and compensation as the Federal Government incurs or is liable to pay, in respect of the detention and survey of the ship.

#### **285. Detention of unsafe foreign ships**

(1) Where a foreign ship at a port in Nigeria is unsafe by reason of the defective condition of the ship's hull, equipment or machinery or by reason of overloading, improper loading, undermanning or insufficiency of fuel for the intended voyage when proceeding at ordinary full speed or by being insufficiently ballasted-

- (a) a copy of the order for the provisional detention of the ship shall be immediately served on the Consular Officer for the country to which the ship belongs at or nearest to the said port;
- (b) where a ship has been provisionally detained, the Consular Officer, on the request of the owner or master of the ship, may require that the person appointed by the Minister to survey the ship shall be accompanied by such person as the Consular Officer may select; and, in that case, if the surveyor and that person agree, the Minister shall cause the ship to be detained or released accordingly; but, if they differ, the Minister may act as if the requisition had not been made; and the owner and the master shall have the right to appeal to a Board of Survey on the report of the surveyor.

(2) This section shall not apply to a ship by reason of the ship being in a port in Nigeria if the ship was not bound for a port in Nigeria, and did not enter the port at which it is lying for the purpose of embarking or disembarking passengers or loading or discharging cargo or loading fuel.

#### **286. Complaint of unseaworthiness, etc., by crew**

(1) Where, in any proceeding against a seaman or cadet for the offence of desertion or absence without leave or for otherwise being absent from his ship without leave, it is alleged by one-fourth, or if their number exceeds twenty, by not less than five, of the seamen belonging to the ship that the ship is, by reason of unseaworthiness, overloading, improper loading, undermanning, defective equipment, insufficiency of ballast or insufficiency of fuel for the intended voyage when proceeding at ordinary full speed, or for any other reason, not in a fit condition to proceed to sea or that the accommodation in the ship is insufficient, the court having cognisance of the case shall take such means as it thinks fit to ascertain the truth or otherwise of the allegation.

(2) The court shall receive the evidence of the persons making the allegation, and may summon any other witnesses whose evidence it may think it desirable to hear, and shall, if satisfied that the allegation is groundless, adjudicate in the case, but, if not so satisfied, shall before adjudication cause the ship to be surveyed.

(3) A seaman or cadet charged with desertion or with quitting his ship without leave, shall not have any right to apply for a survey under this section unless he has, before quitting his ship, complained to the master of the circumstances so alleged in justification.



(4) For the purposes of this section, the court shall require a surveyor to survey the ship. If a surveyor or as the case may be a Radio Surveyor cannot be obtained without reasonable expense or delay then any other impartial person or persons appointed by the court and having no interest in the ship, her freight or cargo, to inspect the ship, and, in either case, to answer any questions concerning the ship which the court thinks fit to put.

(5) Every such person shall surveyor, as the case may be, inspect the ship and make his written report to the court, including an answer to every question put to him by the court; and the court shall cause the report to be communicated to the parties, and, unless the opinions expressed in the report are proved to the satisfaction of the court to be erroneous, shall determine the questions before it in accordance with those opinions.

(6) Any person making a surveyor inspection under this section shall, for the purposes of the surveyor inspector, have all the powers of an inspector under this Act.

### **287. Liability for costs and compensation on survey pursuant to complaint by crew**

(1) The costs, if any, of the surveyor inspection under section 286 of this Act, shall be determined by the court according to the prescribed scale of fees, and shall be paid into the Consolidated Revenue Fund by the owner or master of the ship.

(2) If it is proved that the ship is in a fit condition to proceed to sea, or that the accommodation is sufficient, as the case may be, the costs of the survey paid by the owner or master under subsection (1) of this section may be deducted by the owner or master out of the wages due, or to become due, to the persons on whose demand, or in consequence of whose allegations, the survey was made.

(3) If it is proved that the ship is not in a fit condition to proceed to sea, or that the accommodation is insufficient, as the case may be, the owner or master of the ship shall, in addition to his liability to pay the costs of the survey pursuant to subsection (1) of this section be liable to pay to any seaman or cadet detained in consequence of the proceedings before the court such compensation for his detention as the court may award.

### *Overloading and Overcrowding in Ships exempt from Survey*

### **288. Rules for preventing overloading and overcrowding**

(1) The Minister may make rules with respect to ships exempt from survey under this Act for-

- (a) preventing the overloading of ships and the overcrowding of ships with passengers;
- (b) securing the safety of passengers, and proper accommodation for passengers on ships; and
- (c) generally for regulating all other matters relating to the protection of life and property of passengers and others on ships.

(2) Unless otherwise exempted, every person who commits a breach of any regulations made or deemed to have been made pursuant to this section, commits an offence and on conviction is liable to a fine not less than five hundred thousand naira.

PART XVIII

*Load Lines*

**289. Interpretation of this Part**

For the purpose of this Part of this Act-

**"Convention Country"** means a country, the Government of which is a party to the Load Line Convention and which has not denounced that Convention, or a territory of such country to which the Convention extends and remains extended;

**"existing ship"** means a ship which is not a new ship;

**"fishing vessel"** means a ship used for catching fish, or other living resources of the sea;

**"international voyage"** means a voyage between-

- (a) a port or place in Nigeria and a port or place outside Nigeria; or
- (b) a port in a Convention Country (other than Nigeria) and a port in any other country or territory of the country (whether or not a Convention) which is outside Nigeria, so however, that in determining the ports between which voyage is made, no account shall be taken of any deviation by a ship from its intended voyage which is due solely to stress of weather or other circumstances that neither the master nor the charterer, if any, of the ship could have prevented or forestalled;

**"Load Line Convention"** means the International Convention on Load Lines 1966 and any amendments thereto which the Minister may, by Order declare to be in effect for Nigeria;

**"Load Line Convention ship"** means an international Load Line ship belonging to a country to which the Load Line Convention applies;

**"Load Line Regulations"** means the regulations made by the Minister to give effect to the Load Line Convention;

**"Load Line ship"** means-

- (a) an international Load Line ship, that is to say, an existing ship of not less than one hundred and fifty tons or a new ship of twenty-four metres or more in length which carries cargo or passengers on international voyages; and
- (b) a local Load Line ship, that is to say, a ship, other than an international Load Line ship, which carries cargo or passengers;

**"new ship"** means a ship whose keel is laid or which is at a similar stage of construction on or after-

- (a) in the case of a ship registered in or flying the flag of a country other than Nigeria which is a Convention country, the date from which it is declared that the Government of the country has ratified or acceded to the Load Line Convention, or that it is a country to which that Convention applies;
- (b) in the case of any other ship, the date of the coming into force of this Act.

**290. Exceptions**

This Part shall not apply to-

- (a) ships of war;
- (b) pleasure craft not engaged in trade; and
- (c) fishing vessels.

### **291. Countries to which Load Line Convention applies**

The Minister may, from time to time, by notice published, in the *Gazette* make a list of countries that have ratified, acceded to or denounced the Load Line Convention.

### **292. Load Line Regulations**

The Minister may make such rules in this Part of this Act referred to as the "Load Line Regulations" as appear to him to be necessary for the purpose of giving effect to the Load Line Convention, and without prejudice to the generality of the foregoing, such Regulations may also prescribe Load Line requirements and provide for the issue of local Load Line Certificates in respect of ships to which the Load Line Convention does not apply.

### **293. Certificates issued under the Load Line Convention**

(1) An International Load Line Certificate may be issued to every ship which has been surveyed and marked in accordance with the Load Line Convention.

(2) An International Load Line Exemption Certificate may be issued to any ship to which an exemption has been granted in accordance with the Load Line Convention.

### **294. International and Local Load Line Certificates**

(1) Where a Nigerian ship has been surveyed and marked in accordance with the Load Line Regulations, the appropriate certificate shall be issued to the owner of the ship, on his application.

(2) For the purpose of this section, the appropriate certificate-

- (a) in the case of an existing ship of not less than one hundred and fifty gross tons, and in the case of a new ship of twenty- four metres or more in length shall be called an "International Load Line Certificate (1966)"; and
- (b) in the case of any other ship, shall be called a "Nigerian Local Load Line Certificate".

### **295. Certificates issued by other Governments**

(1) The Minister may request the Government of a country which is a party to the Load Line Convention to issue an International Load Line Certificate in respect of a

Nigerian ship and a certificate so issued and containing a statement that it was so issued shall have effect for the purposes of this Part as if it had been issued by the Minister.

(2) Where a valid Load Line Certificate issued in pursuance of subsection (1) of this section is produced in respect of a ship, that ship shall, for the purposes of this Part of this Act, be deemed to have been surveyed under the Load Line Regulations, and if the deck line and load line correspond with the marks specified in the certificate, the ship shall be deemed to be marked as required by this Part.

#### **296. Certificates issued at the request of other Governments**

The Minister may, at the request of the Government of a country to which the Load Line Convention applies, issue an International Load Line Certificate in respect of a ship of that country, if he is satisfied that, as in the case of a Nigerian ship, he can properly issue the certificate; and where a certificate is issued at such a request, it shall contain a statement to the effect that it has been so issued.

#### **297. Regulations as to the validity of foreign certificates**

(1) With a view to determining the validity in Nigeria of certificates purporting to have been issued in accordance with the Load Line Convention in respect of foreign ships, the Minister may make such regulations as appear to him to be necessary.

(2) For the purposes of the provisions of this Part relating to a foreign ship the expression "a valid Load Line Certificate" means a certificate complying with such of those regulations made under subsection (1) of this section as are applicable in the circumstances.

#### **298. Power to make exemption orders**

(1) Where in the opinion of the Minister the sheltered nature and conditions of international voyages between ports in Nigeria and ports in neighbouring countries make it unreasonable or impracticable to apply the provisions of this Act to ships plying on such a voyage, and the Minister is satisfied that the Governments of the other countries concur in that opinion, the Minister may, by Order, specifying those ports, direct that ships plying on such voyages be exempt from provisions of this Part.

(2) The Minister may, by Order, direct that ships under twenty-four metres in length engaged solely in the coastal trade, or any class of such ships specified in the Order be exempt from the provisions of this Part of this Act.

(3) Any Order under this section may be made subject to such conditions as the Minister thinks fit, and where any such Order is made subject to conditions, the exemption granted by the Order shall not have effect in relation to a ship unless the ship complies with those conditions.

#### **299. Further powers to exempt ships of novel design**

(1) On the application of the owner of a Nigerian ship to which this Part applies and the ship is either an existing ship of not less than one hundred and fifty gross tons or a new ship of not less than twenty-four metres in length, the Minister may exempt the ship if in his opinion the ship embodies features of a novel kind such that, if the ship had to

comply with the requirements of this Part, the development of those features and their incorporation in the ship might be seriously impeded.

(2) On the application of the owner of a Nigerian ship to which this Part applies, and which is-

- (a) an existing ship of less than one hundred and fifty gross tons or a new ship of less than twenty-four metres in length; or
- (b) a ship, not falling within paragraph (a), which does not ply on international voyages,

the Minister may exempt the ship.

(3) Without prejudice to subsection (2) of this section, where a Nigerian ship to which this Part applies is an existing ship of not less than one hundred and fifty gross tons or a new ship of not less than twenty-four metres in length, does not normally ply on international voyages but is in exceptional circumstances, required to undertake a single international voyage, the Minister, on the application of the owner of the ship, specifying the international voyage in question, may exempt the ship while engaged on that voyage.

(4) Any exemption under this section may be granted subject to such conditions as the Minister thinks fit, and where any such conditions exist, the exemption shall not have effect unless those conditions are complied with.

### **300. Extent of exemption**

In this Part of this Act, any reference to exempting a ship means exemption-

- (a) from all the provisions of this Part of this Act and of the Load Line Regulations; or
- (b) from such of those provisions as are specified in the instrument granting the exemption.

### **301. Issue of exemption certificates**

(1) Where the Minister exempts a ship under section 298 or 299 of this Act the Agency shall issue the appropriate certificate to the owner of the ship.

(2) For the purposes of this section, the appropriate certificate-

- (a) where the exemption is granted under subsection (1) or (3) of section 299 of this Act shall be called an "International Load Line Exemption Certificate"; and
- (b) where the exemption is granted under subsection (2) of that section shall be called a "Nigerian Local Load Line Exemption Certificate".

(3) Any certificate issued under this section shall be issued in such manner as may be prescribed by the Load Line Regulations.

### **302. Duration and extension of exemption**

(1) The Load Line Regulations shall make provisions for determining the period which any exemption granted under section 298 or 299 of this Act or any certificate issued under section 293 of this Act is to remain in force including-

- (a) provisions enabling the period for which any such exemption or certificate is originally granted or issued to be extended within such limits and in such circumstances as may be prescribed by the Regulations; and

- (b) provisions for terminating any such exemption and for cancelling any such certificate in such circumstances as may be prescribed.

(2) While any such certificate is in force in respect of a ship, there shall be endorsed on the certificate such information relating to-

- (a) periodical inspections of the ship in accordance with the Load Line Regulations; and
- (b) any extension of the period for which the certificate was issued and may be prescribed by the Regulations.

### **303. Effect of Load Line Certificates**

Where a valid Load Line Certificate issued under this Part of this Act is produced in respect of the ship to which the certificate relates-

- (a) the ship shall be deemed to have been surveyed in accordance with the Load Line Regulations; and
- (b) where lines are marked on the ship in number and description to the deck line and load lines are required by the Load Line Regulations, and the positions of the lines so marked correspond to the positions of the deck line and load lines as specified in the certificate, the ship shall be deemed to be marked as required by those Regulations.

### **304. Duration, renewal and cancellation of Load Line Certificate**

(1) Every Load Line Certificate issued by or under the authority of the Minister shall, unless it is renewed in accordance with the provisions of subsection (2) of this section, expire at the end of such period as is specified in the certificate but not exceeding five years from the date of its issue.

(2) Any such load line certificate may, after a survey that is not less effective than the survey required by the Load Line Regulations before the issue of the certificate, be renewed, from time to time, by the Agency or by any person authorised by it to issue a load line certificate for such period not exceeding five years on any occasion as the Agency or other authorised person renewing the certificate thinks fit.

(3) The owner of every ship in respect of which any such certificate remains in force, shall cause the ship to be surveyed in the prescribed manner at least once in every period of twelve months after the issue of the certificate should remain in force, having regard to subsection (2) of this section and if the ship is not so surveyed, the Minister shall cancel the certificate, but may, if he thinks fit extend the said period by a maximum of three months.

### **305. Ships not to proceed to sea without Load Line Certificate**

(1) Subject to any exemption granted under this Part, no Nigerian ship, being an international load line ship, shall proceed to sea on an international voyage unless there is in force in respect of such ship an International Load Line Certificate.

(2) No Nigerian ship, being a local load line ship, shall proceed to sea unless there is in force in respect of such ship a Local Load Line Certificate.

(3) Any owner or master of a ship which proceeds to sea contrary to the provisions of subsections (1) and (2) of this section commits an offence and on conviction is liable to a fine of not less than one hundred thousand naira.

(4) The master of every Nigerian load line ship shall produce to the customs officer from whom a clearance for the ship is demanded the certificate that is required by this section to be in force when the ship proceeds to sea; and a clearance shall not be granted and the ship shall be detained until that certificate is produced.

### **306. Deck Cargo Regulations**

(1) The Minister may make regulations, in this section referred to as the "the Deck Cargo Regulations", prescribing requirements to be complied with where cargo is carried in any uncovered space on the deck of a load line ship.

(2) Where the Load Line Regulations provide for assigning special freeboards to ships which are to have effect when carrying only timber deck cargo, without prejudice to the generality of subsection (1) of this section, the Deck Cargo Regulations may prescribe special requirements to be complied with in circumstances where any such special freeboard has effect.

(3) In prescribing any such special requirements as are mentioned in subsection (2) of this section, the Minister shall have regard in particular to the provisions of Chapter IV of Annex 1 to the Load Line Convention.

- (4) Where any provisions of the Deck Cargo Regulations are contravened-
- (a) in the case of a Nigerian ship; or
  - (b) in the case of any other ship while the ship is within any port in Nigeria,

the master of the ship subject to subsection (5) of this section, commits an offence and is liable to a fine of not less than one hundred thousand naira.

(5) Where a person is charged with an offence under subsection (4) of this section it shall be a valid defence if proven to the satisfaction of the court that the contravention was due solely to deviation or delay caused by stress of weather or any other cause of force majeure which neither the master nor the owner nor the charterer, if any, could have prevented or forestalled.

(6) For the purpose of securing compliance with the Deck Cargo Regulations, any person authorised in that behalf by the Agency may inspect any ship to which this Part applies which is carrying cargo in any uncovered space on its deck; and for the purpose of any such inspection any such person shall have all the powers of a surveyor under this Act.

### **307. Inspection of Nigerian load line ships**

A Surveyor of Ships or any other marine officer may inspect any Nigerian load line ship for the purpose of ensuring that the provisions of this Part of this Act have been complied with.

### **308. Notice to be given of alterations affecting position of ship's load lines**

(1) The owner or master of a ship in respect of which a Load Line Certificate issued under this Part is in force shall, as soon as practicable after any structural alteration which affects the load line marks is made in the hull or superstructures of the ship, give notice in writing to the Agency containing full particulars of the alteration.

(2) Where notice of any alteration is not given as required by subsection (1) of this section, the owner and the master of the ship each comm its an offence and shall on conviction be liable to a fine not less than one hundred thousand naira.

(3) The Agency may exercise with respect to any such ship his powers specified in subsection (4) of this section where he has reason to believe that-

- (a) material alterations have taken place in the hull or superstructure of the ship which affect the load line marks; or
- (b) fittings and appliances for the protection of openings, guard rails, the freeing ports or the means of access to the crews' quarters have not been maintained on the ship in as effective a condition as they were when the certificate was issued.

(4) In any such case the Agency may-

- (a) cancel the Load Line Certificate; or
- (b) require the owner to have the ship surveyed again to such an extent as the Agency thinks fit; and, if that requirement is not complied with he may cancel the Load Line Certificate.

(5) Where a Load Line Certificate has expired or has been cancelled, the Agency may require the owner or master of the ship to which the certi ficate relates to del iver up the certificate as he may direct and the ship may be detained.

(6) A ship owner or master who fails without reasonable cause to comply with the requirement in subsection (5) of this section, commits an offence and on conviction is liable to a fine not less than fifty thousand naira.

### **309. Submersion of load lines**

(1) No ship shall be so loaded as to submerge in salt water when the ship has no list, the appropriate load line on each side of the ship, the load line indicating or purporting to indicate the maximum depth to which the ship is for the time being permitted under the Load Line Regulations to be loaded.

(2) Where any ship is loaded in contravention of this section, the owner or master of the ship commits an offence and on conviction is liable to a fine not less than five hundred thousand naira and to such additional fine, as specified in subsection (3) of this section, as the court thinks fit to impose having regard to the extent to which the earning capacity of the ship was, or would have been increased by reason of the submersion.

(3) The additional fine referred to in subsection (2) of this section shall not exceed fifty thousand naira for every centimetre or part thereof by which the appropriate load line on each side of the ship was submerged if the ship had been in salt water and without any list.



(4) In any proceedings against an owner or master in respect of a contravention of this section, it shall be a valid defence that the contravention was due solely to deviation or delay caused by stress of weather or any cause of force *majeure* which neither the master, the owner, nor the charterer, if any, could have prevented or forestalled.

(5) Without prejudice to any proceedings under this section, any ship which is loaded in contravention of this section may be detained until it ceases to be so loaded.

### **310. Alteration or defacement of load line marks**

(1) The owner or master of a Nigerian load line ship who fails without reasonable cause to keep the ship marked in accordance with this Part of this Act commits an offence and on conviction is liable to a fine not less than five hundred thousand naira.

(2) Any person who conceals, removes, alters, defaces or obliterates or permits any person under his control to conceal, remove, alter, deface or obliterate any mark placed on the ship in accordance with this Part of this Act, except with the authority of a person entitled under the Load Line Regulations to authorise the alteration of the mark commits an offence and on conviction is liable to a fine of not less than five hundred thousand naira.

### **311. Ships not to proceed to sea unless complying with Load Line Regulations**

(1) No Nigerian load line ship shall proceed to sea unless-

- (a) the ship has been surveyed in accordance with the Load Line Regulations either by a Surveyor of Ships or by any organisation authorised to act in that behalf by the Minister or at his request by the Government or any Convention Country;
- (b) the ship complies with the conditions for the assignment of load line prescribed in the Load Line Regulations;
- (c) the ship is marked on each side with a mark (in this Act referred to as "deck- line") indicating the position of the uppermost deck and with marks (in this Act referred to as "load lines"), indicating the several maximum depths to which the ship is permitted to load in various circumstances prescribed by the Load Line Regulations; and
- (d) the deck line and load lines are of the descriptions and in the positions required by the Load Line Regulations.

(2) Where the ship proceeds or attempts to proceed to sea in contravention of this section the master or owner thereof is liable to a fine not less than five hundred thousand naira and the ship may be detained until it has been so surveyed and marked.

### **312. Production of Load Line Certificates of Nigerian ships**

The master of every Load Line Convention ship shall, upon request produce a valid Load Line Certificate to the customs officer from whom a clearance for the ship from a port in Nigeria is demanded and a clearance shall not be granted and the ship may be detained until the certificate is produced.

### **313. Production of Load Line Certificates of foreign ships**

Unless a valid Load Line Certificate is produced in respect of a foreign ship, the provisions of section 303 of this Act shall apply to that ship proceeding or attempting to proceed to sea from a port in Nigeria as they apply to a Nigerian ship.

### **314. Submersion of load lines of foreign ships**

The provisions of section 309 of this Act shall apply to foreign ships while they are in Nigerian waters as they apply to Nigerian ships, subject to the following:

- (a) no Load Line Convention ship shall be detained, and no proceedings shall be taken against the owner or master thereof, by virtue of that section, except after an inspection by a surveyor as provided for in this Part of this Act;
- (b) the expression "the appropriate load line" means-
  - (i) in the case where a valid Load Line Convention Certificate in respect of the ship is produced on such an inspection as mentioned in paragraph (a) of this section, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being permitted under the Load Line Convention to be loaded;
  - (ii) in the case where a valid Load Line Convention Certificate is not so produced, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being permitted in accordance with the Load Line Regulations to be loaded.

### **315. Posting up of Load Line Certificate and entry of load line details in ship's log-book**

(1) Where a Load Line Certificate has been issued under this Part in respect of a Nigerian load line ship--

- (a) the owner of the ship shall forthwith upon receipt of the certificate, cause it to be framed and displayed in some conspicuous place on board the ship. The certificate shall be kept so framed and displayed and shall be legible so long as the certificate remains in force and the ship is in use; and
- (b) the master of the ship before making any other entry in any official log-book, shall enter therein the particulars as to the marking of the deck line and load line specified in the certificate.

(2) The master of any Nigerian load line ship shall before the ship proceeds to sea-

- (a) enter in the official log-book the draught and freeboard relating to the depth to which the ship is for the time being loaded, the density of the water in which the ship is floating and all other particulars relating to them in the form as set out in the official log-book;
- (b) cause a notice in the prescribed form to be displayed in some conspicuous place on board the ship and the notice shall remain displayed and shall be legible while the ship is at sea.

(3) The owner or master of any Nigerian load line ship who fails to comply with the provisions of this section, commits an offence and on conviction is liable to a fine of not less than one hundred thousand naira.

### **316. Inspection of ships regarding lines**

(1) A Surveyor of Ships or any other marine officer may board any ship when the ship is within Nigerian waters and may demand the production of any Load Line Certificate for the time being in force in respect of the ship.

(2) Where a valid Load Line Certificate is produced to the surveyor his powers of inspecting the ship with respect to load lines shall be limited to ensuring that-

- (a) the ship is not loaded beyond the limits allowed by the certificate;
- (b) the markings of the load line on the ship correspond with those specified in the certificate;
- (c) no material alterations have taken place in the hull or superstructure of the ship which affect the markings of the load line;
- (d) that the fittings and appliances for the protection of openings, guard rails, freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were when the certificate was issued.

(3) Where a valid Load Line Certificate is not produced to the surveyor under this section, he shall have the same power of inspecting the ship as provided for in section 307 of this Act as if the ship were a Nigerian load line ship.

### **317. Contravention of Load Line Regulations and detentions of ship**

(1) Where it is found upon an inspection referred to in section 316 of this Act, that a ship is loaded in contravention of section 309 of this Act, the ship may be detained and proceedings may be taken, against the master or owner of the ship under section 309 of this Act.

(2) Where the load lines on the ship are not marked as specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.

(3) Where on an inspection, a ship is found to have been so materially altered in respect of the matters referred to in paragraph (c) or (d) of subsection (2) of section 316 of this Act, that it is manifestly unfit to proceed to sea without danger to human life, the ship shall be detained, but where the ship has been so detained the Agency shall order the ship to be released as soon as it is satisfied that the ship is fit to proceed to sea without danger to human life.

## **PART XIX**

### *Carriage of Bulk Cargoes*

### **318. Bulk Cargo Regulations**

The Minister may make regulations relating to-

- (a) the safe carriage and stowage of bulk cargoes having due regard to the Code of Safety Practice for Bulk Cargoes, issued by the International Maritime Organisation and any amendments to the Code or replacements of the Code;

- (b) the safe carriage and stowage of grain in compliance with the International Convention for the Safety of Life at Sea, 1974 and any amendments to the Convention or replacements of the Convention as they come into force for Nigeria.

### **319. Precautions regarding grain cargoes**

(1) Where grain is loaded on board any Nigerian ship, or is loaded at any port in Nigeria on any ship, all necessary and reasonable precautions shall be taken to prevent the grain from shifting; and, if such precautions are not taken, the owner or the master or any agent of the owner who was charged with the loading or with sending the ship to sea laden with the grain, is guilty of an offence and the ship shall be deemed for the purposes of this Act to be unsafe by reason of improper loading.

(2) Where a ship, loaded with grain outside Nigeria without necessary and reasonable precautions having been taken to prevent the grain from shifting, enters any port in Nigeria so laden, the owner or master commits an offence and the ship shall be deemed for the purposes of this Act to be unsafe by reason of improper loading.

(3) No offence is committed under subsection (2) of this section where the ship would not have entered any such port but for stress of weather or any other cause or force majeure, and the master, the owner or the charterer if any, could not have prevented or forestalled it.

(4) Any person authorised by the Agency to ensure the observance of the provisions of this section may inspect the grain, and the mode in which it is stowed and shall have all the powers of a Surveyor of Ships under this Act.

### **320. Offences**

Any person who contravenes any of the provisions in this Part of this Act commits an offence and on conviction is liable to a fine not less than two hundred thousand naira.

### **321. Safe containers**

The Minister may make regulations relating to-

- (a) the construction, safe handling, stacking and transportation of containers;
- (b) the facilitation of international container transport;
- (c) the packing of cargo in freight containers or vehicles.

## **PART XX**

### *Dangerous Goods*

### **322. Regulations on dangerous goods**

(1) The Minister may by regulations establish which goods, articles or materials to be carried in a ship, are dangerous goods in accordance with the provisions of the International Convention for the Safety of Life at Sea, 1974 relating to the carriage of dangerous goods and to amendments thereto or replacements thereof or with any other Convention which may be accepted by Nigeria, and such regulations shall have regard to the International Maritime Dangerous Goods Code of the International Maritime Organisation.

(2) Without restricting the generality of subsection (1) of this section, the Minister may by regulations prescribe-

- (a) the method of packing and stowing of the goods referred to by this section;
- (b) the quantity of the goods which may be carried in any ship;
- (c) the place or places within a ship in which the goods may be carried;
- (d) the marking that is to be placed on any package or container in which goods may be placed for shipment;
- (e) the precautions that shall be taken with respect to the carriage of goods under this section and the powers of inspection to determine compliance with the provisions of the regulations.

### **323. Carriage and marking of dangerous goods**

(1) No person shall send by or carry in a Nigerian ship, except in accordance with the regulations made pursuant to section 322 of this Act, any dangerous goods, but this section shall not apply to ship's distress signals or to the carriage of military stores under conditions authorised by the Minister.

(2) No person except the owner or master of a Nigerian ship shall send by or carry any dangerous goods in the ship without first distinctly marking the nature of the goods on the outside of the outermost package containing the same, in accordance with the regulations as the Minister may make and without first giving written notice of the nature of the goods and of the name and address of the sender, to the master or owner of the ship.

(3) This section shall apply to all foreign ships while loading at any place in Nigeria as they apply to Nigerian ships.

### **324. Offences**

A person who contravenes any of the provisions of this Part of this Act commits an offence and on conviction is liable to a fine not less than five hundred thousand naira and the ship shall be deemed, for the purposes of this Act, to be unsafe by reason of improper loading.

### **325. Rejection and disposal of dangerous goods by ship**

(1) The master or owner of any ship may refuse to take on board any package or parcel that he suspects might contain dangerous goods; and may require the package to be opened to ascertain its nature.

(2) When dangerous goods, or goods that, in the opinion of the master or owner of the ship, are dangerous goods, have been sent on board any ship without the marking or the written notice described in section 323 of this Act, the master or owner of the ship may cause the goods, together with their package or container to be thrown overboard; and the master or the owner of the ship shall not be subject to a civil or criminal liability in any court in respect of such action.

### **326. Forfeiture of dangerous goods**

(1) Where dangerous goods have been sent by or carried in any ship in a manner that would constitute an offence under this Part of this Act, the court may order the goods, and any packaging or container thereof, to be forfeited.

(2) A court may exercise the powers conferred by subsection (1) above notwithstanding-

- (a) that the owner of the goods concerned has not committed any offence in respect of the goods, or is not before the court, or has had no notice of the proceedings; and
- (b) that there is no evidence to show to whom the goods belong, but the court may, in its discretion, require such notice as it may direct to be given to the owner or shipper of the goods before they are forfeited.

## PART XXI

### *Tonnage Measurement*

### **327. Survey**

(1) Every ship shall before it is registered be surveyed by a Surveyor of Ships and the tonnage of the ship ascertained in accordance with the provisions of any regulation made under this Part of this Act.

(2) The surveyor shall grant a Certificate of Survey specifying the ship's tonnage and build, and such other particulars descriptive of the identity of the ship as may, for the time being, be required by the Registrar.

(3) The Certificate of Survey shall be delivered to the Registrar before registration.

### **328. Minister to make Tonnage Regulations**

(1) The Minister, by regulations, (in this Act referred to as "the Tonnage Regulations") may-

- (a) provide for ascertaining the tonnage of ships;
- (b) make different provisions for different descriptions of ships or for the same description of ships in different circumstances;
- (c) make any provision of the regulations dependent on compliance with such conditions to be evidenced in such manner as may be specified in the regulations;
- (d) prohibit or restrict the carriage of goods or stores in spaces not included in the registered tonnage of a ship; and
- (e) make provision for the master and the owner of the ship to be liable to a fine of two hundred thousand naira on contravention of any of the provisions.

(2) In the Tonnage Regulations, provision may be made-

- (a) for assigning to a ship, in place of the tonnage ascertained in accordance with the other provisions of the regulations, a lower tonnage applicable where the ship is not to be loaded to the full depth to which it can otherwise be safely loaded;
- (b) for indicating on the ship by such mark as is specified, that such a lower tonnage has been assigned to it and, where it has been assigned to it as an alternative, the depth to which the ship can be loaded for the lower tonnage to be applicable; and

(c) for the issue of documents certifying the registered tonnage of any ship or the tonnage that is to be taken for any purpose specified as the tonnage of a ship not registered in Nigeria.

(3) Any person who contravenes any of the provisions of these Regulations commits an offence and shall be liable on conviction to a fine of not less than two hundred thousand naira.

(4) In making the Tonnage Regulations the Minister shall have due regard to the International Convention on Tonnage Measurement of Ships 1969, including any amendments to the Convention.

### **329. Tonnage of foreign ship**

(1) Where it appears to the Minister that a foreign country has promulgated rules on tonnage that are substantially the same as those under the Tonnage Regulations made under this Part of this Act, the Minister may order that a ship of that country, without being re-measured in Nigeria, be deemed to be of the tonnages denoted in its certificate of registry or other national certificate relating to tonnage in the same manner, to the same extent and for the same purposes as the tonnages denoted in the certificate of registry of a Nigerian ship is deemed to be the tonnages of that ship.

(2) Any space shown by the certificate of registry or other certificates relating to tonnage of any foreign ship described in subsection (1) of this section as deducted from the tonnage on account of being occupied by seamen or cadets and appropriated to their use, shall be deemed to have been certified under this Act and to comply with those provisions of this Act that apply to such a space in the case of Nigerian ships, unless a surveyor inspects the ship and certifies to the Minister that the construction and the equipment of the ship in respect of that space do not meet the standard required of a Nigerian ship under this Act, in which case the ship shall be re-measured and assigned a tonnage in accordance with this Act.

(3) Where it appears to the Minister that the tonnage of a foreign ship is measured by the rules materially different from the rules for measurement of tonnages under this Act, the Minister may order that any of the ships of that country be re-measured in accordance with this Act, for all or any of the purposes of this Act.

### **330. Foreign and other measurements**

(1) Where a ship has been measured and registered as a foreign ship or has already been measured without being registered as a Nigerian ship, a surveyor may accept and use any figures of measurement contained in the latest register relating to that ship, or in the case of an unregistered ship, in the latest certificate of survey relating to that ship.

(2) Before acting under subsection (1) of this section, the surveyor shall satisfy himself that there have been no changes of measurement since the making of the register or certificate that he proposes to use; and where any such changes have been made he shall re-measure the ship to the extent made necessary by the changes.

### **331. Alterations between surveys**

Where any alteration or reconstruction of a Nigerian ship is made that could affect the ship's classification, measurement, tonnage or load line, the owner or master of the ship shall, within thirty days after the completion of the alteration or reconstruction, advise the Agency of the alteration or reconstruction and give him details of such alteration or reconstruction.

### **332. Appointment of surveyors**

(1) For the purposes of this Act, the Minister may appoint duly qualified persons within or outside Nigeria as surveyors to survey and measure ships.

(2) The Minister may, by regulations, nominate any person within or outside Nigeria to be a classification society for the purposes of this Act and any classification society so nominated may appoint any person to survey and measure ships under and for the purposes of this Act, subject to such conditions as the Minister may impose.

### **333. Marking of ships**

(1) Every ship shall, before being registered in Nigeria, be marked permanently and conspicuously in accordance with the regulations made under this Part of this Act.

(2) Where the Agency is satisfied that a ship is insufficiently or inaccurately marked, he may suspend the certificate of registry of the ship or in the absence of such certificate he may detain the ship until the insufficiency or inaccuracy has been remedied to his satisfaction.

(3) The Minister may make regulations exempting any class of ship from all or any of the requirements of this section.

## **PART XXII**

### *Passenger Ships*

### **334. Power of the Minister to make regulations respecting passenger ships**

(1) The Minister may make regulations-

- (a) relating to accommodation, facilities and provisions on board passenger ships which carry passengers from a port in Nigeria;
- (b) requiring the preparation and furnishing of particulars as to all passengers to or from a port in Nigeria;
- (c) regulating the number of passengers which a ship may carry from a port in Nigeria whether or not the ship is a passenger ship; and
- (d) prescribing the terms and conditions upon which ships may carry passengers between ports in Nigeria.

(2) In making regulations pursuant to subsection (1) of this section, the Minister shall have due regard to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, and its Protocol of 1990.



(3) The Minister may waive or vary the regulations referred to in subsection (1) of this section in respect of applications to license Nigerian passenger ships operating solely within Nigerian waters.

**335. Offences in connection with passenger ships**

(1) Any person, on board or attempting to board a passenger ship in Nigeria who--

- (a) on account of being drunk and disorderly, is refused admission to a passenger ship or where he is already on board, is requested by the owner or any person in his employ to leave the ship, and after having the amount of the fare paid by him returned or tendered to him, nevertheless persists in attempting to enter the ship, or refusing to leave the ship;
- (b) after warning by the master or other officer of the ship, molests or continues to molest any passenger;
- (c) on account of the ship being full, is refused admission to a passenger ship or where he is already on board, is requested by the owner or any person in his employ to leave the ship, and after having the amount of the fare paid by him returned or tendered to him, nevertheless persists in attempting to enter the ship, or where he is already on board, refuses to leave the ship;
- (d) travels or attempts to travel in the ship without first paying his fare and with intent to avoid payment;
- (e) having paid his fare for a certain distance, knowingly and wilfully proceeds in the ship beyond that distance without first paying the additional fare for the additional distance, intending to avoid payment of the additional fare;
- (f) on arriving in a ship at a point to which he has paid his fare, knowingly refuses or neglects to leave the ship;
- (g) fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipts showing the payment of his fare as is usually given to persons travelling by and paying their fare for the ship; or
- (h) wilfully causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of the ship, or to obstruct, impede or molest the crew or any of them in the navigation or management of the ship or otherwise in the execution of their duty on or about the ship,

commits an offence under this Act.

(2) A person who commits an offence under this section on conviction is liable to a fine not less than one hundred thousand naira and to imprisonment for not less than three months.

PART XXIII

*Prevention of Pollution from Ships*

**336. Application of maritime Conventions for the Prevention of Pollution from Ships, etc.**

(1) As from the commencement of this Act, provisions of the following International Conventions and Agreements shall apply:

- (a) International Convention for the Prevention of Pollution from Ships, 1973/1978 and the Annexes thereto;

- (b) Convention relating to Intervention on the High Seas in cases of Threatened Oil Pollution Casualties, 1969;
- (c) International Convention on Prevention of Marine Pollution by Dumping of Wastes and Other Matters, 1972;
- (d) International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990;
- (e) International Convention on Civil Liability for Oil Pollution Damage 1992;
- (f) Convention on Limitation of Liability for Maritime Claims, 1976 and the 1996 Protocol thereto;
- (g) Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 and its Protocol of 1992;
- (h) Basel Convention on the Control of Transboundary Movements of Wastes and their Disposal, 1989; and
- (i) any International Agreement or Convention not mentioned in paragraphs (a) to (h) of this subsection which relates to the prevention, reduction or control of pollution of the sea or other waters by matters from ships, and civil liability and compensation for pollution damage from ships, to which Nigeria is a party.

(2) *Power of the Minister to prevent pollution from ships*

The Minister shall, subject to the provisions of this Act and any other law or Convention for the time being in force relating to the Prevention of Pollution from Ships have responsibility for the prevention of pollution of marine environment from ships.

(3) *Power to make regulations for the prevention of pollution from ships*

Without prejudice to the generality of subsection (1) of this section, the Minister may make regulations giving effect to the provisions of the International Conventions and Agreements mentioned therein.

(4) Without prejudice to the generality of subsection (2) of this section, provisions may be made-

- (a) for applying for the purpose mentioned in that subsection, any enactment or instrument relating to the pollution of the sea or other waters;
- (b) with respect to the carrying out of surveys and inspections for the purpose of the subsection and the issue, duration and recognition of certificates for that purpose;
- (c) with respect to the application of the regulations to Nigeria and the extra-territorial operation of any provisions made by or under the regulations;
- (d) stipulating fines and punishment for the contravention of any provision made by or under the regulations;
- (e) for detaining any ship in respect of which a contravention is suspected to have occurred.

(5) Any regulations made under subsection (1) of this section may-

- (a) make different provision for different circumstances;

- (c) provide for exemptions from any provisions of the regulations;
- (d) provide for the delegation of functions exercisable by virtue of the regulations;
- (e) include such incidental, supplemental and transitional provisions as may appear to the Minister to be expedient for the purposes of the regulations.
- (f) Authorize the making of any instrument for any of the purposes of this section.

(6) Any person who contravenes any of the provisions of this section or any **“Claimant”** means any person, corporate body or legal entity to whom damages are due in respect of loss or damage (excluding death and personal injury) as a result of collision;

**“Collision”** means any accident involving two or more vessels which causes loss or damage even if no actual contact has taken place;

### **337. Further provision for prevention of pollution from ships**

The Minister may, by Order, make such provisions as he considers appropriate for the purpose of giving effect to any provision of the United Nations Convention on the Law of the Sea 1982 for the protection and preservation of the marine environment from pollution by matter from ships.

## PART XXIV

### *Liability in Collision Cases*

#### **338. Interpretation of this Part**

In this Part of this Act-

**"damages"** means the financial compensation payable to the claimant;

**"total loss"** means an actual total loss of the vessel or such damage to the vessel that the cost of saving and repairing her would be unreasonable;

**"vessel"** means any ship, craft, machine, rig or platform whether capable of navigation or not which is involved in a collision.

#### **339. Application of this Part**

(1) This Part of this Act shall apply to any person as if the expression "owner" included the person responsible for the fault of any ship; but without prejudice thereto, where by virtue of any charter or demise or for any other reason, the owner is not responsible for the navigation and management of the ship, the expression shall be read and



construed as though there were substituted therefor references to the charterer or other person so responsible.

(2) References in this Part of this Act to damage or loss caused by the fault of a ship, shall be construed as including references to any salvage or other expenses consequent upon that fault recoverable at law by way of damages.

(3) For the purposes of this section, "**ship**" means every description of vessel used or intended for use in navigation, however propelled, and whether completed or in the course of construction or completion.

#### **340. Rules as to division of loss**

(1) Where, by the fault of two or more ships, damage or loss is caused to one or more of them, or to their cargo or freight, or to any property on board, the liability to make good the damage or loss shall be in proportion to the degree in which each ship was at fault-

- (a) if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally;
- (b) nothing in this section shall operate so as to render any ship liable for any loss or damage to which her fault has not contributed; and
- (c) nothing in this section shall affect the liability of any person under a contract of carriage, or any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or by any provision of law, or as affecting the right of any person to limit his liability in the manner provided by law.

(2) This section shall apply to Nigerian Government ships as it applies in the case of other ships.

#### **341. Damage for personal injury**

(1) Where loss of life or personal injury is suffered by any person on board a ship owing to the fault of that ship and of any other ship or ships, the liability of the owners of the ships shall be joint and several.

(2) Nothing in this section shall be construed as depriving any person of any right of defence on which, independently of this section, he might have relied in an action brought against him by the person injured or any person entitled to sue in respect of that loss of life, or shall affect the right of any person to limit his liability in cases to which this section relates in the manner provided by law.

#### **342. Right of contribution**

(1) Subject to the provisions of this section, where loss of life or personal injury is suffered by any person on board a ship owing to the fault of the ship and any other ship or ships, and a proportion of the damages is recovered against the owners of one of the ships which exceeds the proportion in which the ship was in fault, the owners of that ship may recover, by way of contribution, the amount of the excess from the owners of the other ship or ships to the extent to which those ships were respectively in fault.

(2) No amount shall be recovered as provided in subsection (1) of this section which could not, by reason of any statutory or contractual limitation of, or exemption from, liability, or which could not, for any other reason, have been recovered in the first instance as damages by the person entitled to sue therefor.

(3) The persons entitled to contribution under this section shall, subject to the provisions of this Act, have in addition to any other remedy for the purposes of recovering the contribution, the same rights and powers as the persons entitled to sue for damages in the first instance.

### **343. Limitation of actions**

(1) Subject to the provisions of this section, no action shall be maintainable to enforce any claim or lien against a ship or its owners in respect of any damage or loss to another ship, its cargo or freight, or any property on board, or damages for loss of life or personal injuries suffered by any person on board, caused by the fault of the former ship, whether such ship is wholly or partly in fault, or in respect of any salvage services, unless proceedings in respect of the damages are commenced within two years from the date when the damage or loss or injury was caused or the salvage services were rendered.

(2) An action shall not be maintainable under this Act to enforce any contribution in respect of an overpaid proportion of any damages for loss of life or personal injuries unless proceedings in that respect are commenced within one year from the date of payment.

(3) Any court of competent jurisdiction may extend the period on such conditions as it thinks fit and shall, if satisfied that during the period there has not been a reasonable opportunity of arresting the defendant ship at any port in Nigeria, or within three miles of the coast of Nigeria or locally within the jurisdiction of the country to which the ship of the plaintiff belongs or in which the plaintiff resides or has his principal place of business, extend the period to the extent necessary to give such a reasonable opportunity.

#### *Damages in Collision Cases*

### **344. Application**

The provisions contained in this Part of this Act shall apply to the assessment of damages where a vessel has been involved in a collision with another vessel or vessels, so however that a claimant shall be entitled to recover only such damages as may reasonably be considered to be the direct and immediate consequence of the collision.

### **345. Measure of damage**

The damages recoverable under this Part of this Act shall be such as to place the claimant in the same financial position as he would have been had the collision not occurred.

### **346. Burden of proof of loss or damage**

The burden of proving the loss or damage sustained in accordance with the provisions of this Part of this Act shall be upon the claimant and damages shall not be recoverable to the extent that the person against whom the claim is made is able to show that the claimant could have avoided or mitigated the loss or damage by the exercise of reasonable diligence.

### **347. Total loss**

(1) Where there is a total loss of a vessel, the claimant shall be entitled to damages equal to the cost of purchasing a similar vessel in the market at the date of the collision.

(2) Where no similar vessel is available, the claimant shall be entitled to recover as damages the value of the vessel at the date of the collision calculated by reference to the type, age, condition, nature of operation of the vessel and any other relevant factors.

(3) The damages recoverable in the event of a total loss shall include-

- (a) reimbursement of salvage, general average and other charges and expenses reasonably incurred as a result of the collision;
- (b) reimbursement of sums for which the claimant has become legally liable and has paid to third parties in respect of such liability, arising out of the collision by reason of contractual, statutory or other legal obligations; and
- (c) reimbursement for the net freight lost and the value of bunkers and ship's gear lost as a result of the collision and not included in the value of the vessel ascertained in accordance with this section.

(4) Subject to reimbursement for any claim for loss of freight under paragraph (c) of subsection (2) of this section, compensation for the loss of use of the vessel for the period reasonably necessary to find a replacement whether the vessel is actually replaced or not and such compensation shall be calculated in accordance with the provisions of section 348 less any interest which the claimant may be entitled to receive in respect of the said period.

### **348. Damage to vessel**

(1) Where a vessel is damaged but not in total loss as defined in this Part of this Act, the claimant shall be entitled to recover as damages-

- (a) the cost of temporary repairs reasonably effected, and the reasonable cost of permanent repairs-
  - (i) the cost of those repairs shall include but not limited to the cost of any necessary dry-docking, gas-freeing or tank cleaning, port charges, supervision and classification surveys, together with dry-dock dues and or wharfage, for the time occupied in carrying out such repairs;
  - (ii) where the collision damage repairs are carried out in conjunction with owners' work which is essential to the seaworthiness of the vessel or with essential repair work arising out of another incident or are deferred to and carried out at a routine docking, the damages shall include, but not limited to, dry-dock dues, wharf age or other time-based charges but only to the extent that the period to which such charges relate has been extended by reason of the collision damage repairs;
- (b) reimbursement of salvage, general average and other charges and expenses reasonably incurred as a result of the collision;

- (c) reimbursement of sums, for which the claimant has become legally liable and has paid to third parties in respect of such liability, arising out of the collision by reason of contractual, statutory or other legal obligations;



(d) reimbursement for the net freight lost and the cost of replacing bunkers and vessel's gear lost as a result of the collision and not included in the cost of repairs under subsection (1) (a) of this section.

(2) Without prejudice to the provisions of subsection (1) of this section, the damages recoverable shall include-

- (a) subject to reimbursement for any claim for loss of freight under subsection (1) (d) of this section, compensation for the net loss of earnings arising from the collision;
- (b) compensation assessed by establishing the gross earnings of the vessel lost during detention, calculated by reference to the vessel's earnings or by reference to the earnings of comparable vessels in the same trade and deducting from the gross earnings the operating costs which would normally have been incurred in order to achieve the gross earnings, such as hire payable, crew and bunkers costs, port disbursements and insurance; and
- (c) operating costs and expenses actually incurred during detention, other than those included under subsection (1) of this section.

(3) In the application of subsection (2) of this section, the following particular provisions shall be relevant:

- (a) where detention occurs during the performance of a voyage charter party and such detention does not require the cancellation of the charter party, compensation shall be calculated by applying the average net earnings on the two voyages prior to and the two voyages subsequent to the detention;
- (b) where no reference to two prior and two subsequent voyages is possible, the net earnings on other relevant voyages or if there are no other relevant voyages on the voyage during which the collision took place shall form the basis of compensation;
- (c) if in consequence of such detention the charter party is cancelled, and freight remains unearned, compensation shall include the net freight lost;
- (d) when detention occurs while the vessel is being operated on a liner service, compensation for detention shall be assessed in the following circumstances:
  - (i) where detention occurs during the voyage which the vessel is performing at the time of the collision by applying to the detention the net daily earnings for that voyage, computed for the time the voyage would have taken had the collision not occurred,
  - (ii) where detention occurs other than during the voyage which the vessel is performing at the time of the collision, by applying to the detention the average net earnings on the two voyages prior to and the two voyages subsequent to the detention,
  - (iii) where reference to two prior and two subsequent voyages is not possible, the basis of the computation will be the net earnings on other relevant voyages and if there are no other relevant voyages the compensation will be assessed by reference to the net earnings of a similar vessel operating in a similar trade;

- (e) where detention occurs while the vessel is performing under a time charter, compensation shall include the net loss of hire during the detention. If in consequence of such detention the charter party is cancelled, compensation shall include the net hire which would have been paid during the unperformed portion of the charter, allowance being made for any actual net earnings during that portion.

(4) Where collision damage repairs are carried out in conjunction with the work of the owner which is essential to the seaworthiness of the vessel or with essential repair work arising out of another incident or are deferred to and carried out at a routine docking, damages shall include compensation for detention only to the extent that the period under repair is extended by reason of the collision damage repairs.

### **349. Property on board**

(1) The claimant shall be entitled to recover damages when property has been lost or damaged in consequence of the collision.

(2) In the case of property having a commercial value the damages shall be-

- (a) if the property is lost, the claimant shall be entitled to reimbursement of the market value at the port of destination at the time when it should have arrived, less any expenses saved;
- (b) where the market value cannot be determined, the value of the property shall be the shipped value plus freight and the cost of insurance if incurred by the claimant, plus a margin for profit assessed at no more than ten percent of the value of the property calculated in paragraph (a) of this subsection;
- (c) if the property is damaged, the claimant shall be entitled to damages equal to the difference between the value of the property in sound condition at destination and its value in damaged condition;
- (d) where physical damage to such property arises from the prolongation of the voyage following the collision, the compensation shall be fixed on the same basis, where the loss arises from a fall in the market during such prolongation there shall be no right to damages.

(3) In the case of any other property the claimant shall be entitled to recover-

- (a) where the property has been lost or is irreparable its value or the reasonable cost of its replacement;
- (b) where the property is damaged and can be repaired, the reasonable cost of repairs, but not exceeding its value or the reasonable cost of its replacement.

### **350. Interest**

(1) Interest on damages is recoverable in addition to the principal sum.

(2) For claims under subsection (1) of section 347 of this Act, interest shall run from the date of the collision to the date of payment.

(3) For all other claims, interest shall run from the date the loss was sustained or the expense was incurred to the date of payment.

(4) The rate of interest shall be ten percent per annum.

### **351. Currency for payment**

Where the claimant is a non-Nigerian, unless the parties have agreed to apply a specific currency in the calculation of their damages, the following procedure shall be adopted:

- (a) losses or expenses shall be converted from the currency in which they are incurred into naira at the rate of exchange prevailing on the day the losses or expenses were incurred; and
- (b) the final amounts due shall be calculated in naira and the balance due shall be paid to the claimant in the currency of his choice at the rate of exchange prevailing on the date of payment.

## PART XXV

### *Limitation of Liability for Maritime Claims*

### **352. Persons entitled to limit liability**

(1) In this Part of this Act, the shipowners and salvors, as defined in subsection (2) of this section may limit their liability as provided in this Part of this Act.

(2) The term-

- (a) "**shipowner**" means the owner, charterer, manager and operator of a ship; and
- (b) "**salvor**" means any person rendering services for salvage operations and salvage operations shall include operations referred to in section 387 of this Act.

(3) If any claims set out in section 353 of this Act are made against any person for whose act, neglect or default the shipowner or salvor is responsible, such person shall be entitled to avail himself of the limitation of liability provided for in this Part of this Act.

(4) In this Part of this Act the liability of a shipowner shall include liability in an action brought against the vessel herself.

(5) An insurer of liability for claims subject to limitation in accordance with the rules of this Part of this Act shall be entitled to the benefits of this Part of this Act to the same extent as the assured himself.

(6) The act of invoking limitation of liability shall not constitute an admission of liability.

### **353. Claims subject to limitation**

(1) Subject to sections 354 and 355 of this Act, the following claims, whatever the basis of liability may be, shall be subject to limitation of liability:

- (a) claims in respect of loss of life or personal injury or loss of or damage to property (including damage to harbour works, basins and waterways and aids to navigation), occurring on board or in direct connection with the operation of the ship or with salvage operations, and consequential loss resulting therefrom;
- (b) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or their luggage;
- (c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the ship or salvage operations

- (d) claims in respect of the removal, destruction or the rendering harmless of the cargo of the ship;
- (e) claims of a person other than the person liable in respect of measures taken in order to avert or minimize loss for which the person liable may limit his liability in accordance with this Part of this Act, and further loss caused by such measures;
- (f) claims in respect of floating platforms constructed for the purpose of exploring or exploiting the natural resources of the sea-bed or the subsoil thereof;
- (g) claims in respect of the raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship.

(2) Claims set out in subsection (1) of this section shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise.

However, claims set out under paragraphs (d), (e) and (g) of subsection (1) of this section shall not be subject to limitation of liability to the extent that they relate to remuneration under a contract with the person liable.

#### **354. Where rules in this Part not applicable**

The rules of this Part of this Act shall not apply to-

- (a) claims for salvage or contribution in general average;
- (b) claims for oil pollution damage within the meaning of the International Convention on Civil Liability for Oil Pollution Damage or of any amendment thereto which is in force;
- (c) claims subject to any International Convention or national legislation governing or prohibiting limitation of liability for nuclear damage;
- (d) claims against the shipowner of a nuclear ship for nuclear damage;
- (e) claims by servants of the shipowner or salvor whose duties are connected with the ship or the salvage operations, including claims of their heirs, dependants or other persons entitled to make such claims, if under the law governing the contract of service between the shipowner or salvor and such servant the shipowner or salvor is entitled to limit his liability in respect of such claims, or if he is by such law only permitted to limit his liability to an amount greater than that provided for in section 357 of this Act.

#### **355. Conduct barring limitation**

A person liable shall not be entitled to limit his liability if it is proved that the loss or damage resulted from his personal act or omission or the act or omission of his servants or agents acting within the scope of their employment committed with the intent to cause such loss or damage or recklessly and with knowledge that such loss would probably result.

### **356. Counterclaim**

Where a person entitled to limitation of liability under the rules of this Part of this Act has a claim against the claimant arising out of the same occurrence, their respective claim shall be set off against each other and the provisions of this Part shall only apply to the balance, if any.

#### *Limits of Liability*

### **357. General limits**

(1) The limits of liability for claims other than those mentioned in this Act, arising on any distinct occasion, shall be calculated as follows:

- (a) in respect of claims for loss of life or personal injury:
  - (i) 2 million Units of Account for a ship with a tonnage not exceeding 2,000 tons;
  - (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i); for each ton from 2,00 to 30,000 tons, 800 Units of Account; for each ton from 30,001 to 70,000 tons, 600 Units of Account; and for each ton in excess of 70,000 tons, 400 Units of Account;
- (b) in respect of any other claims:
  - (i) 1 million Units of Account for a ship with a tonnage not exceeding 2,000 tons;
  - (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i): for each ton from 2,001 to 30,000 tons, 400 Units of Account;
  - (iii) for each ton from 30,001 to 70,000 tons, 300 Units of Account; and
  - (iv) for each ton in excess of 70,000 tons, 200 Units of Account.

(2) Where the amount calculated in accordance with subsection (1) (a) of this section is insufficient to pay the claims mentioned in full, the amount calculated in accordance with subsection (1) (b) shall be available for payment of the unpaid balance of claims under subsection (1) (a) and such unpaid balance shall rank rateably with claims mentioned under subsection (1) (b).

(3) The limits of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to or in respect of which he is rendering salvage services, shall be calculated according to a tonnage of 1,500 tons.

(4) For the purpose of this Part of this Act the ship's tonnage shall be the gross registered tonnage.

### **358. Limits for passenger claims**

(1) In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the shipowner thereof shall be an amount of 175,000 Units of Account multiplied by the number of passengers which the ship is authorised to carry according to the ship's certificate.

(2) For the purpose of this section "claims for loss of life or personal injury to passengers of a ship" shall mean any such claims brought by or on behalf of any person carried in that ship-

- (a) under a contract of passenger carriage, or
- (b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods.

### **359. Units of Account**

The Unit of Account referred to in sections 357 and 358 of this Act is the Special Drawing Right as defined by the International Monetary Fund and in the absence of agreement between the parties concerned as to the applicable currency, the amounts mentioned in the said sections shall be converted into naira at the date the limitation fund shall have been constituted, payment is made, or security given.

### **360. Aggregation of claims**

(1) The limits of liability determined in accordance with section 357 of this Act shall apply to the aggregate of all claims which arise on any distinct occasion-

- (a) against the person or persons mentioned in subsection (2) of this section and any person for whose act, neglect or default he or they are responsible; or
- (b) against the shipowner of a ship rendering salvage services from that ship and the salvor or salvors operating from such ship and any person for whose act, neglect or default he or they are responsible; or
- (c) against the salvor or salvors who are not operating from a ship or who are operating solely on the ship to, or in respect of which, the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.

(2) The limits of liability determined in accordance with section 357 of this Act shall apply to the aggregate of all claims subject thereto which may arise on any distinct occasion against the person or persons mentioned in subsection 2 of section 358 in respect of the ship referred to in section 357 and any person for whose act, neglect or default he or they are responsible.

## PART XXVI

### *Wrecks*

### **361. Interpretation of this Part**

(1) In this Part of this Act, unless the context otherwise requires-

"**hazard**" means any condition or threat of-

- (a) danger or impediment to navigation; or
- (b) substantial physical damage to the marine environment, or damage to the coastline;

**"related interests"** means-

- (a) the health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;
- (b) maritime, coastal, port or estuarine activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;
- (c) tourist attractions of the area concerned;
- (d) harbour works, basins and navigable waterways; and
- (e) offshore or underwater infrastructure and other economic interests;

**"removal"** means any form of prevention, mitigation or elimination of hazard proportionate to the hazard;

**"ship"** means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, and fixed or floating platforms or mobile offshore units when such platforms or units are not on location engaged in the exploration, exploitation, storage or production of sea-bed mineral resources;

**"shipowner"** means the person or persons registered as the owner of the ship, or, in the absence of registration, the person or persons owning the ship, at the time of the incident leading to a wreck;

**"territorial sea"** means the territorial sea as defined by the Territorial Waters Act. [Cap. T5.]

(2) Where a ship is owned by a country and operated by a company which is registered as the ship's operator, "shipowner" shall mean the company.

**"Wreck"** means-

- (a) a sunken or stranded ship, or any part thereof, including anything that is on board such a ship or which is stranded, sunken or in danger at sea and lost at sea from a ship; or
- (b) a ship that is about, or that may reasonably be expected to become, a wreck by reason of-
  - (i) collision, stranding or any other incident of navigation; or
  - (ii) any other occurrence on board the ship or external to it, resulting in material damage, or imminent threat of material damage, to the ship.

### **362. Application**

This Part of this Act shall not apply to any ship that was, or at the time of the incidence or occurrence that caused it to become a wreck, a warship, naval auxiliary or to a Nigerian Government ship used for the time being, only on Government non-commercial service.

### **363. Receiver and assistant receivers**

(1) There shall be appointed by the Minister, a Receiver of Wreck, and such number of assistant Receivers of Wreck for any part of Nigeria as may be necessary; and any such Assistant Receiver of Wreck shall exercise such powers conferred by this Part of this Act on the Receiver of Wreck and may perform such duties as are imposed by this Part of this Act on the Receiver of Wreck, as the Receiver of Wreck may delegate to him.

(2) Anything lawfully done by an Assistant Receiver of Wreck acting under this section shall, for the purposes of this Part, be deemed to have been done by the Receiver of Wreck.

### **364. Determination of hazard**

The Receiver of Wreck shall be responsible for determining whether a hazard exists, taking into account the following criteria, as appropriate, without regard to the order in which the criteria are presented below:

- (a) size, type and construction of the wreck;
- (b) depth of the water;
- (c) tidal range and currents in the area;
- (d) proximity of shipping routes or established traffic lanes;
- (e) traffic density and frequency;
- (j) type of traffic;
- (g) nature and quantity of the wreck's cargo, the amount and types of oil (such as fuel oil and lubricating oil) on board the wreck and, in particular, the damage likely to result should the cargo or oil be released into the marine environment;
- (h) vulnerability of port facilities;
- (i) prevailing meteorological and hydrographic conditions;
- (j) submarine topography of the area;
- (k) height of the wreck above or below the surface of the water at lowest astronomical tide;
- (f) acoustic and magnetic profiles of the wreck;
- (m) proximity of offshore installations, pipelines, telecommunications cables and similar structures; and
- (n) any other circumstances that necessitate the removal of a wreck.

### **365. Marking of wrecks**

(1) Where any wreck is determined to constitute a hazard, the Receiver of Wreck shall ensure that all reasonable steps are taken to mark the wreck.

(2) In marking the wreck referred to in subsection (1) of this section, all practicable steps shall be taken to ensure that the markings conform with internationally accepted systems of buoyage.



(3) The particulars of any wreck marking shall be communicated to mariners.

### **366. Duty to remove hazardous wrecks**

(1) If the Receiver of Wreck determines that the wreck constitutes a hazard, he shall immediately so inform the shipowner.

(2) The shipowner shall remove a wreck determined to constitute a hazard.

(3) The shipowner, or another interested party, shall provide the Receiver of Wreck with evidence of financial security.

### **367. Shipowner may contract removal**

(1) The shipowner may contract with any salvor or other person to perform the operation of removal on the owner's behalf.

(2) When such operations have been commenced by the shipowner or private salvors, the Receiver of Wreck may intervene in such operations only to the extent necessary to ensure that the removal operations proceed as expeditiously as possible consistent with safety and environmental considerations.

(3) Before such operations are commenced by the owner or private salvors, the Receiver of Wreck may lay down conditions for such operations only to the extent necessary in order to ensure that the removal operations proceed as expeditiously as possible consistent with safety and environmental considerations and may specify that he is to approve the methods applied in the operation.

### **368. Receiver to set deadlines, etc.**

(1) The Receiver of Wreck shall-

- (a) set a reasonable deadline within which the shipowner must undertake the removal of the wreck taking into account the hazard;
- (b) inform the shipowner in writing of the deadline he has set and specify that, if the shipowner does not undertake the removal of the wreck within that deadline, he can undertake the removal at the shipowner's expense; and
- (c) inform the shipowner that he intends to intervene immediately where the hazard is particularly severe.

(2) If the shipowner does not remove the wreck within the deadline set, or the Receiver of Wreck considers that immediate action is required, he may undertake the removal or marking of the wreck by the most practical and expeditious means available, consistent with considerations of safety and protection of the marine environment and related interests.

### *Fees of Receivers of Wreck*

### **369. Receiver's fee**

(1) There shall be paid to the Receiver of Wreck and every assistant Receiver of Wreck the expenses and such fees properly incurred by them in the performance of their duties and also, in respect of such other matters as may be prescribed; but the Receiver of

Wreck and the Assistant Receiver of Wreck shall not be entitled to any remuneration other than those payments.

(2) The Receiver of Wreck and every Assistant Receiver of Wreck shall, in addition to all other rights and remedies for the recovery of the expenses and fees aforesaid, have the same rights and remedies in respect thereof as a salvor has in respect of salvage due to him.

(3) Whenever any dispute arises as to the amount payable to the Receiver of Wreck or any Assistant Receiver of Wreck in respect of expenses or fees, that dispute shall be determined by the Minister and the Minister's decision shall be final.

(4) All fees received by the Receiver of Wreck or any Assistant Receiver of Wreck in respect of any services performed by him as the Receiver of Wreck or the Assistant Receiver of Wreck, as the case may be, shall be paid into the Consolidated Revenue Fund.

#### *Vessels in Distress*

### **370. Duty of Receiver where vessels in distress**

(1) Where any vessel is wrecked, stranded or in distress at any place on or near the coasts of Nigeria or any tidal water within Nigeria, the Receiver of Wreck shall, upon being made acquainted with the circumstances, forthwith proceed thereto, and, upon his arrival, shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel, and of the lives of the persons belonging to the vessel and of the cargo and apparel of the vessel.

(2) The Receiver of Wreck shall not interfere between the master and the crew of the vessel in reference to the management thereof, unless he is requested to do so by the master.

(3) Any person who wilfully disobeys any lawful directions of the Receiver of Wreck, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

### **371. Powers of the Receiver in case of vessels in distress**

(1) The Receiver of Wreck may, with a view to the preservation of life, or of the vessel, cargo or apparel in distress-

- (a) require such persons as he thinks necessary to assist him;
- (b) require the master or other person having the charge of any vessel near at hand to give such aid with his men or vessel as may be in his power; and
- (c) demand the use of any vehicle or of any craft that may be near at hand.

(2) Any person who refuses without reasonable cause to comply with the provisions of subsection (1) of this section commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

### **372. Power to pass over adjoining lands**

(1) Whenever a vessel is wrecked, stranded or in distress as aforesaid all persons may, for the purpose of rendering assistance to the vessel, or of saving the lives of

shipwrecked persons or of saving the cargo or apparel of the vessel, unless there is some public road equally convenient, pass and re-pass, either with or without vehicles, over any adjoining land without being subject to interruption by the owner or occupier so however, that they do as little damage as possible and may also on the like condition, deposit on those lands any cargo or other article recovered from the vessel.

(2) Any damage sustained by an owner or occupier in consequence of the exercise of the rights given by this section shall be a charge on the vessel, cargo or articles in respect of or by which the damage is occasioned and the amount payable in respect of the damage shall, in case of dispute, be determined and shall, in default of payment, be recoverable in the same manner as the amount of salvage is under this Part of this Act determined or recoverable.

(3) Where the owner or occupier of any land-

- (a) impedes or hinders any persons in the exercise of the rights given by this section by locking his gates or refusing, upon request, to open the same, or otherwise;
- (b) impedes or hinders the deposit of any cargo or other article recovered from the vessel as aforesaid on the land; or
- (c) prevents or endeavours to prevent any cargo or other article from the remains deposited on the land for a reasonable time, until it can be removed to a safe place or public deposit,

he commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

### **373. Power of Receiver to suppress plunder and disorder by force**

(1) Whenever a vessel is wrecked, stranded or in distress as aforesaid, and any person plunders, creates disorder or obstructs the preservation of the vessel, or of the shipwrecked persons, or of the cargo or apparel of the vessel, the Receiver of Wreck may cause that person to be apprehended.

(2) The Receiver of Wreck may use force for the suppression of any such plundering, disorder or obstruction, and may command all persons present to assist him in so using force.

(3) Any person who contravenes the provisions of this section commits an offence and shall on conviction be liable to a fine not less than two hundred thousand naira or imprisonment for a term not less than one year or both.

(4) Where any person is killed, maimed or hurt by reason of his resisting the Receiver of Wreck or any person acting under the orders of the Receiver of Wreck, the Receiver of Wreck or the person acting under his orders shall not be liable to any punishment, or to pay any damages, by reason of the person being so killed, maimed or hurt, unless the Receiver or person acting under his orders used more force than was reasonably necessary in the circumstances.

### **374. Examination in respect of ship in distress**

(1) Where any Nigerian ship is or has been in distress on the coast of Nigeria, the Receiver of Wreck, or in the absence of the Receiver of Wreck a magistrate, shall, as soon

as possible, examine on oath any person belonging to the ship, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to any of the following matters:

- (a) the name and description of the ship;
- (b) the name of the master and of the owners;
- (c) the names of the owners of the cargo;
- (d) the ports from and to which the ship was bound;
- (e) the occasion of the distress of the ship;
- (f) the services rendered; and
- (g) such other matters or circumstances relating to the ship, or to the cargo on board the same, as the person holding the examination thinks necessary.

(2) The person holding the examination shall take it down in writing and shall send two copies to the Minister and the Minister shall cause one copy to be displayed in some conspicuous position for public inspection, and shall publish so much of the result of the examination as he thinks fit in the *Gazette*.

(3) The person holding an examination under this section shall have all the powers of an inspector; and for the avoidance of doubt, the power to examine on oath shall include the powers to administer an oath.

#### *Dealing with Wreck*

### **375. Rules to be observed by persons finding wreck**

Where any person finds or takes possession of any wreck within Nigeria, or finds or takes possession of any wreck outside those limits and brings it within those limits, he shall-

- (a) if he is the owner of the wreck, give notice to the Receiver of Wreck, stating that he has found or taken possession of the same, and describing the marks by which the same may be recognised; or
- (b) if he is not the owner of the wreck, as soon as possible deliver it to the Receiver of Wreck,

and where the person fails without reasonable cause to comply with this section, he commits an offence and on conviction is liable to a fine not less than fifty thousand naira, and shall, in addition, if he is not the owner, forfeit any claim to salvage, and be liable to pay to the owner of the wreck, if it is claimed or if it is unclaimed to the Minister, double the value thereof.

### **376. Penalty for taking wreck at time of casualty**

(1) Where a vessel is wrecked, stranded or in distress at any place on or near the coasts of Nigeria or any tidal water within Nigeria, any cargo or other articles belonging to, or separated from, the vessel which may be washed on shore or otherwise lost or taken from the vessel, shall be delivered to the Receiver of Wreck.

(2) If any person, whether the owner or not, secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the Receiver of Wreck or to any person

authorised by the Receiver of Wreck to demand the same, he commits an offence and on conviction is liable to a fine not exceeding fifty thousand naira or imprisonment for a term not exceeding two years or both.

(3) The Receiver of Wreck or any authorised person may take any such cargo or article by force from the person so refusing to deliver the same.

### **377. Notice of wreck to be given by Receiver**

(1) Where the Receiver of Wreck takes possession of any wreck, he shall, within forty-eight hours-

- (a) cause to be posted at the nearest police station, and otherwise publish in such manner as he may deem fit, a description of the wreck and of any marks by which it is distinguished; and
- (b) if, in his opinion, the value of the wreck exceeds one hundred thousand naira, send a copy of such description to the Minister.

(2) The Minister may, if he thinks fit, direct that a copy of any description of any wreck sent to him by the Receiver of Wreck under subsection (1) of this section, be sent to the secretary of Lloyd's in London.

### **378. Claims of owner to wreck**

(1) the owner of any wreck in the possession of the receiver of wreck, upon establishing his claim to same to the satisfaction of the Receiver of Wreck within one year, from the time when the wreck came into possession of the Receiver of Wreck, shall, upon paying the salvage fees and expenses due, be entitled to have the wreck or the proceeds thereof, delivered up to him.

(2) Where any foreign vessel is wrecked in Nigeria, or any articles belonging to, or forming part of, any such vessel, or belonging to, or forming part of, the cargo of any such vessel, are found in Nigeria or are brought into any port within Nigeria, the consular officer of the country to which the vessel, or, in the case of cargo, to which the owner of the cargo, may have belonged, if authorised by any treaty or arrangement with that country, shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as it relates to the custody and disposal of the vessel or the articles.

### **379. Immediate sale of wreck by Receiver in certain cases**

The Receiver of Wreck may at any time sell any wreck in his custody if in his reasonable opinion-

- (a) it is under the value of fifty thousand naira;
- (b) it is so much damaged or of such perishable nature that it cannot with advantage be kept; or
- (c) it is not of sufficient value to pay for warehousing;

and the proceeds of the sale shall, after defraying the expenses thereof, be held by the Receiver of Wreck for the same purposes and subject to the same claims, rights and liabilities, as if the wreck had remained unsold.

### *Unclaimed Wreck*

#### **380. Unclaimed wreck to be sold and proceeds paid into general revenue**

Where no owner establishes a claim to any wreck which-

- (a) has been found in Nigeria, or found or taken possession of outside Nigeria and brought into Nigeria; and
- (b) has been in the possession of the Receiver of Wreck for one year,

the Receiver of Wreck shall sell such wreck and shall pay into the Consolidated Revenue Fund the proceeds of the sale after deducting therefrom the expenses of sale and any other expenses incurred by, and the fees payable to him in respect thereof, and paying to the salvors such amount of salvage as the Minister may, by special or general directions, specify.

#### **381. Delivery of unclaimed wreck by Receiver not to prejudice title**

Upon delivery of wreck or payment of the proceeds of sale of wreck by the Receiver of Wreck in pursuance of the provisions of this Part of this Act, the Receiver of Wreck shall be discharged from all liability in respect thereof, but the delivery thereof shall not prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck.

### *Removal of Wrecks*

#### **382. Removal of wreck by Receiver**

(1) Subject to the provisions of any other enactment or law relating to ports, where any vessel is sunk, stranded or abandoned in any port, navigable river or tidal water within Nigeria or in or near any approach to any port, navigable river or tidal water, in a manner as in the opinion of the Receiver of Wreck, to be or to be likely to become, an obstruction or danger to navigation, the Receiver of Wreck-

- (a) may take possession of and raise, remove or destroy, the whole or any part of the vessel;
- (b) may light or buoy any such vessel or part of the vessel, until the raising, removal or destruction of the vessel; and
- (c) subject to the provisions of subsections (2) and (3) of this section, may sell, in a manner as he thinks fit, any vessel or part so raised or removed and any other property recovered in the exercise of his powers under this section, and out of the proceeds of sale reimburse himself for the expenses incurred by him under this section in relation to such vessel, or part of a vessel, or other property, and shall hold the balance, if any, for payment to a person who establishes his right to the vessel in so far as the person makes the claim within three years of the sale and the balance shall be paid into the Consolidated Revenue Fund.

(2) A sale shall not, except in the case of property which is of a perishable nature or which would deteriorate in value if delayed, be made under this section until at least seven clear days' notice of the intended sale has been published in the *Gazette* or such widely circulated newspapers as the Receiver may decide.

(3) At any time before any property is sold under this section, the owner of the property shall be entitled to have same delivered to him on payment to the Receiver of Wreck of the fair market value of the property to be ascertained by agreement between the Receiver of Wreck and the owner; failing such agreement, by some person to be named for the purpose by the Minister; and the sum paid to the Receiver of Wreck as the value of any property under this subsection shall, for the purposes of this section, be deemed to be the proceeds of sale of that property.

(4) If the proceeds of sale of any such property as is mentioned in this section is less than the costs incurred by the Receiver of Wreck under this section, he may recover such difference from the owner of the vessel by a civil action.

### **383. Breaking and removal of wrecks**

(1) If any person, being the owner of any vessel wrecked, submerged, sunken or stranded, or a duly authorised agent or servant of such owner, is desirous of breaking up such vessel prior to removal thereof from Nigeria, such person shall, before commencing salvage or breaking up operations, obtain the written permission of the Receiver of Wreck, who shall be entitled to grant permission and, in his discretion, to require reasonable security as he may consider necessary to ensure the removal of such vessel or any portion thereof, from Nigeria.

(2) Any person who, without the previous written permission of the Receiver of Wreck, does or causes to be done any salvage or breaking up operations of any vessel or any wrecked, submerged, sunken or stranded vessel lying within Nigeria, commits an offence and on conviction is liable to a fine not less than two hundred thousand naira, or to imprisonment for a term not less than one year, or to both.

### **384. Powers of removal to extend to tackle, cargo, etc.**

The provisions of this Part of this Act relating to removal of wrecks shall apply to every article or thing, or collection of things, being or forming part of the tackle, equipment, cargo, cargo stores or ballast of a vessel, in the same manner as if it were included in the word "vessel"; and, for the purposes of those provisions, any proceeds of sale arising from a vessel and from the cargo of the vessel or any other property recovered from it, shall be regarded as a common fund.

### **385. Interfering with wrecked vessel**

(1) A person shall not, without the leave of the master, board or endeavour to board any vessel which is wrecked, stranded or in distress unless that person is, or acts by command of the Receiver of Wreck or a person lawfully acting as such.

(2) Any person who acts in contravention of this section, commits an offence and on conviction is liable to a fine not less than fifty thousand naira, and the master of the vessel may repel him by force.

### **386. Summary procedure for concealment of wreck**

(1) Where the Receiver of Wreck suspects or receives information that any wreck is secreted or in the possession of some person who is not the owner thereof, or that any wreck is otherwise improperly dealt with, he may apply to any magistrate for a search warrant; and that magistrate shall have power to grant such a warrant and the Receiver of

Wreck, by virtue of such warrant, may enter any house or other place, wherever situate, and also any vessel and search for such wreck, and seize and detain any such wreck there found.

(2) If any such seizure of wreck is made in consequence of information given by any person to the Receiver of Wreck, on a warrant being issued under this section, the informer shall be entitled, by way of salvage, to such sum, not exceeding fifty thousand naira, or as the Receiver of Wreck may allow.

## PART XXVII

### *Assistance to and Salvage of Vessels*

#### **387. Interpretation of this Part**

In this Part, unless the context otherwise requires-

**"damage to the environment"** means any substantial physical damage to human health or marine life or resources in coastal or inland waters or to areas adjacent to coastal or inland waters caused by pollution, contamination, fire, explosion or similar major incident;

**"owner"** in relation to a vessel, means the person who was the owner of the vessel at the time of the sinking, stranding or abandoning of the vessel;

**"property"** means any property not permanently and intentionally attached to the shoreline and any freight at risk;

**"salvage"** includes all expenses properly incurred by the salvor in the performance of salvage services;

**"salvage operation"** means any activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters whatsoever;

**"vessel"** means any ship or craft or structure capable of navigation;

**"wreck"** includes jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water.

#### **388. Duties of owner, etc., master and salvor**

(1) The provisions of the International Convention on Salvage, 1989 shall apply to this Part of this Act.

(2) The owner and the master of a vessel in danger shall take timely and reasonable steps to arrange for salvage operations.

(3) The owner and the master of the vessel or the owner of any property in danger shall-

- (a) co-operate fully with the salvor during the course of salvage operations;
- (b) exercise due care to prevent or minimise damage to the environment;



- (c) when the vessel or other property has been brought to a place of safety accept re-delivery when reasonably requested by the salvor to do so.
- (4) A salvor shall-
  - (a) carry out the salvage operations in which he is engaged with due care;
  - (b) in performing the salvage operations exercise due care to prevent or minimise danger to the environment;
  - (c) accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or of other property in danger and the amount of the salvor's reward shall not be prejudiced if the request for other salvors was unreasonable.

### **389. Contracts, services and equitable agreements**

(1) The master of a vessel has authority to conclude contracts for salvage operations on behalf of the owner of the vessel.

(2) The master or owner of a vessel has authority to conclude salvage contracts on behalf of the owner of any property on board his vessel.

(3) No payment is due under the provisions of this Part of this Act unless the services rendered exceed what can be reasonably considered as due performance of a contract entered into before danger to the vessel arose.

(4) An agreement for assistance or salvage entered into at the moment and under the influence of danger may at the request of either party to the agreement, be annulled or modified by the court, if it considers that the conditions agreed upon are not equitable.

(5) If it is proved that the consent of one of the parties to an agreement under this section is vitiated by fraud or concealment, or the remuneration is, in proportion to the services rendered in an excessive degree too large or too small, the agreement may be annulled or modified by the court at the request of the affected party.

(6) The owner or master of a vessel or owner of any property in danger, not on board the ship, shall not pay for any service rendered by a salvor who is not permitted to do so under this Part of this Act.

### **390. Conditions and amount of reward**

(1) Every act of assistance or salvage which yields a useful result gives a right to equitable reward and as otherwise provided payment shall not be made to a salvor if salvage operations do not yield any beneficial results.

(2) The provisions of subsection (1) of this section shall apply notwithstanding that the salvaged vessel and the vessel undertaking the salvage operations belong to the same person.

(3) A person who takes part in salvage operations notwithstanding the express and reasonable prohibition on the part of the vessel to which the services were rendered, shall not be entitled to receive a reward.

(4) A tug shall not receive reward for assistance rendered to or for salvage of the vessel or the cargo of the vessel the tug tows unless it renders exceptional services which cannot be considered as rendered in fulfillment of the contract of towage.

(5) The amount of reward to be paid for salvage shall be fixed by agreement between the parties, and, where there is no agreement between the parties, by the court.

(6) The proportion in which a reward for salvage is to be distributed amongst the salvors shall be fixed in the same manner.

(7) The apportionment of reward between the owner, master and other persons in the services of any salving vessel shall be determined as provided in this Part of this Act.

### **391. Duty to render assistance and salvor's misconduct**

(1) The master of every vessel shall as far as he can do so without serious danger to his vessel and persons on the vessel, render assistance to any person in danger of being lost at sea.

(2) Where the master of a ship does not comply with the provisions of subsection (1) of this section, the owner of the vessel shall not be held liable.

(3) Any master of a vessel who fails to comply with the provisions of subsection (1) of this section commits an offence and on conviction is liable to a fine not less than five hundred thousand naira or to imprisonment for a term not exceeding two years or both.

### **392. Criteria for fixing reward and salvor misconduct**

(1) The criteria for determining the reward for salvage operations shall be fixed by taking the following into consideration:

- (a) the salvaged value of the vessel and other property;
- (b) the skill and efforts of the salvors in preventing or minimising damage to the environment;
- (c) the measure of success obtained by the salvor;
- (d) the nature and degree of the danger;
- (e) the skill and effort of the salvors in salving the vessel, other property and life;
- (f) the time spent and expenses and losses incurred by the salvors;
- (g) the risk of liability and other risks run by the salvors or their equipment;
- (h) the promptness of the services rendered;
- (i) the availability and use of the vessels or other equipment intended for salvage operations;
- (j) the state of readiness and efficiency of the salvor's equipment and the value thereof.

(2) Payment of reward fixed according to subsection (1) of this section shall be made by the vessel and other property interests in proportion to their respective salvaged values.

(3) The rewards, exclusive of any interest and recoverable legal costs that may be payable on the rewards, shall not exceed the salvaged value of the vessel and other property.

(4) The court may deprive the salvors of all rewards or may award a reduced reward if it appears that the salvors have by their fault rendered the salvage operation or the assistance that was required more difficult or are guilty of theft, fraudulent concealment or other dishonest conduct.

### **393. Special compensation for salvage operation**

(1) Where a salvor has carried out salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment and the salvor failed to earn a reward under section 392 of this Act, which is at least equivalent to the special compensation assessed in accordance with this section, the salvor shall be entitled to special compensation from the owner of the vessel, equivalent to the expenses as defined in this section.

(2) Where in the circumstances set out in subsection (1) of this section, the salvor by his salvage operation prevented or minimised damage to the environment, the special compensation payable by the owner to the salvor under subsection (1) of this section may be increased to a minimum of 30 percent of the expenses incurred by the salvor but the court may if it deems it fair and just and bearing in mind the criteria set out in section 392, subsection (1) of this Act, increase the compensation further, but in no event shall the total increase be more than 100 percent of the expenses incurred by the salvor.

(3) The expenses of a salvor for the purposes of subsections (1) and (2) of this section, is the out-of-pocket expenses reasonably incurred by the salvor in the salvage operation and a fair rate for equipment and personnel actually and reasonably used in the salvage operations, taking the criteria prescribed in subsection (1) (h), (i) and (j) of section 392 of this Act into consideration.

(4) The total compensation under this section shall be paid only if and to the extent that the compensation is greater than any reward recoverable by the salvor under section 392 of this Act.

(5) Where the salvor has been negligent and has by such negligence failed to prevent or minimise damage to the environment, the salvor may be deprived of the whole or part of any special compensation due to him under this section.

(6) Nothing in this section shall affect any right of recourse on the part of the owner of the vessel.

### **394. Apportionment between salvors**

(1) The apportionment of a reward between salvors under section 390 of this Act shall be made on the basis of the criteria set out in that section.

(2) The apportionment between the owner, master and other persons in the service of each salving vessel shall be determined by the flag of that vessel, but where the salvage was not carried out from a vessel, the apportionment shall be determined by the law governing the contract between the salvor and his servants.

### **395. Salvage of human life**

(1) No remuneration is due from persons whose lives are saved.

(2) A salvor of human life who took part in the services rendered on the occasion of an accident giving rise to the salvage or assistance, is entitled to a fair and reasonable reward from the owners of the salvaged vessel and cargo as may be determined by the court.

### **396. Claims and actions**

(1) Nothing in this Part of this Act shall affect the salvor's maritime lien under any International Convention or Nigerian law.

(2) A salvor may not enforce his maritime lien when satisfactory security for his claim, including interests and costs, has been duly tendered or provided.

(3) The law relating to civil salvage whether of life or property, except section 404 of this Act, shall apply in relation to salvage services in assisting any Government ships, or in saving life from Government ships, or in saving any cargo or equipment belonging to the Federal Government, in the same manner as if the ship, cargo or equipment belonged to a private person.

(4) Where salvage services are rendered by or on behalf of the Federal Government, the Government shall be entitled to claim salvage in respect of those services to the same extent as any other salvor and shall have the same right and remedies in respect of the services as any other salvor.

(5) No claim for salvage services by the commander or crew or part of the crew of any ship belonging to the Federal Government shall be finally adjudicated upon without the consent of the Minister to the prosecution of the claim being first obtained.

(6) Any document purporting to give the consent of the Minister or any officer delegated by him for the purposes of subsection (5) of this section shall be evidence of the consent.

(7) Where a claim is prosecuted without the consent required in subsection (5) of this section, the claim shall be dismissed with costs.

### **397. Duty to provide security**

(1) Any person liable for a payment under this Part of this Act shall, upon the request of the salvor, provide satisfactory security for the claim including interests, and costs of the salvor.

(2) Without prejudice to subsection (1) of this section, the owner of the salvaged vessel shall ensure that the owners of the cargo provide satisfactory security for the claims against them, including interests and costs before the cargo is released.

(3) The salvaged vessel and other property shall not, without the consent of the salvor, be removed from the port or place at which the vessel and other property first arrived after the completion of salvage operations until the provisions of subsection (1) of this section have been complied with.

### **398. Interim payment**

(1) The court may, by an interim decision, order that a salvor be paid on account, such amount as seems fair and just and on such terms including terms as to security where appropriate, as may be fair and just according to the circumstances of the case.

(2) Where an interim payment is made under subsection (1) of this section, the security provided under section 397 of this Act shall be reduced accordingly.

### **399. Limitation of action**

(1) An action relating to payment under this Part of this Act shall be time barred if judicial or arbitral proceedings have not been instituted within a period of two years and the limitation period shall commence on the day which the salvage operations are terminated; provided that the said period shall be extended in cases where it has not been possible to arrest the vessel assisted or salvaged in Nigeria.

(2) A person against whom a claim is made may, at any time during the running of the limitation period, extend that period by a declaration to the claimant and this period shall in like manner be further extended.

(3) An action for indemnity by a person liable may be instituted even after the expiration of the limitation period provided for in subsections (1) and (2) of this section, if brought within the time allowed by law.

### **400. Exclusions**

(1) The provisions of this Part of this Act shall not apply to-

- (a) salvage operation which takes place in inland waters of Nigeria and in which all the vessels involved are of inland navigation; and
- (b) a salvage operation which takes place in inland waters of Nigeria and in which no vessel is involved;
- (c) fixed or floating platforms or to mobile offshore drilling units when the platforms or units are on location engaged in the exploration, exploitation or production of sea-bed mineral resources.

(2) Inland waters in this section does not include any water in ebb and flow of the tide at ordinary tide or waters which is directly or (by means of one or more docks) indirectly connected with such waters.

(3) Nothing in this Part of this Act shall be used as a basis for the seizure, arrest or detention by any legal process of or for any proceedings in rem against a warship, other non-commercial vessel or non-commercial cargo owned by the Federal Government and entitled at the time of salvage operation to sovereign immunity.

(4) Nothing in this Part of this Act shall be used as a basis for the seizure, arrest or detention of humanitarian cargoes if the country that donated the humanitarian cargoes has agreed to pay for salvage services rendered in respect of the humanitarian cargoes.

### **401. Power to make regulations**

(1) The Minister may make regulations with respect to salvage operations and related matters.

(2) Any regulation made under this section may provide for-

- (a) enforcing the duty of every master to render assistance to persons in danger at sea;

- (b) steps to be taken to protect the coastline from pollution following maritime casualty;
- (c) admittance to Nigerian ports of vessel in distress;
- (d) facilities to be provided to salvors and the mode and fees for such facilities;
- (e) co-operation between salvors and other interested parties.

#### **402. Salvage of life, cargo or wreck within Nigeria**

Where any vessel is wrecked, stranded or in distress at any place on or near the coasts of Nigeria or any tidal water within Nigeria, and services are rendered by any person in assisting that vessel, saving life from that vessel or saving the cargo or apparel of that vessel, or any part of the vessel and the services are rendered by any person other than the Receiver of Wreck in saving any wreck, there shall be payable to the salvor by the owner of the vessel, cargo apparel or wreck a reasonable amount of salvage, to be determined in case of dispute in the manner hereinafter mentioned.

#### **403. Determination of salvage disputes**

(1) A dispute as to the amount of salvage, whether of life or property and whether the services for which the amounts claimed have been rendered within or outside Nigeria, arising between the salvor and the owner of any vessel, cargo, equipment or wreck shall, if not settled by agreement, arbitration or otherwise be determined by the court.

(2) A dispute relating to salvage may be determined on the application of the salvor or of the owner of the property salvaged, or of their respective agents.

(3) Any dispute as to salvage which is to be determined under subsection (2) of section 395 of this Act shall-

- (a) where the dispute relates to the salvage of wreck; or
- (b) where the dispute relates to salvage in the case of services rendered to any vessel, or to the cargo or equipment of the vessel, or in saving life from the vessel, be referred to the court.

#### **404. Valuation, detention and sale by Receiver**

(1) Where any dispute as to salvage arises, the Receiver of Wreck may, on the application of either party to the dispute, appoint a valuer to value the property, and shall give copies of the valuation to both parties.

(2) Any copy of the valuation purporting to be signed by the valuer, and to be certified as a true copy by the Receiver of Wreck, shall be admissible as evidence in any subsequent proceedings.

(3) There shall be paid, in respect of the valuation, by the person applying for the valuation, such fee as the Minister may direct.

(4) Where salvage is due to any person under this Part of this Act, the Receiver of Wreck shall-

- (a) if the salvage is due in respect of services rendered in assisting any vessel, or in saving life from the vessel, or in saving the cargo or equipment of the vessel, detain the vessel and cargo or equipment; and
- (b) if the salvage is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed under this Part of this Act, detain the wreck;
- (c) subject to the provision of this section, the Receiver of Wreck shall detain the

vessel and the cargo and equipment or the wreck (in this Part referred to as "detained property") until payment is made for salvage or process is issued for the arrest or detention of the detained property by a court of competent jurisdiction;

- (d) the Receiver of Wreck may release any detained property if security is given to his satisfaction or, if the claim for salvage exceeds two hundred thousand naira and any question is raised as to the sufficiency of the security, to the satisfaction of the court.

(5) Any security given for salvage in pursuance of this section to an amount exceeding two hundred thousand naira may be attached by the court in the same manner as if bail had been given in the court.

(6) The Receiver of Wreck may sell any detained property, if the persons liable to pay the salvage in respect of which the property is detained are aware of the detention, in the following cases:

- (a) where the amount is not disputed, and payment of the amount due is not made within twenty days after the amount becomes due;
- (b) where the amount is disputed, but no appeal lies from the decision of the court to which the dispute is referred and payment is not made within twenty days after the decision of the said court;
- (c) where the amount is disputed and an appeal lies from the decision of the court, to which the dispute is referred, to some other court, and within thirty days after the decision of the first court, payment of the sum due is not made and proceedings are not commenced for the purpose of appeal or of obtaining leave to appeal.

(7) The proceeds of sale of any detained property shall, after payment of the expenses of the sale, be applied by the Receiver of Wreck in payment of the expenses, fees and salvage incurred and payment in respect of such property, and, so far as not required for that purpose, shall be paid to the owners of the property or any other persons entitled to receive same.

#### **405. Apportionment by Receiver and court**

(1) Where the aggregate amount of salvage payable in respect of salvage services rendered within Nigeria has been finally determined by the court or by agreement, and does not exceed four hundred thousand naira, but a dispute arises as to the apportionment of the amount among several claimants, the person liable to pay the amount may apply to the Receiver of Wreck for liberty to pay the same to him; and the Receiver of Wreck shall, if he thinks fit, receive the same accordingly, and grant to the person paying the amount a certificate for the amount paid and of the services in respect of which it is paid.

(2) A certificate issued under subsection (1) of this section shall be a full discharge and indemnity to the person by whom the money is paid and to his vessel, cargo, apparel

and effects against the claims of all persons whomsoever in respect of the services mentioned in the certificate.

(3) The Receiver of Wreck shall, with all convenient speed, distribute any amount received by him under this section among the persons entitled to same on such evidence, and in such shares and proportions, as the Receiver of Wreck thinks fit, and may retain any money which appears to him to be payable to any person who is absent.

(4) A distribution made by the Receiver of Wreck in pursuance of this section shall be final and conclusive as against all persons claiming to be entitled to any portion of the amount distributed.

(5) Whenever the aggregate amount of salvage payable in respect of salvage service rendered-

- (a) within Nigeria has been finally ascertained and exceeds four hundred thousand naira;  
and
- (b) elsewhere has been finally ascertained, whatever that amount may be,

if any delay or dispute arises as to the apportionment of a court of competent jurisdiction, the court may cause the aggregate amount of salvage payable to be apportioned among the persons entitled to the amount of salvage in such manner as the court thinks just, and may, for that purpose, if it thinks fit, appoint any person to carry that apportionment into effect, and may compel any person in whose hands, or under whose control, the amount may be, to distribute the same, or to bring the same into court to be dealt with as the court may direct and may, for such purpose, issue processes as it thinks fit.

## PART XXVIII

### *Legal Proceedings*

#### *Prosecution of Offences*

#### **406. Institution of prosecutions**

No prosecution for an offence under this Act, except in respect of offences relating to discipline and order on board a ship, shall be instituted, or if instituted shall be continued, without the consent of the Attorney-General of the Federation.

#### *Imprisonment in lieu of Fine*

#### **407. General power of ordering imprisonment in default of payment of penalty**

Where any court or tribunal is empowered by any provision of this Act to impose a penalty for a summary conviction offence, the court or tribunal may, in the absence of any express provision to the contrary in the same or any other written law, order a defendant who is convicted of the offence, in default of payment of the sum of money adjudged to be paid by the order, immediately or at the time specified in the order, as the case may be, to be imprisoned.



**408. Provision as to jurisdiction in case of offences**

For the purpose of conferring jurisdiction under this Act, an offence shall be deemed to have been committed, and every cause of complaint to have arisen, in the place in which the offence was actually committed or arose or in any place in which the offender or person complained against may be.

**409. Jurisdiction over ships lying off the coasts**

Where an area within which a court which has jurisdiction under this Act for any purpose whatever, is situated on the coast of any sea, or abutting on or projecting into any bay, channel or other navigable water, the court shall have jurisdiction for the purposes of this Act over any vessel which is on, or lying or passing off, the coast, or which is in or near the bay, channel or navigable water, and over all persons on board that vessel or for the time being belonging to the vessel, in the same manner as if the vessel or persons were within the limits of the original jurisdiction of the court.

**410. No jurisdiction for extra-territorial offences**

(1) Notwithstanding anything in this Act, no court or tribunal shall, by virtue only of any provision of this Act, have jurisdiction to-

- (a) try any master, seaman or cadet belonging to, or connected with, any sea-going ship registered in or belonging to any country other than Nigeria for any offence committed outside Nigeria;
- (b) try an owner or any other person for any offence committed outside Nigeria on board, or in relation to, any ship referred to in paragraph (a) of this subsection; or
- (c) adjudge the forfeiture of any ship referred to in paragraph (a) of this subsection, or any share in the ship, if that liability to forfeiture was incurred outside Nigeria.

(2) Nothing in this Act shall be construed to be in derogation of any rightful jurisdiction of the Federal Government under the Law of Nations; or, subject to the provisions of this section be construed to affect or prejudice any jurisdiction conferred by any other enactment having the force of law in Nigeria.

**411. Power to apply Act to ships of other countries, and to exempt such ships**

(1) Where the Minister is satisfied that the laws of any foreign country which apply with respect to ships registered in or belonging to the country while the ships are at any port in Nigeria are substantially the same or equally as effective as any of the provisions of this Act or any regulations made under this Act, the Minister may by Order direct that all or any of the provisions of this Act or regulations made under it shall not apply with respect to ships registered in or belonging to that country while the ships are at any port in Nigeria, if it is proved that those ships comply with the corresponding provisions of the laws of the country in which the ships are registered or to which the ships belong.

(2) The Minister shall not make an Order under subsection (1) of this section unless the Minister is satisfied that the Government of the other country has provided or

undertaken to provide for the exemption of Nigerian ships while the Nigerian ships are at any port in that country, from the corresponding provisions of the law of that country.

(3) Where the Minister is satisfied that the Government of a foreign country desires that any of the provisions of this Act or any regulations made thereunder which do not apply to ships registered in or belonging to the country, or to any class or description of those ships, should so apply, whether generally or in specified circumstances, and no special provision for the application is made elsewhere in this Act, the Minister may by order declare that the provisions shall, subject to any limitation prescribed in the order, apply to ships registered in or belonging to that country or, as the case may be, to any class or description of the ships and to the owners, masters and crews and other persons in the service of the ships when not locally in the jurisdiction of the foreign country, in the same manner as if those ships were Nigerian ships.

(4) Any order made under subsection (1) or (2) of this section shall, subject to any limitation stated in the order, have effect according to the period of validity of the order.

#### **412. Offences committed in foreign ports or on the high seas by officers and seamen of Nigerian ships**

(1) Whenever a complaint is made to an appropriate officer in a foreign country that-

(a) a person who is, or has within three months previously been, employed as a master, seaman or cadet on any Nigerian ship, or on any unregistered ship which is required to be registered in Nigeria, has committed an offence against property or persons at any place outside Nigeria, whether on shore or afloat; or

(b) any master, seaman or cadet belonging to any ship referred to in subsection (1) of this section has committed an offence on the high seas,

the appropriate officer may inquire into the case upon oath or affirmation, and may, if the case so requires, take any steps in his power to place the person alleged to have committed the offence under the necessary restraint and send the person as soon as practicable in safe custody to Nigeria.

(2) The appropriate officer may order the master of any Nigerian ship, which is not a ship of the Nigerian Navy or its Reserve bound to Nigeria to receive on board and afford a passage and subsistence during the voyage to a person alleged to have committed the offence under subsection (1) of this section, and to any witness.

(3) Where an appropriate officer requires the master of a ship to receive an alleged offender or any witness as provided in subsection (2) of this section, the appropriate officer shall endorse upon the agreement of that ship particulars, with respect to every person so received on the ship, as the Minister may require.

(4) Any master of a ship to whose charge any person alleged to have committed an offence is committed shall, on the ship's arrival at a port in Nigeria to which the ship is bound, give the alleged offender into the custody of a police officer or constable.

(5) A master of a Nigerian ship, who when required by an appropriate officer to receive and afford a passage and subsistence to any alleged offender or to any witness, refuses to do so or does not deliver any alleged offender committed into his charge into the

custody of a police officer or constable as provided in subsection (4) of this section, commits an offence and on conviction is liable to a fine not less than one hundred thousand naira.

(6) The expense of placing any person referred to in subsection (1) of this section under restraint, and of conveying him and any witnesses to Nigeria in any manner other than on board the ships to which they respectively belong, shall, where not paid as part of the costs of the prosecution, be paid by the Minister.

#### **413. Power of court or tribunal in trying offences**

In trying an offence under this Part of this Act, a court or tribunal-

- (a) shall not impose any higher sentence than the court or tribunal is empowered to impose under its ordinary jurisdiction; and
- (b) may, and if so required by a party shall sit with any person experienced in maritime affairs as assessor.

#### *Depositions*

#### **414. Depositions as evidence when witness cannot be produced**

(1) Subject to the provisions of this section, where in the course of any proceedings instituted under this Act before any court or person authorised to receive evidence, the testimony of any witness is required in relation to the subject matter of the proceedings, and the witness cannot be found in Nigeria, any deposition that the witness has previously made on oath in relation to the same subject matter before any judge or magistrate in any country other than Nigeria, or before any diplomatic or consular officer of Nigeria or of any foreign country, shall be admissible in evidence.

(2) No deposition shall be admissible in criminal proceedings unless the deposition was taken in the presence of the person accused, and the judge, magistrate or diplomatic or consular officer when authenticating the deposition made before him certifies that the accused was present at the taking of the deposition.

(3) A deposition admissible for the purposes of this section shall be deemed to be duly authenticated if it purports to have been signed by the judge, magistrate or diplomatic or consular officer before whom it was taken.

(4) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding, a certificate purporting to have been signed by the judge, magistrate or diplomatic or consular officer before whom the deposition was taken that the accused was present at the taking of the deposition shall, unless the contrary is proved, be sufficient evidence of the fact.

(5) Nothing in this section shall affect any case in which depositions taken in any proceedings are rendered admissible in evidence by any other written law.

#### *Detention of Ship and Distress on Ship*

#### **415. Enforcing detention of ship**

(1) Where, under this Act, a ship is to be, or may be detained, any commissioned officer on full pay in any of the armed forces of Nigeria, or any person in any of the armed

forces in Nigeria generally or specifically authorised by this Act or by the Minister, may detain the ship.

(2) If, after detention of a ship under subsection (1) of this section or after service on the master of the ship of any notice or order for detention, the ship proceeds to sea before it is released by a competent authority, the master of the ship, the owner and any person who sends the ship to sea, (if that owner or person is party or privy to the master's offence), commits an offence and on conviction shall be liable to a fine not less than five hundred thousand naira.

(3) Where a ship proceeds to sea without release as provided in subsection (1) of this section, and has on board any officer authorised to detain the ship or any surveyor or officer appointed under this Act, or any officer of customs in the execution of his duty, the owner and master of the ship shall be deemed to have each committed an offence and in addition liable to pay all the expenses of, and incidental to, the officer or surveyor being so taken to sea, and they shall also be deemed to have committed an offence and on conviction shall be liable to a fine not less than fifty thousand naira, for every day until the officer or surveyor returns or until such time as would enable the officer after leaving the ship to return to the port from where he was taken, whichever is the greater; and the expenses ordered to be paid may be recovered in like manner as the fine.

(4) In addition to the penalty in subsection (1) of this section, the owner and master of a ship convicted of an offence under that subsection shall pay the expenses of, and incidental to, the taking of the officer or surveyor to sea.

(5) Where a ship is to be detained under this Act, the collector of customs shall refuse to grant port clearance; and in any other case authorising the detention of a ship, the collector of customs may refuse port clearance.

#### **416. Notice to be given to consular officer where proceedings taken in respect of foreign ships**

Where any foreign ship is detained under this Act, and proceedings are taken under this Act against the owner or master of the ship, notice shall immediately be given to the consular officer for the country to which the ship belongs, at or nearest to the port where the ship is for the time being, and such notice shall specify the grounds on which the ship has been detained or the proceedings have been taken.

#### **417. Cost of detaining ship**

Where a ship is held under any provision of this Act requiring detention until the happening of a certain event, the owner of the ship shall be liable to pay to the Federal Government the costs of and incidental to the detention and survey, if any, of the ship and those costs shall, without prejudice to any other remedy, be recoverable in the same manner as salvage is recoverable.

#### **418. Sums ordered to be paid leviable by distress on ship**

Where any court is empowered to make an order under this Act directing payment of any seaman's wages, fines or other sums of money to be made and, if the party so directed to pay is the owner or master of a ship, and the payment is not made at the time or in the manner prescribed in the order, the court which made the order may, in addition to

any other powers it may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the ship, its tackle, furniture and equipment, and shall remit the case to the court for the levying of the said distress or sale.

### *Evidence and Service of Documents*

#### **419. Proof of attestation not required**

Notwithstanding anything in any other Act or rule of law, where any document is required by this Act to be executed in the presence of, or to be attested by a witness, the document may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling the attesting witness.

#### **420. Admissibility of documents in evidence**

(1) Where a document is declared to be admissible in evidence, under this Act, the document shall on its production from proper custody, be admissible in evidence in any court or before any person that has the proper authority to receive evidence, and unless admission is refused on any other ground, shall be evidence of the matters stated therein in pursuance of this Act or by any officer in pursuance of his duties as such officer.

(2) A copy of any document referred to in this section or an extract from the document shall also be admissible in evidence if proved to be a copy or extract made from or compared with the original, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted.

(3) Any person who has authority to receive evidence under this Act has the same powers as a court to impound any document to which this section applies, which bears a false or counterfeit seal, stamp or signature attached to it, and the restrictions which apply for the admission of secondary evidence shall have effect accordingly.

#### **421. Service of documents**

(1) Where, for the purposes of this Act, a document is to be served on any person, that document may be served-

- (a) in any case, by delivering a copy of the document personally to the person to be served, or by leaving the same at his last place of abode;
- (b) if the document is to be served on the master of a ship, where there is one, or on a person belonging to a ship, by leaving the document for him on board the ship with the person who is or appears to be, in command or charge of the ship;
- (c) if the document is to be served on the master of a ship, where there is no master, and the ship is within Nigeria, on the managing owner, of the ship, and if there is no managing owner, on an agent of the owner residing in Nigeria or where the agent is not known or can not be found, by affixing a copy of the document in a conspicuous place in the ship.

(2) Any person who obstructs the service on the master of a ship of any document under the provisions of this Act relating to the detention of ships as unseaworthy, commits an offence and on conviction is liable to a fine not less than fifty thousand naira; and, if the owner or master of the ship is party or privy to the obstruction, he commits an

offence and on conviction is liable to a fine not less than one hundred thousand naira or to imprisonment for a term not exceeding one year, or both.

*Protection of Officers, etc.*

**422. All officers, etc., deemed public officers**

Any officer or other person appointed or authorised to act for any purpose under this Act, shall when acting for that purpose be deemed to be a public officer.

**423. Protection of public officers**

No suit shall be maintained against any public officer for or in respect of anything done or omitted to be done by the officer in good faith in the exercise or performance, or in the purported exercise or performance, of any power, authority or duty conferred or imposed on him under this Act.

*Transmission of Documents*

**424. Notices, etc., in writing and provision for posting**

(1) Any notice, authority, order, certificate, direction or other communication required or authorised by this Act to be given or made by the Minister to any person not being an officer appointed under this Act shall be given or made in writing.

(2) Where any notice or document is required by this Act to be transmitted or sent, the notice or document may be transmitted or sent by post.

*Exemption of Certain Ships, etc.*

**425. Exemption of naval ships**

Unless otherwise specially provided in this Act or by regulations under this Act, nothing in this Act shall apply to a ship which belongs to the Nigerian Navy or the Nigerian Naval Reserve or the Government.

**426. Minister may exempt vessel, etc.**

Subject to the provisions of any Convention which the Federal Government has ratified or to which that Government has acceded, in the case of a sea-going or near coastal trade ship, the Minister may, in his discretion and upon such conditions as he may think fit to impose, exempt any vessel or class of vessels, or any person or class of persons from any of the provisions of this Act.

PART XXIX

*Investigations and Inquiries into Shipping Casualties*

**427. Power of Minister to appoint inspector, and powers of inspector**

(1) Where a shipping casualty within the meaning of this Part of this Act occurs-

(a) the Minister may appoint a fit and proper person to hold a preliminary inquiry immediately after the incidence to inquire into the causes and reason for the occurrence and the person so appointed shall have all the powers of an inspector under this Act;

(b) the person appointed to hold a preliminary inquiry under subsection (1) of this section shall not later than fourteen days after the conclusion of the hearing, report his findings to the Minister.

(2) An inspector who is authorised to, and any person having the powers of an inspector may-

- (a) go on board any ship and inspect the same or any part of the ship, or any machinery, boats, equipment or articles on board the ship to which the provisions of this Act apply, not unnecessarily detaining or delaying it from proceeding on any voyage;
- (b) enter and inspect any premises in pursuance of an inquiry under this section;
- (c) by summons under his hand, require the attendance of person he thinks fit to call before him and examine that person for the purpose of his report and may require answers or returns to any inquiries he thinks fit to make;
- (d) require and enforce the production of all books, papers or documents which he considers important for the purpose of his report.

#### **428. Marine Boards**

(1) The Minister may from time to time by Order constitute a Board having a magistrate as president (in this Act referred to as "the Marine Board") to make formal investigations into any casualty in respect of which reports have been submitted to the Minister or to inquire into charges of incompetency or misconduct on the part of any officer of a ship.

(2) The Marine Board shall, when holding any formal investigation into matters referred to the Board by the Minister, sit with one or more assessors of nautical, engineering, or other special skill or knowledge.

(3) The assessors shall be appointed out of a list of persons for the time being approved for the purpose by the Minister.

(4) The decision of the president shall be the decision of the Marine Board but the president may if he thinks fit require the assessors to join in the report, and if an assessor refuses or dissents, the assessor shall give his reasons in writing to the Minister.

(5) The list of persons approved as assessors shall be in force for three years only; but persons whose names are on any such list may be approved for any subsequent list, and the Minister may at any time amend the list.

(6) Where a formal investigation involves or appears likely to involve the cancelling or suspension of the certificate of a master, mate, or engineer, the Marine Board shall sit with not less than two assessors having experience in the merchant service.

(7) A person who applies for and obtains a formal investigation, shall superintend the management of the case and give such assistance to the Marine Board as the Board may require.

(8) An assessor shall, if he is not a member of the public service, be paid such sums as the Minister after consultation with the Minister charged with responsibility for Finance, may approve or direct for each day that the Marine Board sits.

(9) Where a Marine Board holds a formal investigation, it shall be deemed to be a court of summary jurisdiction and for such purpose shall have and may exercise all the powers of a magistrates' court.

(10) The Minister may if, he thinks it fit to do so, before appointing any person as president of the Marine Board, consult with the Chief Justice of Nigeria, but the question as to whatever and if any consultation was held shall not be inquired into by any person.

#### **429. Shipping casualties**

(1) For the purposes of an investigation under this Part of this Act, a casualty shall be deemed to occur-

- (a) when any ship is lost, abandoned or materially damaged on or near the coasts of Nigeria; or
- (b) when any ship causes loss or material damage to any other ship on or near the coasts of Nigeria; or
- (c) when any loss of life ensues by reason of any casualty happening to or on board any ship, on or near the coasts of Nigeria; or
- (d) when, in any place, any such loss, abandonment, material damage or casualty as mentioned in paragraphs (a), (b) and (c) of this subsection occurs, and any witness is found in Nigeria; or
- (e) when any ship has been stranded or damaged, in any place, and a witness is found in Nigeria; or
- (f) when any ship has been lost, or is supposed to have been lost, and any evidence is obtainable in Nigeria as to the circumstances in which the ship proceeded to sea or was last heard of.

(2) The Marine Board may, in any of the following cases-

- (a) where a casualty occurs to a ship on or near the coasts of Nigeria, or to any ship in the course of a voyage to Nigeria;
- (b) where a casualty occurs in any part of the world to a Nigerian ship;
- (c) where some of the crew of a ship to which a casualty has occurred, and who are competent witnesses to the facts, are found in Nigeria;
- (d) where the incompetency or misconduct has occurred on board a ship on or near the coasts of Nigeria, or on board any ship in the course of a voyage to Nigeria;
- (e) where the incompetency or misconduct has occurred on board a Nigerian ship;
- (f) where any officer of a ship who is charged with incompetency or misconduct on board that ship is found in Nigeria,

make investigation respecting the casualty and may hear and inquire into any such charge of incompetency or misconduct; and for that purpose the matter in question shall be



deemed to be within the ordinary jurisdiction of a magistrate's court, and the president shall have all the powers of an inspector under this Act.

(3) An inquiry shall not be held into any matter which has once been the subject of an investigation or inquiry, other than a preliminary inquiry, and has been decided on by a competent court or tribunal in Nigeria or elsewhere, or in respect of which the certificate of any officer of a ship has been cancelled or suspended by a court of competent jurisdiction.

#### **430. Grounds for cancellation or suspension of certificate**

(1) The Marine Board may cancel or suspend the certificate of any officer of a Nigerian ship-

- (a) if the Marine Board finds that the loss or abandonment of, serious damage to, any ship, or loss of life was caused by the officer's wrongful act or default; or
- (b) if the Marine Board finds that the officer is incompetent, or has been guilty of any gross act of misconduct, drunkenness or tyranny, or that, in case of collision, the officer has failed to render such assistance or give such information as is required by this Act.

(2) Where any case before the Marine Board involves a question as to the cancellation or suspension of a certificate, the Board shall, at the conclusion of the case or as soon afterwards as possible, state in open court the decision to which it has come with respect to the cancellation or suspension of the certificate.

(3) Any officer of a Nigerian ship whose certificate is cancelled or suspended in pursuance of this Act shall, on the demand of the Marine Board or, if it is not demanded by that Board, deliver the certificate to the Minister or to such other person as the Minister directs.

(4) Any officer who fails to deliver his cancelled certificate as provided under subsection (1) of this section, commits an offence and on conviction is liable to a fine not less than fifty thousand naira.

(5) The Marine Board shall, in all cases, send a full report of the case with the evidence to the Minister, and shall, where it determines to cancel or suspend any certificate, send the certificate cancelled or suspended to the authority by whom the certificate was granted.

(6) A certificate shall not be cancelled or suspended by the Marine Board under this section unless the holder of the certificate is furnished with a copy of the report or a statement of the case on which the investigation or inquiry was ordered at the commencement of the investigation or inquiry.

#### **431. Appeal to court**

(1) An appeal shall lie from a decision of the Marine Board to the court in the case of an investigation into the conduct of a holder of a certificate of competency granted under this Act.

(2) The court in its discretion may determine the case or remit the case for re-hearing generally or in part to the Marine Board.

(3) The court shall remit a case-

- (a) if any new and important evidence which was not produced at the investigation or enquiry is discovered; or
- (b) if for any other reason there is ground for suspecting that a miscarriage of justice has occurred.

(4) Subject to the terms of any order of the court, where no application for re-hearing is made or a re-hearing is refused, the former holder of the certificate of competency may apply to the Minister and the Minister in his discretion may direct the re-issue and return of the certificate, or may direct the grant of another certificate of the same or a lower grade.

#### **432. Further powers of Marine Board**

In the exercise of its powers under this Act the Marine Board may-

- (a) remove the master of a ship if the removal is shown to the satisfaction of the Board to be necessary whether or not on the application of the owner of the ship or his agent or of the charterer or of any certificated mate or of one-third or more of the crew of the ship;
- (b) appoint a new master in place of the one removed, but the appointment shall not be made without the consent of the owner, agent or charterer if within the jurisdiction of the Marine Board.

#### *Board of Survey*

#### **433. Board of Survey**

(1) Subject to the provisions of this Part of this Act as to the powers of a Marine Board, the Minister may from time to time by notice in the *Gazette* appoint a committee to be known as a Board of Survey, which shall consist of not more than five or less than three members one of whom shall be a legal practitioner of not less than ten years' post call with experience in maritime practice and who shall be chairman of the Board.

(2) Members, other than the chairman, shall be masters of sea-going Nigerian ships or persons having special skills or knowledge in merchant shipping to the satisfaction of the Minister.

(3) A Board of Survey shall consider such other cases involving the survey of ships as the Minister may from time to time, refer to it and when sitting to consider any such case referred to it, the Board shall be deemed to be a court having jurisdiction for the purpose, and accordingly-

- (a) the hearing shall be open to the public;
- (b) every member of the Board shall have the powers of an inspector under this Act;
- (c) the Board may order the ship to be surveyed; and the Board or a majority of members may appoint a fit and proper person to make the survey and report to the Board;
- (d) the Board shall have and may exercise the same powers as the Minister, as to the release of a ship;
- (e) the Board may if the majority thinks fit, order the final detention of a ship;
- (f) the owner, or agent as the case may be and the master of the ship or the representative of any such persons may attend any inspection or survey to be made;
- (g) the Board shall have the powers of a court to make any order it thinks fit as to costs of inquiry or survey under this section.

(4) If costs are awarded under the powers conferred by this section, the costs shall be recoverable in the same manner as a civil debt; and for this purpose the Chairman may certify the award and when certified it may be filed without payment of any fee in the nearest magistrate's court.

(5) If an award is filed, the costs shall be deemed to have been awarded in respect of a claim within the civil jurisdiction of a magistrate and the rules of the magistrate's court shall be read with all amendments necessary to give effect to this section.

(6) Nothing in this Part of this Act shall be construed as affecting the admiralty jurisdiction of a court in any way.

#### *Scientific Referees*

#### **434. Reference in difficult cases to scientific persons**

(1) If the Minister is of the opinion that an appeal to him to appoint a Board of Survey involves a question of construction or design, or of scientific difficulty or important principle, the Minister may refer the matter to one or more scientific referees who appear to him to possess the special qualifications necessary for the particular case.

(2) A referee may be selected by an agreement between the Minister and the appellant, or in default of an agreement, by the Minister and the appeal shall be determined by a referee rather than by the Board of Survey.

(3) If an appellant in any appeal requires the Minister to, and gives security to the satisfaction of the Minister to pay the costs of and incidental to a reference, the Minister shall refer the appeal to a referee selected as provided in subsection (2) of this section.

### PART XXX

#### *Subsidiary Legislation*

#### **435. General power to make regulations**

Without prejudice to any other power to make regulations conferred upon the Minister by this Act, the Minister may make regulations generally for carrying into effect, the provisions of this Act and may by regulations provide for-

- (a) anything which is required to be, or may be, prescribed under this Act;
- (b) the carriage of passengers and cargo and the keeping and transmission of lists relating thereto;
- (c) the qualifications for officers, able seamen and ship's cooks, and the issue of certificates of competency in respect thereof;
- (d) the manning of ships with certified officers, able seamen and ship's cooks, and the keeping and transmission of lists of the crews;

- (e) the manning and survey of fishing vessels;
- (f) the engagement and discharge outside Nigeria of seamen for and of Nigerian ships;
- (g) the dealing with, accounting for and disposal of the property of deceased seamen and apprentices on Nigerian ships in cases to which section 166 of this Act does not apply;
- (h) the dealing with, accounting for and disposal of the property of seamen and apprentices left behind outside Nigeria;
- (i) the making of complaints by seamen and apprentices when outside Nigeria;
- (j) the operation of schools of navigation;
- (k) the operation by the Government of the Federation or a State of cargo and passenger ships, and the insurance by the Government of the Federation of cargo;
- (l) the control of foreign-going pleasure yachts;
- (m) the control of pleasure boats;
- (n) the control of vessels operating within Nigeria (other than naval vessels of the Government of the Federation, or of the Government of any part of the Commonwealth, or of a foreign Government) for which the Minister is satisfied that no other adequate provision has been made in this Act or by other written law, or which has been generally or partially exempted from the provisions of this Act;
- (o) the procedure to be followed in any preliminary inquiry or by a Marine Board under Part XXIX;
- (p) the classification of coastal trade and inland waters ships, either in relation to the seaworthiness of such ships or the manning thereof, restricting the area within which any class of such ships may ply;
- (q) fees, including stamp duty and other charges;
- (r) documents and forms and their exemption from stamp duty;
- (s) the prevention of pollution, by oil, of navigable waters;
- (t) the construction of ships' gangways;
- (u) the prohibition or restriction of navigation in any waters over which the Government of the Federation has control.

#### **436. General powers of exemption**

Without prejudice to any other powers conferred on the Minister by the provisions of this Act or by any regulations made under this Act, the Minister may, subject to such conditions, if any as he thinks fit to impose, by order exempt any ship or class or description of ships from any specific requirement contained in or prescribed under this Act, if he is satisfied that the requirement has been substantially complied with or that compliance is unnecessary in the circumstances of the case.

#### **437. Applicable Conventions, etc.**

The Minister shall from time to time by Notice, publish the International Conventions relating to maritime matters including amendments to and replacements of the Conventions and other International Instruments which apply to Nigeria, the reservations if any, entered on by Nigeria on the Conventions as well as those International Conventions, including amendments to and replacements of the Conventions and other International Instruments which cease to apply to Nigeria.

#### **438. Penalties in subsidiary legislation**

Subject to the provisions of this Act, any subsidiary legislation made or deemed to have been made under this Act may provide penalties for the contravention of the subsidiary legislation.

#### **439. Applied legislation**

(1) The subsidiary legislation contained in the First Schedule to this Act to the extent only to which it is in force on the commencement of this Part of this Act and anything to the contrary in the Interpretation Act or any other Act notwithstanding, shall be deemed to have been made under this Act and have effect accordingly.

[First Schedule. Cap. 123.]

(2) The subsidiary legislation shall be read subject to such alterations therein as local circumstances render necessary and to any variations, revocations or suspensions made by subsidiary legislation under the appropriate provisions of this Act.

(3) The Minister may, from time to time, by Order amend the First Schedule to this Act.

(4) For the avoidance of doubt, references in any applied subsidiary legislation to "seaplanes" shall, unless the context otherwise requires, be construed as references to "aircraft" under this Act.

### **PART XXXI**

#### *Repeals and Transition Repeals, etc.*

#### **440. Repeal of Cap. 224 L.F.N. 1990**

The Merchant Shipping Act, 1990 is hereby repealed.

#### **441. Consequential amendments**

(1) Reference in any other Act or written law to the Shipping Laws or any subsidiary legislation made thereunder shall, unless the context otherwise requires, be construed as references to the same or similar provisions of this Act or, as the case may be, of any subsidiary legislation made or deemed to be made thereunder or therefor.

(2) Unless the context otherwise requires, references in any other Act or written law to a ship registered in Nigeria shall be deemed to include references to a Nigerian licensed ship.

(3) Unless the context otherwise requires, references in any other Act or written law to a British ship shall be construed as references to a Commonwealth ship other than a Nigerian ship.

#### **442. Contravention of International Conventions**

Where, in respect of any Nigerian ship, there is an International Convention or other International Instrument which applies to Nigeria and which the ship has contravened, the Agency may suspend the Certificate of Registration of the ship until the contravention is rectified.

#### *Transitional Provisions*

#### **443. The Schedules**

Any instrument which was issued, served or granted under any law which is repealed or which ceases to have effect by virtue of this Act shall, without prejudice to any power to amend the instrument, and subject to such modifications as may be necessary to bring it into conformity with this Act, continue in force until superseded, revoked or otherwise terminated, and shall be deemed to have been issued, served or granted under this Act.

#### **444. Regulations for resolving transitional difficulties**

The Minister may make regulations to provide-

- (a) for resolving any difficulties that may arise out of the repeal by this Act of any such enactment;
- (b) for the amendment or revocation of any regulation or any part of the regulation, made under any law repealed by this Act and remaining in force pursuant to this Part;
- (c) for the continuance in force, subject to such conditions as may be prescribed, of any exemptions (whether or not based upon reciprocity with any other country) from the operation of any enactment repealed by this Act of this Act;
- (d) generally, for effecting a due and orderly assimilation of the law relating to shipping throughout Nigeria in conformity with the purposes of this Act.

#### **445. Interpretation**

In this Act, unless the context otherwise requires-

**"Agency"** means the National Maritime Authority charged with the responsibility for Maritime Safety Administration or its successor;

**"agreement"** or **"agreement with the crew"** in relation to any ship or to any seaman, means the agreement made between the master and the crew of the ship or as the case may be, of the ship to which the seaman belongs; and a ship is a ship for which an agreement with the crew is required, if the master is, by this Act or by the law of the country in which the ship is registered or to which it belongs, required to enter into an agreement with the members of the crew;

**"aircraft"** means any ship or vessel designed for flying but capable of being manoeuvred on water and a seaplane or any ship or vessel able to alight on or hover over water;

**"appropriate officer"** in relation to a function or activity means a person authorised to perform that function or activity and may include a consular officer;

**"article of agreement"** has the same meaning as agreement under this Act;

**"barratry"** includes every wrongful act wilfully committed by the master or crew to the prejudice of the owner or, as the case may be, the charterer of the ship;

**"Board of Survey"** means a Board of Survey appointed under this Act;

**"cadet"** means a person duly indentured as an apprentice to the sea service;

**"cargo"** includes livestock;

**"cargo ship"** means a ship which is not a passenger ship or a fishing vessels;

**"certificate of survey"** means a certificate of survey issued under this Act;

**"clearance"** means a clearance issued under the Customs and Excise Management Act, and includes a transire issued under that Act;

**"coastal trade limit"** means the west coast of Africa between Cape Verde in the north and the mouth of the River Congo in the South;

**"coastal trade ship"** means a ship which is authorised to ply within coastal trade limits;

**"Collector of Customs"** means the Board of Customs and Excise and includes the principal or other officer of customs for the time being at any port;

**"collision rules"** means the rules on collision made or deemed to have been made under this Act;

**"Consolidated Revenue Fund"** means the Consolidated Revenue Fund of the Federation;

**"Consular Officer"**, in relation to a foreign country, means a person recognised by the Government of Nigeria as a consular officer of the country;

**"country to which the Load Line Convention applies"** means-

- (a) a country, the Government of which has been declared by the Minister by Order, to have ratified, or acceded to, the Load Line Convention, and which has not been so declared to have denounced the Convention; and
- (b) a territory to which the Safety Convention has been declared to extend and to which it has not been declared that the Convention has ceased to extend;

**"court" or "court of competent jurisdiction"** means the Federal High Court or any court having particular jurisdiction for the purposes of this Act;

**"crew"** in relation to a ship means the captain and all other persons actually employed in the working or service of the ship;

**"dangerous goods"** means goods which, by reason of their nature, quantity or mode of stowage, are liable, singularly or collectively, to endanger the lives of persons on or near any ship or to imperil any ship; harmful substances and any other goods which are declared, by rules made or deemed to have been made under this Act or by the Minister by regulation or notice in the *Gazette* to be dangerous goods for the purposes of this Act;

**"deck line"** means a mark on each side of a ship indicating the position of the uppermost complete deck, as defined by the load line rules;

**"declaration of survey"** means a declaration of survey made under this Act;

**"desertion"** means the absence of a seaman or cadet from his ship without leave for a period of forty-eight hours without lawful cause or excuse, or any unlawful departure from his ship with the intention of not returning to the ship;

**"detaining officer"** means a person authorised by the Minister to detain ships under this Act;

**"effects"** includes clothes and documents;

**"fishing boat"** means a ship or boat engaged in fishing for profit;

**"foreign ship"** means a ship, other than a Nigerian registered or licensed ship which is not owned wholly by persons qualified to own a registered Nigerian ship;

**"freeboard"** means, in the case of any ship which is marked with a deck line, the height from the water to the upper edge of the deck line, and, in the case of any other ship, the height amidships from the water to the upper edge of the deck from which the depth of hold as stated in the register is measured;

**"freight"** includes passage money and hire;

**"go to sea" or "proceed to sea"** includes the getting under way for the purpose of going to sea;

**"gross tons", or "gross tonnage"**, in relation to any ship, means the tonnage of the ship determined in accordance with the tonnage regulations, without making the deductions directed by those regulations to be made for the purpose of ascertaining registered tonnage;

**"Federal Government"** means the Government of the Federal Republic of Nigeria;

**"inland waters ship"** means a ship which is authorised only to ply within inland waters;



**"inspector"** means any inspector appointed for the purposes of this Act;

**"international load line ship"** means a load line ship of one hundred and fifty tons gross tonnage or more which carries cargo or passengers;

**"international voyage"** means a voyage from a port in one country to a port in another country; and "short international voyage" means an international voyage as so defined in the course of which a ship is not more than two hundred nautical miles from a port or place in which passengers and crew could be placed in safety but no account shall be taken of any deviation by a ship from the ship's intended voyage due solely to stress of weather or any other circumstances that the master or the owner or charterer, if any, of the ship could not have prevented or forestalled;

**"legal personal representative"** means any person, constituted executor, administrator or other representative of a deceased person by any probate, administration or other instrument;

**"load lines"** means the marks indicating the several maximum depths to which a ship is entitled to be loaded in various circumstances prescribed by the load line rules;

**"Load Line Convention ship"** means an international load line ship registered in or belonging to a country to which the Load Line Convention applies;

**"load line rules"** means rules made or deemed to have been made pursuant to the Merchant Shipping Load Lines Regulations as amended from time to time;

**"local load line ship"** means a load line ship which-

- (a) is of less than one hundred and fifty tons gross tonnage; or
- (b) does not carry cargo or passengers;

**"Marine Board"** means a Marine Board constituted under this Act;

**"marine officer"** means a deck or naval officer with the qualification of Class 1 Deck (Master Marine Certificate of Competency, covered by Chapter 11 of Standard Training Certification and Watch-keeping 1995 Convention);

**"master"** means any person, other than a pilot, having lawful command or charge of a ship;

**"merchant ship"** means any ship other than a fishing vessel or a naval vessel;

**"Minister"** means the Minister charged with responsibility for matters relating to Merchant Shipping; and **"Ministry"** has a corresponding meaning;

**"motor ship"** means a ship propelled by mechanical power other than steam;

**"national colours"** means the national colours of Nigeria;

**"near coastal trade limits"** means the west coast of Africa between Cape Verde in the north and the mouth of the River Congo in the South;

**"near coastal trade ship"** means a ship which is authorised to ply only within coastal trade limits;

**"Nigerian citizen"** means a Nigerian citizen as defined in the Constitution of Federal Republic of Nigeria, 1999;

[1999No.24.]

**"Nigerian Government ship"** means a ship which belongs to the Government of the Federation or, of a State; but does not include a ship which forms part of the Nigerian Navy;

**"Nigerian licensed ship"** means a ship licensed by virtue of this Act;

**"Nigerian ship"** means a ship-

- (a) which is registered or licensed in Nigeria under this Act; or
- (b) not exceeding eighty registered tonnage employed solely on the coasts or inland waters of Nigeria and exempted under this Act from being registered;

**"officer"**, when used in relation to a ship, means the master, mate or engineer of the ship, by whatever name called and whether certificated or not, and also any radio officer qualified in accordance with the radio rules;

**"officer of customs"** has the same meaning as the word "officer" in the Customs and Excise Management Act;

**"owner"** in relation to a ship includes a demise or bare boat charterer and a managing owner;

**"passenger"** means any person carried on a ship, other than-

- (a) a person employed or engaged in any capacity on board the ship on the business of the ship;
- (b) a person on board the ship in pursuance of an obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that the master or owner or the charterer, if any, could not have prevented or forestalled; and
- (c) a child under one year of age;

**"passenger ship"** means a ship which is constructed for or which is habitually or on any particular occasion used for, carrying more than twelve passengers;

**"person in command"**, in relation to any aircraft, means, in any case where a person other than the pilot in charge is in command, that person and in any other case, the pilot in charge;

**"pilot"**, in relation to any ship, means any person not belonging to the ship who has the conduct of the ship;

**"pleasure yacht"** means a ship, however propelled, used exclusively for pleasure and not for carrying passengers or cargo for hire or reward or for the transport or entertainment of lodgers at any institution, hotel, private hotel, boarding house, lodging house, guest house or other establishment;

**"port"** means a place for arriving, loading and unloading of ships and includes a harbour, piers jetty and lighter terminals;

**"Port Health Officer"** includes the Chief Medical Adviser of the Federation and any officer for the time being performing the duties of a Port Health Officer;

**"port or place of registry"**, in relation to any ship, means the port or place at which the ship is for the time being registered;

**"proper return port"**, in relation to a seaman or cadet discharged or left behind abroad, means-

- (a) the port at which the seaman or cadet was taken on board; or
- (b) a port in a country of which the seaman or cadet is a national; or
- (c) a port agreed to as such by the seaman or cadet;

**"radio navigational aid"** means the radio apparatus on board a ship, being apparatus designed for the purpose of determining the position or directions of ships or other objects;

**"radio rules"** means the rules made or deemed to have been made under this Act;

**"Radio Surveyor"** means a Radio Surveyor appointed or recognised as such under this Act;

**"Registrar"** means the Registrar of Ships under this Act;

**"sea-going ship"** means a ship which is not a near coastal trade ship or an inland waters ship;

**"safety certificate"** means a safety certificate issued pursuant to this Act or a regulation made under this Act;

**"Safety Convention"** means the International Convention for the Safety of Life at Sea signed at London on the 18th day of November, 1974 and any protocol and amendment to or replacement of the Convention and any rules annexed to the Convention;

**"Safety Convention Certificate"** means any safety certificate issued in accordance with the Safety Convention;

**"Safety Convention ship"** means a ship registered in or belonging to a country to which the Safety Convention applies, being a ship that is subject to the provisions of the Safety Convention;

**"sailing ship"** means a ship propelled solely by sails;

**"salvage"** includes all expenses properly incurred by the salvor in the performance of salvage services;

**"scientific referee"** means an expert appointed by the Minister to provide specialist opinion on scientific matters when in doubt;

**"seaman"** means any person (except a master, pilot or cadet, or a person temporarily employed on the ship while in port) employed or engaged in any capacity on board any ship;

**"ship"** means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles of any other floating craft which shall include but not limited to Floating Production Storage and Offloading (FPSO) platform as well as Floating Storage and Offloading (FSO) platform;

**"Ship Registry"** means the Central Ship Registry and such other places as the Minister may by notice in *Gazette* designate as places for the registration of Nigerian ships;

**"Superintendent or Superintendent Officer"** means an officer appointed to take charge of the Seafarer Services Office and subject to the provisions of subsection (3) of section 91 of this Act, includes any officer appointed under subsection (2) of that section;

**"Surveyor of Ships"** means a Surveyor of Ships appointed under or recognised as such by this Act;

**"tackle"** means in relation to a vessel, the tackle, machinery, gear, apparatus and appliances used on board a ship for loading and unloading the ship;

**"tidal water"** means any part of the sea, or of a river within the ebb and flow of the tide at ordinary spring tides;

**"ton", "registered ton", "tonnage" or "registered tonnage"** means the registered tonnage of the ship calculated in accordance with the Tonnage Regulations;

**"vessel"** means anything constructed or used for carriage on, through or under water of persons or goods and includes a hovercraft and aircraft when waterborne;

**"wreck"** includes-

- (a) flotsam, jetsam and derelict found in the waters or on the shores of Nigeria;
- (b) cargo, stores, tackle or equipment;
- (c) the personal property of shipwrecked persons; and
- (d) any wrecked aircraft or any part of the aircraft.

(2) In this Act any reference to a ship built or constructed before or after any date shall be construed as a reference to a ship the keel of which has been laid before or after that date, as the case may be.

#### **446. Short title**

This Act may be cited as the Merchant Shipping Act, 2007.

SCHEDULES FIRST

SCHEDULE

[Section 2 (1).]

*Home trade limits*

HOME TRADE LIMITS means the west coast of Africa between Cape Verde in the north and the mouth of the River Congo in the south.

SECOND SCHEDULE

[Section 40.]

*Provisions applicable where seaman or apprentice is left behind abroad by reason of desertion or absence without leave*

(1) The master of the ship shall-

- (a) as soon as may be, enter in the official log book a statement of the effects left on board by the seaman or apprentice and of the amount due to the seaman or apprentice on account of wages at the time he was left behind; and
- (b) on the termination of the voyage during which the seaman or apprentice was left behind, furnish to the proper officer within 48 hours after the arrival of the ship at the port at which the voyage terminates, accounts in a form approved by the Minister; one, of the wages and effects, and the other, of any expenses caused to the master or owner of the ship, by the absence of the seamen or apprentice by reason of any offence and if required by the proper officer, furnish such vouchers as may be reasonably required to verify the accounts.

(2) The master of the ship shall deliver to the proper officer the effects of the seaman or apprentice as shown in the delivery account, and subject to any deductions allowed under this Schedule, the amount due on account of wages as shown in that account, and the officer shall give to the master a receipt, in a form approved by the Minister, for any effects or amount so delivered.

(3) (a) The master of the ship shall be entitled to be reimbursed out of the wages or effects any sums shown in the reimbursement account which appear to the proper officer or, in the case of an appeal under this paragraph, to a court of competent jurisdiction to be properly chargeable, and for that purpose the officer or, if necessary, in the case of an appeal, the Minister, shall allow those sums to be deducted from the amount due on account of wages shown in the delivery account, and, so far as that amount is not sufficient, to be repaid to the master out of the effects.

(b) The proper officer, before allowing any sums to be deducted or repaid under this paragraph, may require such evidence as he thinks fit as to the sums being properly chargeable to be given by the master of the ship, either by statutory declaration or otherwise.

(c) Where the master of a ship whose voyage terminates in Nigeria is aggrieved by the decision of the proper officer as to the sums to be allowed as properly chargeable on his reimbursement account, and the amount in dispute exceeds twenty naira, he may appeal from the decision of the proper officer to a court.

(4) Where during the voyage of a ship two or more seamen or apprentices have been left behind by reason of any offence, the delivery and reimbursement accounts furnished as respects each seamen of apprentice may at the option of the master of the ship be dealt

with, as between him and the proper officer, collectively instead of individually, and in that case, the master of the ship shall be entitled to be reimbursed out of the total amount of the wages and effects of the seamen or apprentices left behind, the total of the amounts allowed under this paragraph as properly chargeable on the reimbursement accounts, and shall be required to deliver to the proper officer on account of wages only the sum by which the total of the amount shown on the delivery accounts to be due on account of wages exceeds the total of the amounts allowed as properly chargeable on the reimbursement accounts.

(5) The proper officer shall (subject to any repayment made under this Schedule) remit the effects, and any amount received by him on account of wages under this section, at such time and in such manner as the Minister may require, and shall render such accounts in respect thereof as the Minister may direct.

(6) In this Schedule, the expression "effects" includes the proceeds of any sale of the effects if the effects are sold under this Schedule; and the effects shall be sold by the proper officer in such manner as he thinks fit when they are delivered to him, unless the Minister directs to the contrary, and, if not so sold, shall be sold by the Minister as and when he thinks fit unless they are delivered to the seaman or apprentice.

(7) The master shall be under no liability for any loss of effects or for any damages to the effects if he proves to the proper officer that the loss or damage occurred without his neglect or privity after the seaman or apprentice left the ship.

(8) The Minister shall not be under any liability with respect to anything done under this Schedule, except that, if, after the wages or effects of a seaman or apprentice have been dealt with under this Schedule, any legal proceedings are taken in respect of those wages or effects, or involving the forfeiture of those wages or effects, or of any sum out of the wages, by the seaman or apprentice against the master or owner of the ship, or by the master or owner of the ship against the seaman or apprentice, the Minister shall, if notice is given to him of the proceedings, and a reasonable opportunity afforded to him of appearing, comply with any order of the court made as respects the wages or effects, so far as he can do so out of the wages and effects remitted to him in respect of the voyage of the ship, and, so far as those wages or effects are not required for reimbursing any expenses incurred by or on behalf of the Government of the Federation or incurred by the government of a foreign country and repaid to that government by or on behalf of the Government of the Federation as expenses of a distressed seaman or apprentice on behalf of the seaman or apprentice.

(9) The Minister shall be entitled to appear and be heard in any such proceedings by any of his officers, and for the purpose of this Schedule, notice to any Superintendent shall be deemed to be notice to the Minister.

(10) The Minister may, if and so far as he thinks fit, meet any claim made by a seaman or apprentice against the master or owner of the ship in respect of any wages or effects dealt with under this Schedule, although legal proceedings are not actually taken in respect thereof, provided that he has given notice to the master or the owner of the ship, and the master or owner has not been given written notice of objection within ten days of the notice being given.

(11) For the purposes of this paragraph, any legal proceedings taken or any claim made by a person in whose favour an allotment note has been made, or who claims reimbursement of expenses, shall be treated as proceedings taken or a claim made by the seaman or apprentice.

(12) Any sums remitted under this Schedule, or arising from the sale of effects under this Schedule, shall be paid into the Consolidated Revenue Fund, and any sums payable by the Minister under this Schedule shall be paid out of moneys provided by National Assembly.

(13) If the master of a ship fails without reasonable cause to comply with any of the provisions of this Schedule he shall (without prejudice to any other liability) be guilty of an offence and on conviction shall be liable to a fine not exceeding forty naira; and if he delivers a false account or makes a false statement or representation for the purposes of this Schedule, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding ₦ 1,000 or to imprisonment for a term not exceeding two years, or both.

(14) This Schedule shall not apply in the case of an absent seaman or apprentice-

- (a) where the master of the ship satisfies the proper officer that none of the effects of the seaman or apprentice has to his knowledge been left on board the ship, and that he has paid all wages due to the seaman or apprentice; or
- (b) where the amount of wages earned by the seaman or apprentice (after taking into account any deductions made in respect of allotments or advances for which provision is made by the agreement with the crew) appears from the agreement to be less than ten naira, and the master does not exercise his option to deal with the delivery and reimbursement accounts collectively; or
- (c) where the master of the ship satisfies the proper officer that the net amount due to the seaman or apprentice on account of wages (after taking into account any deductions lawfully made in respect of allotments, advances or otherwise) is less than six naira, and the master does not exercise his option to deal with the delivery and reimbursement accounts collectively; or
- (d) where the question of the forfeiture of the wages and effects of the seaman or apprentice has been dealt with in legal proceedings lawfully instituted before the termination of the voyage, or within 48 hours of the arrival of the ship at the port at which the voyage terminates.

### THIRD SCHEDULE

[Section 409.]

#### APPLIED SUBSIDIARY LEGALISATION

*United Kingdom Subsidiary Legislation*

#### PART I

*Masters and seamen*

*Relevant  
section of  
this Act*

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## MERCHANT SHIPPING ACT

### **SUBSIDIARY LEGISLATION**

#### *List of Subsidiary Legislation*

1. Merchant Shipping (Wrecks and Salvage) Regulations.
2. Merchant Shipping (Restricted Commencement) Notice.
3. Merchant Shipping (Crew Accommodation) Regulations.
4. Merchant Shipping (Accepted Load Line Convention Certificates) Order.

*List of Subsidiary Legislation-continued*

5. Merchant Shipping (Medical Scales) Regulations.
6. Merchant Shipping (Currency equivalent on limitation of liability) Order.
7. Merchant Shipping (Recognition of Schools of Nautical Cookery) Regulations.
8. Merchant Shipping (Marine Boards) Regulations.
9. Merchant Shipping (Receiver of Wreck and Assistant Receivers of Wreck) (Appointment) Notice.
10. Merchant Shipping (Board of Survey) Regulations.
11. Merchant Shipping (Direction-Finders) Rules.
11. Merchant Shipping (Timber Cargo) Rules.
12. Merchant Shipping (Pilot Ladders) Rules.
13. Merchant Shipping (Life-Saving Appliances) Rules.
14. Merchant Shipping (Musters) Rules.
15. Merchant Shipping (Load Line) Rules.
16. Merchant Shipping (Tonnage) Regulations.
17. Merchant Shipping (Radio) Rules.
18. Merchant Shipping (Collision) Rules.
19. Merchant Shipping (Fees) Regulations.
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21. Merchant Shipping (Certificate Holders Inquiries) Regulations.
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**MERCHANT SHIPPING (WRECKS AND SALVAGE)  
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title.
2. Interpretation.
3. Notice of investigation.
4. Parties to the proceedings.
5. Right to appear.
6. Notice to produce.
7. Notice to admit.

## REGULATION

8. Affidavits.
9. Procedure in court.
10. Examination of witnesses.
11. Questions in reference.
12. Determination of question so stated.
13. Address.
14. Adjournment of investigation.
15. Decision of the court.
16. Costs.
17. Report.
18. Copy of the report.
19. Computation of time.
20. Service of notice.
21. Proof of service.
22. Allowances to witnesses.
23. Publication of Regulations.

## SCHEDULE

### **MERCHANT SHIPPING (WRECKS AND SALVAGE) REGULATIONS**

[Regulations 4 of 1922. L.N. 67 of 1955. 107 of 1955.]

under section 408

[ 1922]

[Commencement.]

#### **1. Short title**

These Regulations may be cited as the Merchant Shipping (Wrecks and Salvage) Regulations.

#### **2. Interpretation**

In these Regulations, unless the context otherwise requires-

**"investigation"** means a formal investigation into a shipping casualty.

#### **3. Notice of investigation**

When an investigation has been ordered, the President may cause a notice, to be called a notice of investigation, to be served upon the owner, master, and officers of the ship, as well as upon any person who in his opinion ought to be served with such notice. The notice shall contain a statement of the questions which on the information then in possession of the President, will be raised on the hearing of the investigation, and shall be in the Form A in the Schedule with such variations as circumstances may require. The *Merchant Shipping Act*

President may, at any time before the hearing of the investigation, by a subsequent notice, amend, add to, or omit any of the questions specified in the notice of investigation.

[Schedule. Form A.]

#### **4. Parties to the proceedings**

The Government Marine Officer, and any certificated officer upon whom a notice of investigation has been served, shall be deemed to be parties to the proceedings.

### **5. Right to appear**

Any other person upon whom a notice of investigation has been served, and any person who shows that he has an interest in the investigation shall have a right to appear; any other person may, by leave of the court, appear; and any person who appears under this rule shall thereupon become a party to the proceedings.

### **6. Notice to produce**

A party may give to any other party notice in writing to produce any documents (saving all just exceptions) relating to the matters in difference between them, which are in the possession or under the control of such other party; and, if the notice is not complied with, secondary evidence of the contents of the documents may be given by the party who gave the notice.

### **7. Notice to admit**

A party may give to any other party notice in writing to admit any documents (saving all just exceptions) and, in case of neglect or refusal to admit after such notice, the party so neglecting or refusing shall be liable for all the costs of proving the documents, whatever may be the result, unless the court is of opinion that the refusal to admit was reasonable; and no cost of proving any document shall be allowed unless such notice has been given, except where the omission to give the notice has, in the opinion of the court, caused a saving of expense.

### **8. Affidavits**

Affidavits may, by permission of the court, be used as evidence at the hearing.

### **9. Procedure in court**

At the time and place appointed for holding the investigation the court may proceed with the investigation whether the parties, upon whom a notice of investigation has been served, or any of them, are present or not.

### **10. Examination of witnesses**

The proceedings on the investigation shall commence with the production and examination of witnesses by the Government Marine Officer. These witnesses, after being examined on behalf of the Government Marine Officer, may be cross-examined by the parties in such order as the court may direct, and may then be re-examined on behalf of the Government Marine Officer. Questions asked, and documents tendered as evidence in the course of the examination of these witnesses, shall not be open to objection merely on the

ground that they do or may raise questions which are not contained in, or which vary from, the statement of the case, or questions specified in the notice of investigation.

[L.N. 67 of 1955.]

### **11. Questions in reference**

When the examination of witnesses produced by the Government Marine Officer has been concluded, the Government Marine Officer shall state in open court the questions in reference to the casualty, and the conduct of the certificated officers, or other persons connected therewith, upon which the opinion of the court is desired. In framing the questions for the opinion of the court, the Government Marine Officer may make such modifications in, additions to, or omissions from the questions in the notice of investigation as, having regard to the evidence which has been given, he may think fit.

[L.N. 67 of 1955.]

### **12. Determination of question so stated**

After the questions for the opinion of the court have been stated, the court shall proceed to hear the parties to the investigation, and determine upon the questions so stated. Each party to the investigation shall be entitled to address the court and produce witnesses, or recall any of the witnesses who have already been examined for further examination, and generally adduce evidence. The parties shall be heard and their witnesses examined, cross-examined and re-examined in such order as the court shall direct; the Government Marine Officer may also produce and examine further witnesses who may be cross-examined by the parties, and re-examined by the Government Marine Officer.

### **13. Address**

When the whole of the evidence in relation to the questions for the opinion of the court has been concluded, any of the parties who desire so to do may address the court upon the evidence, and the Government Marine Officer may address the court in reply upon the whole case.

### **14. Adjournment of investigation**

The court may adjourn the investigation from time to time and from place to place, and where an adjournment is asked for by a party to the investigation or by the Government Marine Officer the court may impose such terms as to the payment of costs or otherwise as it may think just as a condition of granting the adjournment.

[L.N. 67 of 1955.]

### **15. Decision of the court**

Except where the certificate of an officer is cancelled or suspended, in which case the decision shall always be given in open court, the court may deliver its decision either *viva voce* or in writing, and if in writing, it may be sent or delivered to the parties. In the latter case it shall not be necessary to hold a court merely for the purpose of delivering the decision of the court.



## **16. Costs**

The court may order the costs and expenses of the investigation, or any part thereof, to be paid by the Government Marine Officer or by any other party. An order for payment of costs shall be in the Form B in the Schedule, with such variations as circumstances may require.

[Schedule.]

## **17. Report**

At the conclusion of the investigation the court shall report to the President. The report, which shall be in duplicate, shall be in the Form C in the Schedule, with such modifications as circumstances may require. The said report shall be published in the *Federal Gazette*.

[Schedule.]

## **18. Copy of the report**

Where the certificate of a master, mate, or engineer has been cancelled or suspended, the Government Marine Officer shall, on application by any party to the proceedings, give him a copy of the report.

## **19. Computation of time**

In computing the number of days within which any act is to be done, they shall be reckoned exclusive of the first and inclusive of the last day, unless the last day shall happen to fall on a Sunday or public holiday, in which case the time shall be reckoned exclusive of that day also.

## **20. Service of notices**

Any notice, summons or other document issued under these Regulations may be served by sending the same by registered letter to the address of the person to be served.

## **21. Proof of service**

The service of any notice, summons, or other document may be proved by the oath or affidavit of the person by whom it was served.

## **22. Allowances to witnesses**

All witnesses attending before the court shall be entitled to the same allowances as witnesses attending the High Court.

[L.N.107of1955.]

## **23. Publication of Regulations**

A copy of these Regulations shall be kept at every custom house and at the office of the Government Marine Officer and of every harbour master in Nigeria, and any person desiring to peruse them shall be entitled to do so free of charge.

[L.N. 67 of 1955.]

SCHEDULE

FORM A  
[Regulation 3.]

*Notice of investigation*

To .....Master, Mate, Engineer, etc., of or  
belonging to the ship  
..... of .....

I hereby give you notice that the President has ordered a formal investigation into  
the circumstances attending the

.....a  
nd

that subjoined hereto is a copy of a report (or statement of the case) upon which the said  
investigation has been ordered. I further give you notice to produce to the court (your  
certificate, the log books of the vessel, and) any (other) documents relevant to this case  
which may be in your possession. I have further to give you notice that on the information  
at present obtained by the President the questions annexed hereto are those upon which it  
appears desirable, and upon which I propose to take the opinion of the court; but these  
questions shall be subject to alteration, addition, omission, or amendment by me at the  
investigation, after the witnesses called by me have been examined.

DATED this ..... day of ..... ,20  
.....

.....  
*Government Marine Officer*

I. Report (or statement of case)

II .Questions-

Whether the (*here insert the proposed questions*).

FORM B  
[Regulation  
16.]

*Order on a party for payment of costs of investigation*

In the matter of a formal investigation held  
at.....on the  
(*here state all the days on which the court sat*) days of .....

before ....., assisted  
by..... into the circumstances  
attending the.....

The court orders-

That A.B. of....., do pay the Accountant-  
General of the

Federation (*the sum of.....naira on account of*) the expenses of this investigation; or  
That the Government Marine Officer do pay to A.B .....  
of .....(*the sum of.....naira on*

*account of*) the expenses of this investigation.

GIVEN under my hand this .....day of ..... , 20 .....

.....

*Judge*

FORM C  
[Regulation 17.]

*Report of court*

In the matter of a formal investigation held  
at..... on the  
(*here state aLL the days on which the court sat*) days of ..... before  
....., assisted by .....,  
into the circumstances attending the  
.....

The court having carefully inquired into the circumstances attending the above-mentioned  
shipping casualty, finds, for the reasons stated in the annex hereto, that the (*here state  
finding of the court*).

DATED this ..... day of ..... ,20 .....

.....

*Chief Judge or Presiding Judge*

ANNEX TO THE REPORT

(*Here state fully the circumstances of the case, the opinion of the court touching the  
causes of the casualty, and the conduct of the persons implicated therein, and whether the  
certificate of any officer is either suspended or cancelLed, and if so, for what reasons*).

under section 1 (2)

*[1 st April, 1962]*

[Commencement.]

The 1st day of April, 1963, is the date on which the following provision of the Merchant Shipping Act, 1962 shall come into operation-

**1. Commencement date of certain provisions of Merchant Shipping Act Cap. M11**

Parts II, III, IV (excluding section 145 thereof), V, VI, VII, VIII, X, XI (excluding subsection (6) (a) of section 383 of the Merchant Shipping Act) XII and XIII shall by virtue of this Notice come into force on 1 April 1962.

## **2. Revocation of L.N. 37 of 1963**

The Notice published as L.N. 37 of 1963 in *Gazette* No. 16 of 21 March 1963, is hereby cancelled.

## **3. Citation**

This Notice may be cited as the Merchant Shipping (Restricted Commencement) Notice.

# **MERCHANT SHIPPING (CREW ACCOMMODATION) REGULATIONS**

## **ARRANGEMENT OF REGULATIONS**

### **REGULATION**

1. Short title and application.
2. Interpretation.
3. Structures.
4. Plans.
5. Position of crew accommodation.
6. Height of crew accommodation.
7. Construction of bulkheads and panelling.
8. Overhead decks.
9. Flooring.
10. Protection from weather.
11. Heating.
11. Lighting.
12. Ventilation.
13. Drainage.
14. Painting, etc.
15. Marking.
16. Sleeping rooms.
17. Beds.
18. Furniture and fittings in sleeping rooms.
19. Mess rooms.
20. Furniture and fittings in mess rooms.
21. Recreation spaces and studies.
22. Office accommodation.
23. Washing accommodation.
24. Supply of water for washing accommodation.
25. Supply of drinking water.
26. Laundry facilities.

## REGULATION

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29. Galleys.
30. Dry provision storerooms.
31. Cold storerooms and refrigerating equipment.
32. Hospitals.
33. Medical cabinet.
34. Protection from mosquitoes.
35. Maintenance and inspection of crew accommodation.
36. Inspection by a surveyor of ships.
37. Fees.
38. Accommodation shared with passengers.
39. Additional exemptions.
40. Non-deductible spaces.

## SCHEDULES

### FIRST SCHEDULE

*Trunked mechanical ventilation*

### SECOND SCHEDULE

*Deck sheathings*

### THIRD SCHEDULE

*Insulating material for the underside of decks*

### FOURTH SCHEDULE

*Marking*

## **MERCHANT SHIPPING (CREW ACCOMMODATION) REGULATIONS**

[L.N. 69 of 1964.]

under sections 101 and 408

*[25th June, 1964]*

[Commencement.]

### **1. Short title and application**

These Regulations may be cited as the Merchant Shipping (Crew Accommodation) Regulations, and shall apply to all Nigerian sea-going ships except fishing boats and pleasure yachts.

## 2. Interpretation

In these Regulations, unless the context otherwise requires-

"**apprentice**" includes a cadet and a midshipman;

"**chief officer**" includes a first mate and an only mate;

"**crew**" means seamen and apprentices;

"**sanitary accommodation**" means washing accommodation and accommodation containing water closets or urinals;

"**trunked mechanical ventilation system**" means a system of ventilation complying with the specification set forth in the First Schedule to these Regulations;

[First Schedule.]

"**washing accommodation**" does not include-

- (a) any sleeping room or hospital ward whether or not provided with a wash-basin, bath or shower; and
- (b) any room appropriated for use only as a laundry;

"**whale catcher**" includes a ship engaged in towing whales;

"**whaling**" includes the taking and treatment of seals and walruses, and references to whales shall be construed accordingly.

## 3. Structures

No structure shall be deemed to be watertight, gastight or oiltight for the purposes of these Regulations unless all openings in that structure, other than ventilation openings necessary for the admission of air from passageways to sanitary accommodation, laundries, drying rooms or galleys, are provided with means of closure which will enable such openings to be made watertight, gastight or oiltight, as the case may be.

## 4. Plans

(1) Every person to whose order a ship to which these Regulations apply is being constructed shall cause a plan of the ship, on a scale not smaller than 1 in 100, to be submitted to a surveyor of ships on a day not later than the day on which the keel of the ship is laid, showing clearly the proposed arrangement of the crew accommodation in the ship and its proposed position in relation to other spaces therein.

(2) Every such person shall cause the following plans to be submitted to a surveyor of ships on a day not later than the day on which the construction of any part of the crew accommodation is begun-

- (a) plans of the proposed crew accommodation, on a scale not smaller than 1 in 50 in the case of a ship under 500 feet in length and not smaller than 1 in 100 in the case of any other ship, showing clearly the purpose for which each space therein is to be appropriated and the proposed disposition of the furnishings, fittings and obstructions therein; and



(b) plans showing clearly the proposed arrangements for supplying water to the crew accommodation and for heating, lighting and ventilating the accommodation.

(3) The owner of every ship to which these Regulations apply shall submit or cause to be submitted to a surveyor of ships before any alteration or reconstruction is carried out in the crew accommodation thereof plans on the scales and showing the information referred to in paragraphs (1) and (2) of this regulation, and relating to the crew accommodation as altered or reconstructed, as the case may be:

Provided that if the crew accommodation in any ship is altered or reconstructed at a outside Nigeria in consequence of an emergency or an accident to the ship, such plans shall be submitted to a surveyor of ships as soon as may be.

## **5. Position of crew accommodation**

(1) In every ship to which these Regulations apply the crew accommodation, other than store rooms, shall be wholly situated above the summer load line, if any, marked on the ship in accordance with section 185 of the Act; and the Government Inspector of Shipping may exempt from the requirements of this paragraph-

- (a) any ship of under 200 tons;
- (b) any passenger ship;
- (c) any whale catcher;
- (d) any tug;
- (e) any cable ship;
- (f) any salvage ship;
- (g) any crane ship;
- (h) any dredger and any ship engaged in the conveyance of the spoil of dredging;  
and
- (i) any other ship not being a ship engaged in the carriage of cargo,

if he is satisfied that compliance therewith is unreasonable or impracticable by reason of the size or intended service of the ship.

(2) In every ship to which these Regulations apply, the crew accommodation other than store rooms, shall be situated amid-ships or aft; and the Government Inspector of Shipping may exempt any ship from the requirements of this paragraph to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable by reason of the size or intended service of the ship:

Provided that in ships of 500 tons or over no part of the crew accommodation, other than storerooms, shall be forward of the collision bulkhead.

(3) Sleeping rooms forming part of the crew accommodation of a passenger ship to which these Regulations apply shall not be situated immediately beneath a working passageway.

## **6. Height of crew accommodation**

(1) In every ship to which these Regulations apply the height of the crew accommodation measured from the top of the floor beams to the top of the crown beams shall not be less than the following-

- (a) in ships of under 1,600 tons: 7 feet; and
- (b) in ships of 1,600 tons or over: 7 feet 6 inches.

(2) The Government Inspector of Shipping may exempt from the requirements of this paragraph-

- (a) any ship, in respect of storerooms and sanitary accommodation; and
- (b) any sea-going ship which is for the greater part of her commission employed on inland waters,

to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(3) Every sleeping room forming part of the crew accommodation in a ship to which these Regulations apply shall be so constructed as to provide a clear headroom of at least 6 feet 3 inches at every point in the room which is available for free movement; and the Government Inspector of Shipping may exempt any ship under 500 tons from the requirements of this paragraph to the extent he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

## **7. Construction of bulkheads and panelling**

(1) In every ship to which these Regulations apply all bulkheads enclosing or within any part of the crew accommodation shall be properly constructed of steel or other and suitable material; and if the bulkheads are exposed to the weather they shall be of water-tight and gastight construction, and means of closure shall be provided for all openings in such bulkheads so as to enable them to be made weathertight.

(2) Any bulkhead which separates any part of the crew accommodation (other than a recreation deck space) from a space used as-

- (a) a permanent coal bunker;
- (b) an oil fuel bunker;
- (c) a cargo or machinery space;
- (d) a lamp room or paint room;
- (e) a storeroom not forming part of the crew accommodation (other than a dry provision storeroom);
- (f) a chain locker; or
- (g) a cofferdam,

shall be gastight, and shall be watertight where necessary to protect the crew accommodation.

(3) Any bulkhead which separates any part of the crew accommodation from a dry provision storeroom (whether or not such storeroom forms part of the crew accommodation) shall be gastight,

(4) Subject to the provisions of paragraph (5) of regulation 28 of these Regulations any bulkhead which separates any part of the crew accommodation from sanitary accommodation or from a laundry or drying room, galley or cold-storeroom (whether or not such sanitary accommodation, laundry, drying room, galley or cold-storeroom forms part of the crew accommodation) shall be gas tight, and shall be watertight to such height as is necessary to prevent the passage of water into the adjoining space; and in particular any bulkhead separating sanitary accommodation from any other part of the crew accommodation shall, except in a doorway, be watertight to a height of at least 9 inches above the floor of the sanitary accommodation:

Provided that the requirements of this paragraph shall not apply to bulkheads separating-

- (a) sanitary accommodation from other sanitary accommodation;
- (b) a laundry or drying room from another laundry or drying room;
- (c) a galley from another galley or a pantry;
- (d) a cold-storeroom from another cold-storeroom; or
- (e) sanitary accommodation appropriated for the sole use of one person from a sleeping room which it may be directly entered.

(5) Any inside panelling in the crew accommodation shall be constructed of plywood or other suitable material with a surface which can be easily kept clean and neither bulkheads nor inside panelling shall be constructed with tongued and grooved board or in a manner likely to harbour vermin.

## **8. Overhead decks**

(1) In every ship to which these Regulations apply, being a ship constructed of steel or other metal, every deck which forms the crown of any part of the crew accommodation (in this regulation referred to as the "overhead deck"), and is exposed to the weather, shall be constructed of steel or other metal.

(2) The Government Inspector of Shipping may exempt any ship from the requirements of paragraph (1) of this regulation to the extent to which he is satisfied that it is necessary to do so by reason of the intended service of the ship.

(3) The upper side of every such deck shall be sheathed with wood or with a material which complies with the requirements specified in the Second Schedule to these Regulations and such sheathing shall be properly laid and, if it consists of wood, shall be properly caulked.

(4) The Government Inspector of Shipping may exempt any ship from the requirements of paragraph (3) of this regulation to the extent to which he is satisfied that the undersides of the overhead decks are insulated with a material (other than wood) which complies with the requirements specified in the Third Schedule to these Regulations, and which is so fitted as to avoid as far as possible absorption of water, condensation, transmission of noise and harbouring of dirt and vermin.

(5) Every wooden overhead deck shall be at least  $2^{1/2}$  inches thick and every wooden sheathing shall be at least  $2^{1/4}$  inches thick.

(6) The Government Inspector of Shipping may exempt any ship from either of the requirements of paragraph (5) of this regulation to the extent that he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

## **9. Flooring**

(1) In every ship to which these Regulations apply the decks which form the floors in the crew accommodation shall be properly constructed and shall have a surface which provides a good foothold and is capable of being easily kept clean. The floor covering shall be impervious to water and, if the deck is situated on top of an oil tank, impervious to oil.

(2) Wooden decks which form the floors in the crew accommodation shall be at least 2 inches thick and shall be properly laid and caulked. The Government Inspector of Shipping may exempt any ship from the requirements of this paragraph to the extent to which he is satisfied that the compliance therewith is unreasonable or impracticable in the circumstances.

(3) The surface of metal decks which form the Boors of the crew accommodation, not being floors in sanitary accommodation, galleys, storerooms or laundries, shall be covered with linoleum or wooden planking, or with a material which complies with the requirements specified in the Second Schedule to these Regulations.

(4) The joinings of the material with the side walls shall be rounded in a manner which will avoid crevices and such linoleum, planking or material shall be properly laid and shall provide a good foothold.

(5) The joinings of the floors with the side walls shall be rounded in a manner which will avoid crevices.

## **10. Protection from weather**

(1) In every ship to which these Regulations apply, the crew accommodation and the means of access thereto and egress therefrom shall be so arranged and constructed and situated in such a position as to ensure-

- (a) the protection of the crew against injury to the greatest practicable extent;
- (b) the protection of the crew accommodation against the weather and the sea;
- (c) the insulation of the crew accommodation from heat and cold;
- (d) the protection of the crew accommodation against moisture due to condensation;
- (e) the exclusion from the crew accommodation of effluvia originating in other spaces in the ship; and
- (f) the exclusion from the crew accommodation, to the greatest practicable extent, of noise originating in other spaces in the ship.

(2) Without prejudice to the generality of paragraph (1) of this regulation-

- (a) every opening from an open deck into the crew accommodation shall be protected against the weather and the sea;
- (b) the crew accommodation shall be accessible at all times from the open deck;



- (c) access to sleeping rooms, mess rooms, recreation rooms and studies which form part of the crew accommodation shall be obtained from a passageway which shall be provided with a hinged door at any entrances to the open deck; and the Government Inspector of Shipping may exempt any ship from the requirements of this sub-paragraph to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable by reason of the size or intended service of the ship;
- (d) bow hawse pipes shall not be situated in the crew accommodation; and the Government Inspector of Shipping may exempt any ship of under 400 tons from the requirements of this sub-paragraph;
- (e) steam supply and exhaust pipes for steering gear, winches and similar equipment shall not pass through the crew accommodation:

Provided that, if in the case of any ship of 500 tons or over the Government Inspector of Shipping is satisfied that alternative arrangements are unreasonable or impracticable in the circumstances, he may permit such pipes, if properly encased, to pass through passageways forming part of the crew accommodation, subject, in the case of supply pipes, to the following conditions-

- (i) the pipes shall be constructed of solid drawn steel or other suitable material;
- (ii) the pipes shall be of a scantling sufficient to withstand the maximum pressure from the ship's boiler system;
- (iii) all connections in the pipes shall be by faced flanges properly jointed; and
- (iv) the pipes shall be fitted with adequate drainage arrangement,

the Government Inspector of Shipping may exempt any ship of under 500 tons from the requirements of this sub-paragraph if he is satisfied that adequate arrangements have been made to ensure the safety of the crew;

- (f) all steam pipes, hot-water pipes and calorifiers in or serving the crew accommodation shall be efficiently lagged wherever lagging is necessary for the conservation of heat or the protection of the crew against injury or discomfort; and all cold-water pipes in the crew accommodation shall be efficiently lagged wherever lagging is necessary for the prevention of condensation;
- (g) chain pipes, and ventilator trunks to cargo spaces or tanks, shall be made of steel or other suitable material and shall be gastight where they pass through any part of the crew accommodation;
- (h) batteries for the operation of the ship's radio installation, if any, shall not be placed in any sleeping room provided for the crew, and precautions shall be taken which will ensure that fumes from such batteries cannot discharge into any parts of the crew accommodation;
- (i) the bulkheads and the parts of the ship's side which enclose the crew accommodation, shall be insulated in a manner which will prevent overheating of the accommodation and be covered with protective covering which will prevent the condensation of moisture; and the Government Inspector of Shipping may exempt any ship from the requirements of this sub-paragraph to the extent to

which he is satisfied that the crew accommodation is adequately protected by its position and ventilation against overheating and condensation;

- (j) every bulkhead casing and deck separating the crew accommodation from other spaces in the ship in which heat or cold may be generated shall be insulated in a manner which will prevent the crew accommodation being so affected by such heat or cold or by condensation as to prejudice the health or comfort of the crew;
- (k) every ship for the time being regularly engaged on voyages to, within or through the Tropics or the Persian Gulf shall be provided with awnings which will cover-
  - (i) all exposed decks and house-tops situated immediately above any part of the crew accommodation;
  - (ii) all exposed sides of galleys situated on an open deck;
  - (iii) such portions of the deck spaces provided for the recreation of the crew in compliance with paragraph (6) of regulation 22 of these Regulations as will provide a shaded area adequate in extent having regard to the number of persons in the crew and to any shade provided for such spaces by overhanging decks.

The awnings shall be supported by stanchions or by other suitable means;

- (l) there shall be no direct opening between the crew accommodation (other than recreation deck spaces) and any space used as a storeroom for engine-room stores or deck department stores. The Government Inspector of Shipping may exempt-
  - (i) any ship of under 500 tons; and
  - (ii) any whale catcher from the requirements of this sub-paragraph to the extent to which he is satisfied that compliance therewith is impracticable in the circumstances;
- (m) there shall be no direct opening between the crew accommodation (other than recreation deck spaces) and spaces used as-
  - (i) permanent coal bunkers;
  - (ii) oil fuel bunkers;
  - (iii) cargo or machinery spaces;
  - (iv) lamp rooms or paint rooms;
  - (v) storerooms not forming part of the crew accommodation (other than storerooms for engine-rooms or deck department stores);
  - (vi) chain lockers; or
  - (vii) cofferdams;

Provided that there may be a direct opening between machinery spaces and sanitary accommodation and changing rooms provided for the sole use of officers and ratings of the engine-room department; but the Government Inspector of Shipping may exempt any ship from the requirements of this sub-paragraph in so far as it relates to a direct opening between any passageway forming part of the crew accommodation and any of the aforesaid spaces; and may further exempt any whale catcher from such requirements

in so far as it relates to a direct opening between any machinery space and any part of the crew accommodation;

- (n) subject to the provisions of paragraph (3) of regulation 24, paragraph (6) of regulation 28 and paragraph (16) of regulation 32 of these Regulations, there shall be no direct opening between the crew accommodation (other than recreation deck spaces or passageways) and any sanitary accommodation, laundry or drying room (whether or not such sanitary accommodation, laundry or drying room forms part of the crew accommodation):

Provided that nothing in this sub-paragraph shall prohibit direct openings between spaces forming part of the sanitary accommodation, or between spaces appropriate for use as laundries or drying rooms;

- (o) any part of the crew accommodation which is adjacent to any part (other than the crown) of a tank in which oil may be carried in bulk, shall be separated therefrom by a gastight division additional to the division which retains the oil, and the Government Inspector of Shipping may exempt any ship from the requirement of this sub-paragraph if he is satisfied that the division which retains the oil is likely to remain oiltight under service conditions;
- (P) if any part of the crew accommodation is situated on a deck which forms the crown of a space in which oil may be carried in bulk, such deck shall be oiltight. No manholes or other openings to the oil tanks shall be situated in the crew accommodation, and the Government Inspector of Shipping may exempt any ship used in treating whales or for the carriage of persons employed in catching or treating whales from the requirements of this sub-paragraph in so far as they relate to manholes or other openings in the oil tanks;
- (q) if any part of the crew accommodation is situated on a deck forming the crown of a permanent coal bunker, such deck shall be gastight;
- (r) the means of access to and egress from every part of the crew accommodation shall be so situated that in the event of fire in any lamp room or paint room in the ship, access to and egress from the crew accommodation will not be impeded.

## **11. Heating**

(1) In every ship to which these Regulations apply, other than a ship employed solely within the Tropics or the Persian Gulf, all sleeping rooms, mess rooms, recreation rooms, sanitary accommodation, offices, studies and hospitals forming part of the crew accommodation shall be provided with a heating system which shall be permanently installed and capable of ensuring that when the ventilation system provided for such rooms or accommodation in compliance with these Regulations is working so as to furnish at least 15 cubic feet of fresh air per minute for each person whom the room or accommodation is designed to accommodate at one time and the temperature of the open air is 30 °F the temperature therein can be maintained at 67 °F

Provided that the temperature within a water closet shall not be required to be maintained at more than 10°F above the ambient temperature in the open air. If the temperature within any water closet is capable of being so maintained by heat derived from an adjoining compartment, a heating system shall not be required to be provided in that



water closet; and the Government Inspector of Shipping may exempt from the requirements of this paragraph-

- (i) any ship of under 500 tons; and
- (ii) any ship intended to be engaged solely on voyages in the Tropics or the Persian Gulf,

if he is satisfied that the crew accommodation is fitted with stoves which are properly installed and adequately guarded, or with other suitable means of heating.

(2) The permanent heating system required by the foregoing paragraph shall be operated by steam, hot water or electricity, or shall be a system supplying warm air.

(3) The heating equipment shall be so constructed, installed and, if necessary, shielded as to avoid the risk of fire and not to constitute a source of danger or discomfort to the crew and in particular, means shall be provided, unless the provision thereof is unreasonable or impracticable in the circumstances, by which, without the use of a tool or key, the heat emitted by the radiator or other heating device fitted in any space can be turned off and on and varied.

(4) The heating equipment shall be so constructed that its operation is not affected by the use or non-use of any steering gear, deck machinery, calorifiers or cooking appliances in the ship.

(5) The heating system shall be in operation at all times when any members of the crew are living or working on board the ship and circumstances require its use:

Provided that while the ship is in port the heating system shall not be required to be in operation if efficient temporary means of heating are provided for such parts of the crew accommodation as are in use.

## **12. Lighting**

(1) In every ship to which these Regulations apply, every part of the crew accommodation, other than pantries, laundries, drying rooms, lockers and storerooms shall be properly lighted by natural light:

Provided that if in any space in a passenger ship or in a ship engaged in the whaling industry it is impracticable to provide proper natural lighting, such lighting shall not be required if adequate electric lighting is always available in that space. The Government Inspector of Shipping may exempt any ship from the requirement of this paragraph in relation to sanitary accommodation and passageways to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(2) The natural light of a sleeping room, mess room, recreation room or hospital ward shall be deemed to be proper for the purposes of this regulation if it is sufficient to enable an ordinary newspaper to be read by a person of normal vision at any point in the room, being a point available for free movement, during day time and in clear weather.

(3) Every side scuttle in a sleeping room, mess room, smoking room or recreation room in the crew accommodation shall be capable of being opened:

Provided that this paragraph shall not apply to a side scuttle which is required to be of the non-opening type by the provisions of the Merchant Shipping (Passenger Ship Construction) Rules.

(4) In every ship of 3,000 tons or over every such side scuttle shall be at least 12 inches in diameter and the Government Inspector of Shipping may exempt any ship from the requirement of this paragraph to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(5) In every ship to which these Regulations apply, an electrical system shall be installed which is capable of providing adequate lighting in every part of the crew accommodation.

(6) The electric lights shall be so arranged as to give the maximum benefit to the crew, and in particular an electric reading light shall be fitted at the head of each bed and shall be capable of being switched on and off from the bed.

(7) A lamp emitting at least 200 lumens shall be fitted in every such reading light in a sleeping room, and a lamp emitting at least 400 lumens shall be fitted in every such light in a hospital ward.

(8) An efficient alternative system of lighting or source of electric power shall always be available for lighting the crew accommodation.

(9) The Government Inspector of Shipping may exempt any ship of under 500 tons from the requirement of this paragraph if he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances and that other suitable artificial lighting is provided in the crew accommodation.

(10) In addition to any other lights required by these Regulations, the spaces referred to in sub-paragraphs (a) to (k) inclusive of paragraph 13 of this regulation shall be provided with the lighting therein specified.

(11) The electric lighting of the spaces referred to in sub-paragraphs (a) to (k) inclusive of paragraph 13 shall be deemed to be adequate for the purposes of these Regulations if, when the lamps and paintwork are new, the illumination in the horizontal plane, when measured at the points and in the manner prescribed in paragraph 12 of this regulation is steady and subject to a tolerance of ten per cent is maintained at a value of not less than that prescribed for every such space.

(12) The points at which illumination shall be measured shall be as follows-

(a) where general measurement points are prescribed for the illumination of a space, then measurements shall be taken at every point midway between every two adjacent lamps and at every point midway between every lamp and any position on any boundary of the space:

Provided always that where within any space a part of that space (being a part of that space available for free movement) is shaded from the direct rays of a lamp by a re-entrant angle formed in the boundary of the space, then the central point of the part of the space so shaded shall also be a general measurement point; and

(b) where particular measurement points are also prescribed for a space, then measurements shall in addition be taken at every such point,

and in all cases measurements shall be taken at a height of 2 feet 9 inches above the floor, except that in the case of passageways, companionways, and covered recreation-deck spaces, measurements may be taken either at a height of 2 feet 9 inches above the floor or at floor level, provided that in the latter case the reflection factor of the floor surface shall not be less than forty per cent. Illumination of provision storerooms shall be measured when the rooms are empty.

(13) The following spaces shall be provided with the lighting therein specified-

(a) sleeping rooms and day rooms-

- (i) 2 foot-candles immediately in front of any drawer, bookcase, clothes locker, wardrobe and toilet mirror;
- (ii) 5 foot-candles at any wash-basin;
- (iii) 6 foot-candles at any seat at a writing desk or table, and at not less than half the remaining seats in a sleeping room provided for the use of more than one person,

and for the purposes of this sub-paragraph reading lights at the heads of beds shall not be taken into account in determining the illumination of a space except in the case of a sleeping room provided for the use of one person only;

(b) mess rooms-

- (i) 2 foot-candles at general measuring points;
- (ii) 5 foot-candles at any table and sink;

(c) recreation and smoking room-

- (i) 2 foot-candles at general measuring points;
- (ii) 5 foot-candles at the recreation tables;
- (iii) 6 foot-candles at any seat at a writing position at a desk or table and at not less than half the remaining seats;

(d) hospital wards-

- (i) 2 foot-candles at general measuring points;
- (ii) 5 foot-candles at any wash-basin,

and in addition to the electric reading lamp required to be provided at the head of each bed in accordance with paragraph (5) of this Regulation, at least one fixed lamp shall be installed. The portable electric lamp required to be provided by paragraph (10) of regulation 32 of these Regulations shall emit at least 600 lumens for the purposes of this subparagraph, reading lights at the head of beds shall not be taken into account in determining illuminations except in the case of a hospital ward provided for the use of one person only;

(e) offices and studies-

- (i) 2 foot-candles immediately in front of any drawer and any bookcase;
- (ii) 8 foot-candles at every writing position at a desk or table;

(j) sanitary accommodation (including such accommodation in hospitals)-

- (i) water closets, 3 foot-candles in way of the pan;
- (ii) wash rooms and bathrooms, 3 foot-candles at all general measurement points;

- (iii) 5 foot-candles at any wash-basin or washing trough and at or near the head of any bath;

(g) laundries-

- (i) 3 foot-candles at general measuring points;
  - (ii) 5 foot-candles at any washing trough;
- (h) drying rooms-
  - 2 foot-candles in the centre of the space;
- (i) galleys (including bakeries and pantries)-
  - 6 foot-candles at working positions and the lamps shall be so disposed as to ensure that the food preparation tables, the range top, the serving tables and the washing-up sinks receive the maximum amount of light;
- (j) provision-storerooms-
  - (i) dry-storerooms, 2 foot-candles at general measurement points and 2 foot-candles immediately in front of shelving and any cupboard,
  - (ii) cold-storerooms, half the standard prescribed for a dry-storeroom;
- (k) passageway, companionways and covered recreation deck spaces, 2 foot-candles at general measurement points; and a lamp shall be placed at or near the head of each stairway or ladder or hatchway and at or near doors of any lockers provided for oilskins or working clothes.

### 13. Ventilation

(1) In every ship to which these Regulations apply the enclosed parts of the crew accommodation shall be ventilated by a system which will maintain the air therein in a state of purity adequate for the health and comfort of the crew.

(2) The system shall be capable of being so controlled as to ensure sufficiency of air movement under all conditions of weather and climate to which the ship is likely to be subjected during the voyages on which she is intended to be engaged, and shall be additional to any side scuttles, skylights, companions, doors or other apertures not intended solely for ventilation.

(3) Every such enclosed space, being a space not ventilated by a trunked mechanical ventilation system, shall be provided with a natural system of inlet and exhaust ventilation and every inlet ventilator forming part of such system, being a ventilator situated in the open air, shall be of a cowl or other equally efficient type and shall be so situated that, as far as is practicable, it is not screened from the wind in any direction; and no such ventilator shall be situated directly over a doorway, stairway or exhaust opening.

(4) The sectional area of every part of the inlet and exhaust system (other than a part serving only a drying room or locker) shall be at least six square inches for each person for whose use at any one time the space is appropriated, shall be not less than 19 square inches in all at any point in the system; and the effective area of the inlet and exhaust system serving each space shall be capable of being adjusted from fully open down to a minimum of 3 square inches for each person likely to use the space at any one time.

(5) Every such closed space, other than a cold-storeroom, forming part of the crew accommodation of a ship to which these Regulations apply, of 500 tons or over, shall be provided with a trunked mechanical ventilation system complying with the requirements specified in the First Schedule to these Regulations:

Provided that such a system shall not be required in any galley which is situated on an open deck and exposed to the weather on the fore end and the port and starboard sides; and the Government Inspector of Shipping may exempt any ship from the requirement of this paragraph, in so far as it relates to the ventilation of a storeroom for the storage of dry provisions, if he is satisfied that compliance with that requirement is unnecessary by reason of the position of the storeroom.

(6) In the crew accommodation of every ship to which these Regulations apply, being a ship not provided with trunked mechanical ventilation and not being a ship for the time being regularly engaged only on voyages north of 53° North latitude or south of 45° South latitude, an electric fan shall be fitted in every sleeping room, mess room, recreation room, study, office, galley and pantry; and the Government Inspector of Shipping may exempt any ship of under 500 tons from the requirement of this paragraph.

(7) Power for the operation of the trunked mechanical ventilation system or fans, as the case may be, required by the foregoing paragraphs of this Regulation, shall be available at all times when any members of the crew are on board the ship and circumstances require such system or fans to be used.

(8) The following spare gear shall be provided for each size of electric motor employed to operate a trunked mechanical ventilation system in the crew accommodation of a ship to which these Regulations apply-

(a) for direct current motors-

- (i) 1 armature;
- (ii) 1 field coil;
- (iii) 1 set of bearings;
- (iv) 1 set of carbon brushes;
- (v) 1 brush holder;

(b) for alternating current motors-

- (i) 1 set of stator windings, complete with insulation pieces;
- (ii) 1 set of bearings,

the spare gear shall be properly packed for storage.

#### **14. Drainage**

(1) In every ship to which these Regulations apply efficient drainage by pipes or channels shall be provided for every part of the crew accommodation situated on an open deck wherever such drainage is necessary for clearing water shipped from the sea.

(2) There shall be no drainage from any source (not being sanitary accommodation) into the sanitary accommodation forming part of the crew accommodation.

(3) Every space appropriated for use as sanitary accommodation shall be served by one or more scuppers which do not serve any space other than sanitary accommodation.

The scuppers shall be at least two inches in diameter and shall be situated wherever water is likely to collect on the floor of the space:

Provided that no scupper shall be required in washing accommodation appropriated for the sole use of one person.

### **15. Painting, etc.**

(1) In every ship to which these Regulations apply the interior sides and ceilings of every part of the crew accommodation shall be covered with enamel, paint or other suitable material and the paint, enamel or other material shall be of good quality and white or light in colour.

(2) Lime wash or paint containing nitro-cellulose shall not be applied in the crew accommodation.

(3) The wooden parts of the furniture and fittings in the crew accommodation shall be finished externally with paint, varnish, polish or by other suitable means.

(4) All paint, varnish, polish and other finishes in the crew accommodation shall be capable of being easily kept clean and shall be maintained in good condition.

### **16. Marking**

(1) Every sleeping room forming part of the crew accommodation of a ship to which these Regulations apply shall be marked inside the room with whichever of the markings specified in Part I of the Fourth Schedule to these Regulations is appropriate in the circumstances.

(2) Every space, other than a sleeping room or an open deck, forming part of the crew accommodation of such a ship, shall be marked either inside the space or on or over the door to such space with whichever of the markings specified in Part II of the Fourth Schedule to these Regulations is appropriate in the circumstances.

(3) All markings required by the foregoing provisions of this regulation shall be in clear characters and in a readily visible position on the ship's structure and the markings shall be cut into the structure or otherwise marked in an equally permanent manner.

(4) No space forming part of the crew accommodation of a ship to which these Regulations apply shall be marked, whether inside or outside the space, with any markings which may be taken to indicate that the space is appropriated for use by persons differing in number or description from the persons for whose use the space has been certified by a surveyor of ships.

### **17. Sleeping rooms**

(1) In every ship to which these Regulations apply, unless the circumstances are such that no members of the crew are required to sleep on board, sleeping rooms shall be provided for the crew in accordance with the following provisions of this regulation; and separate and appropriate sleeping rooms shall be provided wherever required by the widely different national habits and customs of groups of persons in the crew.

(3) Every watch of ratings shall be provided with sleeping rooms separate from those of other watches. Day-men shall be provided with sleeping rooms separate from those

(2) Each of the following classes of person shall be provided with sleeping rooms separate from those provided for the other classes-

watch-keepers.

(4) The Government Inspector of Shipping may exempt any ship used in treating whales or for the carriage of persons employed in catching or treating whales, from the requirements of paragraph (6) of this regulation in so far as they relate to sleeping accommodation for persons not engaged to work the ship.

(4) The Government Inspector of Shipping may exempt from the requirements of paragraphs (2) and (3) of this regulation-

(a) any whale catcher; and

(b) any other ship to the extent that he is satisfied that compliance with the said requirement is unreasonable or impracticable by reason of the size of the ship.

(5) The Government Inspector of Shipping may further exempt any ship engaged in the whaling industry from the requirements of paragraph (3) of this regulation.

(6) The maximum number of persons accommodated in sleeping rooms shall be as follows-

(a) officers in charge of a department, navigating and engineer officers in charge of a watch, and first or only radio officers-1 person per room;

(b) other officers-whenever practicable, 1 person per room and in no event more than 2 persons per room;

(c) apprentices-whenever practicable, not more than 3 persons per room, and in no event more than 4 persons per room;

(d) chief or only steward and chief or only cook-in either case in a ship of 3,000 tons or over regularly employed otherwise than as a home-trade ship, 1 person per room;

(e) petty officers not being persons referred to in sub-paragraph (d) of this paragraph-whenever practicable, 1 person per room, and in no event more than 2 persons per room;

(f) other ratings-whenever practicable, 2 or 3 persons per room, and in no event more than 4 persons per room:

Provided that in any passenger ship the Government Inspector of Shipping may permit more than 4, but no more than 10, such ratings to be accommodated in one room if he is satisfied, after consultation with the owner of the ship or with such organization or organizations as appear to him to be representative of the ratings concerned, that the comfort of these ratings will thereby be increased.

(7) The government Inspector of Shipping may exempt any ship used in treating whales or for the carriage of persons employed in catching or treating whales, from the requirements of paragraph (6) of this regulation in so far as they relate to sleeping accommodation for persons not engaged to work the ship.

(8) The Government Inspector of Shipping may exempt also any whale catcher from the requirements of sub-paragraph (a) of paragraph (6) of this regulation and any ship of under 400 tons from the requirements of sub-paragraphs (a) and (d) of this paragraph.

(9) Subject to the provisions of sub-paragraphs (b) and (c) of this paragraph, the minimum floor area provided for each person in a sleeping room forming part of the crew accommodation of a ship to which these Regulations apply shall be as follows-

- |     |   |             |
|-----|---|-------------|
| (a) | in ships of                                 | square feet |
|     | (i) under 400 tons                          | 15          |
|     | (ii) 400 tons or over but under 800 tons    | 20          |
|     | (iii) 800 tons or over but under 3,000 tons | 25          |
|     | (iv) 3,000 tons or over                     | 30          |
- (b) subject to the provisions of sub-paragraph (c) of this paragraph the minimum floor area provided in a sleeping room in a passenger ship shall be 24 square feet per person if more than 4 ratings are accommodated in that room;
- (c) subject to the provisions of this sub-paragraph the minimum floor area provided for each person in a sleeping room for such ratings as are referred to in paragraph (2) of regulation 39 of these Regulations (in this sub-paragraph referred to as "special ratings") shall be, in ships of-
- |  |  |             |
|--|--|-------------|
|  |  | square feet |
|  | (i) under 400 tons                         | 14          |
|  | (ii) 400 tons or over but under 3,000 tons | 18          |
|  | (iii) 3,000 tons or over                   | 20          |
- (d) the total floor area of the sleeping rooms provided in the ship for special ratings shall not be less than would be required by sub-paragraph (a) of this paragraph to be provided for such number of ratings as would be necessary in substitution for the special ratings if the special ratings were replaced by other ratings;
- (e) in determining the floor area of a room for the purpose of this paragraph, spaces occupied by berths, lockers, seats or chests of drawers shall be taken into account and spaces which by reason of their small size or irregular shape cannot accommodate furniture and do not contribute to the area available for free movement shall not be taken into account.

## 18. Beds

(1) Every sleeping room in the crew accommodation of a ship to which these Regulations apply shall be fitted with a bed for each person accommodated in the room.

(2) The framework of each bed, and the lee-boards or lee-rails thereof, if any, shall be constructed of metal or other material which is hard, smooth and unlikely to become corroded.



(3) The framework shall be so made as not to be likely to harbour vermin, and in particular, if the bed is constructed with tubular frames, the frames shall be completely sealed and without perforations.

(4) There shall be unobstructed access to at least one side of each bed and, in particular, if the adjacent sides of two beds in the same room are parallel to each other or, when projected, make an angle of less than 90° with each other, the distance between those sides at any point shall not be less than 2 feet 6 inches if both beds are in single tier or 3 feet in any other case.

(5) Where beds abut upon each other they shall be separated by screens made of wood or other suitable material.

(6) No bed shall be placed-

- (a) within 4 inches of a ventilation trunk which may be used for circulating hot air; or
- (b) within 2 inches of a bulkhead or the ship's side, unless the bed is so supported and the room so constructed as to avoid harbouring dirt and vermin in or near the bed, to enable the bedding to be kept clean and dry, and to minimise the soiling of paintwork in way of the bed.

(7) Beds shall not be arranged in tiers of more than two.

(8) Beds placed along the ship's side shall be in single tier, except in a room in which there is no side scuttle and the Government Inspector of Shipping may exempt any ship from the requirement of this paragraph to the extent to which he is satisfied that the beds in the sleeping room are clear of side scuttles, and that the comfort of the crew will thereby be increased.

(9) No bed shall-

- (a) be less than 1 foot from the floor of the room measured from the bottom of the mattress referred to in paragraph (12) of this regulation; and
- (b) if the upper bed in a double tier, be at least 2 feet 6 inches below the lower side of the deck head beams or other obstructions measured from the bottom of the mattress; and the bottom of the mattress in the lower bed shall be at least 3 feet below the bottom of the mattress in the upper bed if the height of the sleeping room is 7 feet 6 inches or more, and at least 2 feet 9 inches below the bottom of the mattress in the upper bed if the height of the sleeping room is less than 7 feet 6 inches, and for the purposes of this sub-paragraph the height of the room shall be measured from the top of the floor beams to the top of the crown beams.

(10)

(a) The Government Inspector of Shipping may exempt-

- (b) any ship of under 500 tons from any of the requirements of paragraph (9) of this regulation; and any ship from the requirements of sub-paragraph (b) of paragraph (9) of this regulation to the extent to which he is satisfied that it is unreasonable or impracticable in the circumstances to remove obstructions above the beds in the crew accommodation of that ship.

(11) The size of the beds provided for the crew shall-

- (a) subject to the provisions of sub-paragraph (b) of this paragraph, be at least 6 feet 3 inches by 2 feet 3 inches, the measurements being taken inside the lee-boards or lee-rails, if any, and at right angles to each other;
- (b) in a ship of 3,000 tons or over for the chief officer and for the chief and second engineers, be at least 6 feet 3 inches by 2 feet 9 inches in a passenger ship and at least 6 feet 3 inches by 3 feet 6 inches in any other ship, the measurements in each case being taken as aforesaid.

(12) Every bed provided for a member of the crew shall be fitted with a spring bottom or spring under-mattress, and with a mattress made of material which will resist damp and is unlikely to harbour vermin. A bottom of wood, canvas or other dust-proof material shall be fitted to every bed which is fitted above another bed.

### **19. Furniture and fittings in sleeping rooms**

(1) In every ship to which these Regulations apply, every sleeping room for ratings other than petty officers shall be provided with the following equipment-

- (a) for each person accommodated in the room-
  - (i) one drawer having a capacity of at least 2 cubic feet;
  - (ii) one clothes locker or wardrobe, in either case at least 5 feet 6 inches in height and 315 square inches in internal sectional area; the locker or wardrobe shall be fitted with a shelf not less than 9 inches and not more than 15 inches below its top and with fittings on which clothes may be hung; and
  - (iii) at least one coat hook in addition to any coat hooks fitted in a locker or wardrobe;
- (b) a table of fixed or drop-leaf type, or a desk, or a sliding leaf or top fitted to a chest of drawers;
- (c) comfortable seats sufficient to accommodate at one time all the persons accommodated in the room and such seats shall be provided in addition to the beds in the room; but the Government Inspector of Shipping may exempt any passenger ship or ship engaged in the whaling industry from the requirements of this sub-paragraph to the extent to which he is satisfied that a lesser number of seats is adequate in the circumstances;
- (d) a mirror suitable for toilet purposes;
- (e) a cabinet suitable for containing toilet requisites;
- (f) a book rack;
- (g) a runner of jute, coir or other suitable material at one side of each bed or tier of beds, as the case may be;
- (h) a curtain fitted to each bed, unless the room accommodates only one person;
- (i) a curtain fitted to each side scuttle, unless the side scuttle is fitted with blinds or jalousies,

and the Government Inspector of Shipping may exempt any whale catcher from any of the requirements of sub-paragraphs (g), (h) and (i) of this paragraph.

(2) Paragraph (1) of this regulation shall apply to sleeping rooms for petty officers as it applies to sleeping rooms for other ratings, subject to the following modifications and additions-

- (a) for each person accommodated in the room a second drawer having a capacity of at least 2 cubic feet shall be provided in addition to the drawer referred to in sub-paragraph (a) of paragraph (1) of this regulation;
- (b) the clothes lockers or wardrobes provided shall be made of hardwood;
- (c) each room shall be provided with-
  - (i) a rack for holding one drinking-water bottle and one tumbler for each person accommodated in the room and the rack may be fitted inside the cabinet for toilet requisites:

Provided that a rack for holding a drinking-water bottle shall not be required in any room in which a supply of drinking water is laid on-

- (ii) a wash-basin, of vitreous china or other equally hygienic and durable material, which shall be fitted with an efficient and hygienic discharge overside or to an enclosed tank with a suction pipe served by a mechanically operated pump:

Provided that a wash-basin shall not be required to be fitted in a sleeping room for petty officers if washing accommodation is readily accessible from the sleeping room.

(3) In every sleeping room in which more than one petty officer or other rating is accommodated, every drawer, locker and wardrobe shall be fitted with a secure lock or hasp for a padlock and in every sleeping room in which only one petty officer or other rating is accommodated the locker or wardrobe shall be fitted with such a lock or hasp.

(4) Subject to the provisions of paragraph 5 of this regulation every sleeping room for officers shall be provided with the following equipment-

- (a) for each officer accommodated in the room-
  - (i) at least three drawers with a total capacity of 10 cubic feet or as near thereto as is practicable in the circumstances;
  - (ii) a wardrobe at least 5 feet 6 inches in height and 460 square inches in internal sectional area;
  - (iii) at least two coat hooks, in addition to any coat hooks fitted in the wardrobe;
- (b) a writing desk fitted, if practicable, with drawers additional to the aforesaid drawers;
- (c) a chair with arm rests;
- (d) a settee at least 6 feet in length or as near thereto as is practicable in the circumstances:

Provided that the Government Inspector of Shipping may permit the settee to be dispensed with-

- (i) if he is satisfied that a settee of adequate dimensions cannot be placed in the room without interfering with the comfort of the officers; or
  - (ii) in the case of a room which only accommodates one officer, if the Government Inspector of Shipping has consulted with such organisation as appears to him to be representative of the class of officer concerned and is satisfied that a fully upholstered easy chair with closed arms is provided in the room;
- (e) a mirror suitable for toilet purposes;
  - (f) a cabinet suitable for containing toilet requisites;
  - (g) a rack suitable for holding-
    - (i) one drinking-water bottle; and
    - (ii) one tumbler for each officer accommodated in the room and the rack may be fitted inside the cabinet for toilet requisites:

Provided that a rack for holding a drinking-water bottle shall not be required in any room in which a supply of drinking water is laid on;

- (h) a wash-basin of vitreous china or other equally hygienic and durable material, which shall be fitted with an efficient and hygienic discharge overside or to an enclosed tank with a suction pipe served by a mechanically operated pump:

Provided that a wash-basin shall not be required to be fitted in a sleeping room if washing accommodation is readily accessible therefrom;

- (i) a splash plate or other means of protection for the wall above the wash-basin, if any;
- (j) a carpet runner of wool or similar material;
- (k) curtains fitted to each bed, unless the room accommodates only one officer;
- (l) curtains fitted to each side scuttle, unless the side scuttle is fitted with blinds or jalousies;
- (m) a bookcase in any room which accommodates a chief officer, chief engineer or second engineer, or in the case of a passenger ship a first radio officer; and
- (n) a bookcase or book rack in rooms which accommodate other officers,

and the Government Inspector of Shipping may exempt any ship of under 400 tons from any of the requirements of sub-paragraphs (a), (b) and sub-paragraphs (k) to (n) inclusive, of this paragraph to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(5) Any of the equipment referred to in sub-paragraphs (b), (c), (d), (m) and (n) of paragraph (4) of this regulation may be provided in a day room available for the sole use of the officers concerned, instead of their sleeping room, and any of the equipment referred to in sub-paragraphs (e) to (i) inclusive of the said paragraph may be provided in washing accommodation approved for the exclusive use of one officer instead of in the sleeping room of that officer.

(6) Sleeping rooms for apprentices shall so far as is reasonable and practicable in the circumstances be provided with the equipment (other than a bookcase) referred to in paragraph (4) of this regulation:

Provided that any of the equipment referred to in sub-paragraphs (b), (c), and (d) of the said paragraph may be provided in a study for the sole use of the apprentices instead of in their sleeping rooms.

(7) Subject to the foregoing provisions of this regulation, all lockers, wardrobes, tables, desks, the un-upholstered parts of chairs and settees and similar furnishings provided in compliance with this regulation, shall be made of polished hardwood, rustproof metal or other smooth and impervious material not likely to crack, warp or become corroded, and all furniture provided in sleeping rooms shall be so made as not to be likely to harbour vermin.

## **20. Mess rooms**

(1) In every ship to which these Regulations apply, unless the circumstances are such that no members of the crew are required to mess on board, mess rooms shall be provided for the crew and shall be of such dimensions as will be sufficient to accommodate the greatest number of persons likely to use them at any one time.

(2) Separate and appropriate mess rooms shall be provided wherever required by the widely different national habits and customs of groups of persons in the crew.

(3) No mess room shall be combined with a sleeping room, and the Government Inspector of Shipping may exempt any ship of under 300 tons from the provision of this paragraph if he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(4) In every ship of 500 tons or over the mess rooms provided for ratings shall be separate from those provided for the master of the ship or for officers.

(5) In every ship of 1,000 tons or over a single mess room shall be provided for all officers in the ship:

Provided that the officers may be accommodated in separate mess rooms if their sleeping rooms are in widely separated portions of the ship.

(6) In every ship of 1,000 tons or over each of the following classes of ratings shall be provided with mess rooms separate from those provided for the other classes-

- (a) petty officers of the deck department;
- (b) petty officers of the engine-room department;
- (c) other ratings of the deck department;
- (d) other ratings of the engine-room department.

(7) Subject to the provisions of paragraph (1) of this regulation, the Government Inspector of Shipping may permit the provision in any ship of combined mess rooms as follows-

- (a) for petty officers of the deck and engine-room departments;
- (b) for petty officers and other ratings of the same department;
- (c) for all ratings (other than petty officers) of the deck and engine-room departments.

(8) Subject as aforesaid, the Government Inspector of Shipping may further permit the provision in any ship of a single mess room for all petty officers and other ratings of all departments, if he is satisfied that such an arrangement is preferred either by the

owner of the ship or by an organisation which appears to the Government Inspector of Shipping to be representative of owners of Nigerian ships, and by an organisation which appears to him to be representative of the seamen concerned.

(9) In every ship of 3,000 tons or over, being either-

- (a) a ship other than a home trade ship; or
- (b) a home trade ship with a catering department of more than 5 persons,

mess rooms shall be provided for ratings of the catering department which shall be separate from those provided for ratings of other departments, unless the Government Inspector of Shipping permits a combined mess room for petty officers and other ratings of all departments in accordance with the provisions of paragraph (6) of this regulation.

(10) If in any other ship, a separate mess room is not provided for ratings of the catering department, messing accommodation shall be provided for them in mess rooms provided for other ratings.

(11) Apprentices shall be provided with a separate mess room or with messing accommodation in the officers' mess room.

(12) The Government Inspector of Shipping may exempt-

- (a) any passenger ship; and
- (b) any ship engaged in the whaling industry,

from the requirements of this regulation to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

## **21. Furniture and fittings in mess rooms**

(1) Every mess room forming part of the crew accommodation in a ship to which these Regulations apply shall be provided with sufficient tables to allow a space of at least 20 inches measured along the edge of a table for each person likely to use the room at anyone time.

(2) Each table shall be at least 24 inches wide if seats are provided on both sides of the table, and at least 15 inches wide if seats are provided only on one side of the table and the table shall be of such a size and so situated as to be readily accessible.

(3) Single chairs shall be provided in the mess room for each person using the room at anyone time and such chairs shall be fitted with arm rests unless chairs with arm rests are available in a recreation room for the persons using the mess room:

Provided that settees may be substituted for chairs adjacent to a bulkhead or the ship's side and such settees shall be at least 15 inches wide and shall be fitted with upholstered or padded seats covered with material impervious to dirt and moisture, and shall be provided with comfortably shaped backs; and if the mess room is appropriated for use by

officers or petty officers, whether or not together with other ratings, the backs of the settees shall also be padded or upholstered and shall be covered with material impervious to dirt and moisturize.

(4) Every mess room provided for persons who do not provide their own food shall be fitted with either-

- (a) a storage locker or rack in either case capable of holding sufficient mess utensils for those persons; or
- (b) a storage locker at least 15 inches by 15 inches by 12 inches in size for each of those persons.

(5) Every mess room provided for persons who provide their own food shall be fitted with a storage locker for each person which shall be of sufficient size to be capable of containing his mess utensils together with a supply of food sufficient for him for at least seven days.

(6) All storage lockers provided in compliance with paragraph 4 shall be adequately ventilated, and all storage lockers provided for one person shall be fitted with a lock or hasp for a padlock, and shall be so fixed as to clear the floor by at least one foot:

Provided that the lockers or racks may be fitted in a pantry, store room or other suitable place outside a mess room, and readily accessible therefrom. No lockers or racks, being lockers or racks intended to contain food, shall be fitted in a sleeping room, not being a sleeping room combined with a mess room.

(7) A dresser, hot-press, sink and boiler or other means from which boiling drinking water shall always be available shall be fitted in each mess room, unless such equipment is fitted in a pantry readily accessible from the mess room or, in the case of a ship of under 1,000 tons, in a galley. Such equipment shall be adequate in size for the number of persons likely to use the room at anyone time.

(8) If, in the case of a mess room provided for officers or petty officers, the dresser is fitted in a pantry, a sideboard shall be provided in the mess room.

(9) A supply of fresh water shall be laid on to the sink and boiler.

(10) The Government Inspector of Shipping may exempt-

- (a) any ship of under 1,000 tons from the requirement of a hot-press;
- (b) any ship of under 500 tons from any of the requirements of paragraphs 7, 8 and 9.

(11) All tables, lockers, dressers and the un-upholstered parts of chairs and settees in the mess room shall be made of polished hardwood, rustproof metal or other smooth and impervious material not likely to crack, warp or become corroded; and all furniture provided in the mess room shall be so made as not to be likely to harbour vermin.

(12) The Government Inspector of Shipping may exempt-

- (a) any passenger ship;
- (b) any ship engaged in the whaling industry,

from the requirements of this regulation to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

## **22. Recreation spaces and studies**

(1) In every ship to which these Regulations apply, being a ship of 3,000 tons or over employed otherwise than as a home trade ship, a smoking room shall be provided for the recreation of the officers, and shall not be combined with a mess room.

(2) The smoking room shall be provided with tables each having a top approximately 4 square feet in area with tub chairs or easy chairs sufficient to accommodate at one time at least one third of the number of officers for whose use the room is provided, and a bookcase.

(3) In every ship to which these Regulations apply, being a home trade ship of 300 tons or over, or a ship of under 3,000 tons regularly employed otherwise than as a home trade ship, the mess room provided for the officers shall be available and furnished for use as a smoking room, unless a separate smoking room is provided for their use.

(4) In every ship to which these Regulations apply, recreation accommodation shall be provided in a mess room or elsewhere for ratings and shall be conveniently situated and appropriately furnished and where such accommodation is provided elsewhere than in a mess room the seating provided shall be sufficient to accommodate at one time at least one third of the number of ratings for whom that accommodation is provided.

(5) The Government Inspector of Shipping may exempt any whale catcher from the requirements of paragraph (4) of this regulation.

(6) If more than two apprentices are accommodated in one sleeping room in a ship to which these Regulations apply, a separate room shall be provided in the ship for their use as a study, unless another suitable place is available to them for purposes of study.

(7) In every ship to which these Regulations apply, being a ship of 500 tons or over, a bookcase shall be provided for, and shall be accessible to, all members of the crew; and the Government Inspector of Shipping may exempt any whale catcher from the requirements of this paragraph.

(8) In every ship to which these Regulations apply space shall be provided on an open deck for the use of the crew for recreational purposes and the space shall be adequate in area (in so far as the ship allows) having regard to the number of persons in the crew.

(9) Separate and appropriate recreation rooms shall be provided wherever required by the widely different national habits and customs of groups or persons in the crew.

## **23. Office accommodation**

(1) In every ship to which these Regulations apply, being a ship of 3,000 tons or over, and not being a ship used in treating whales or engaged in the carriage of persons employed in catching or treating whales, two separate rooms shall be provided for use as offices and shall be appropriately furnished for that purpose and one of such rooms shall be appropriated for use by the chief officer or the officers of the deck department, and the other for use by the chief engineer or for the officers of the engine-room department.

(2) The office accommodation shall be in a room not used for any other purpose except study:



Provided that an office appropriated solely for use by an individual officer may be combined with the day room of that officer.

#### **24. Washing accommodation**

(1) In every class of ship to which these Regulations apply, each of the following classes of persons shall be provided with washing accommodation separate from that provided for the other classes-

- (a) officers and apprentices;
- (b) petty officers;
- (c) ratings other than petty officers:

Provided that the Government Inspector of Shipping may, in relation to any ship, permit any combination of the foregoing classes to be treated as one class for the purposes of these Regulations, if he is satisfied that the circumstances so require.

(2) The washing accommodation shall be situated close to the sleeping accommodation of the persons for whose use it is appropriated:

Provided that part of the washing accommodation for ratings of the engine room department may be adjacent to the engine room and stokehold; and the Government Inspector of Shipping may exempt any whale catcher from the requirements of this paragraph.

(3) Access to washing accommodation shall not be directly obtained from a mess room or a sleeping room and shall wherever reasonable and practicable in the circumstances be obtained from a passageway:

Provided that access to washing accommodation may be obtained directly from not more than two sleeping rooms accommodating not more than four persons in all, if the washing accommodation is appropriated for use solely by the person or persons accommodated in those sleeping rooms.

(4) The following equipment shall be provided in the washing accommodation for each class of persons referred to in paragraph (1) of this regulation-

- (a) one bath or shower for every eight persons;
- (b) one wash-basin for every six persons; and
- (c) one mirror suitable for toilet purposes for every six persons,

and each of such classes shall be provided with at least one bath or shower and at least one wash-basin. One additional bath or shower shall be provided for any of such classes in which the total number of persons exceeds by four or more a multiple of eight, and one additional wash-basin shall be provided for any of such classes in which the number of persons exceeds by three or more a multiple of six.

(S) For the purposes of paragraph (4) of this regulation-

- (a) a bath and shower combined shall be deemed to be only a bath;
- (b) no account shall be taken, in determining the number of baths and showers required, of-
  - (i) any private bath or shower; or
  - (ii) the persons for whose use a private bath or shower is appropriated;
- (c) no account shall be taken, in determining the number of wash-basins required, of-
  - (i) any private wash-basin; or
  - (ii) the persons for whose use a private wash-basin is appropriated;
- (d) a bath, shower or wash-basin shall be deemed to be private if it is appropriated for the exclusive use of not more than four persons.

(6) The Government Inspector of Shipping may exempt from any of the requirements of paragraph (4) of this regulation-

- (a) any ship in which the crew number more than 100;
- (b) any passenger ship engaged solely on voyages which are normally of less than four hours' duration.

(7) The wash-basins shall be made of vitreous china or other material having a smooth and impervious surface not likely to crack, flake or become corroded.

(8) Every wash-basin provided in a passenger ship, being a basin fitted with hot and cold fresh-water taps, shall have a capacity of at least one gallon, and every other washbasin provided in compliance with these Regulations shall have a capacity of at least 1<sup>1/2</sup> gallons.

(9) The capacity of wash-basins shall be measured for the purposes of paragraphs (7) and (8) of this regulation to a level at least 1<sup>1/2</sup> inches below the rim of the bowl.

(10) Every bath shall be at least 4 feet 5 inches in internal length unless it is combined with a shower.

(11) Every bath shall be made of vitreous enamelled iron, or other material having a smooth and impervious surface not likely to crack, flake or become corroded.

(12) The floor area of every shower space shall be at least 6<sup>1/4</sup> square feet, and each side of the space shall be at least 2 feet 6 inches long.

(13) Baths and showers provided for any class of persons shall be situated in or adjacent to a room containing wash-basins and provided for that class of person.

(14) Screening shall be provided to ensure privacy for any bath or shower which is in the same room as any wash-basin and any other bath or shower, unless the room is appropriated for the sole use of one person.

(15) The screening shall be made of robust and opaque material, and shall be rigid on at least three sides of every bath and shower space and shall, wherever reasonable and practicable in the circumstances, enclose sufficient space to permit a person to dress and undress in comfort therein.

(16) Every wash-basin, bath and shower shall be fitted with an efficient and hygienic discharge system and, in particular, the waste pipes shall be fitted in a manner which will minimise the risk of obstruction and facilitate cleaning.

(17) Every shower space shall be fitted with a handrail, a kerb and individual drainage; and every bath and shower space shall be provided with a grating or mat.

(18) Spring-loaded draw-off taps for hot and cold fresh water shall be fitted on a bulkhead or partition in every wash room provided for ratings, unless taps for hot and Cold fresh water are fitted to each wash-basin in that room; and draw-off taps for cold salt water shall be fitted in every such wash room unless there are other adequate means of washing down the room.

(19) The Government Inspector of Shipping may exempt-

- (a) any ship of under 500 tons; and
- (b) any whale catcher,

from the requirements of paragraph (18) of this regulation relating to hot-water taps to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(20) Nothing in this regulation shall apply to the washing accommodation forming part of a permanent hospital, and for the purposes of paragraph (4) thereof no account shall be taken of any wash-basin, bath or shower fitted in a permanent hospital.

## **25. Supply of water for washing accommodation**

(1) In every ship to which these Regulations apply, there shall be available a supply of fresh water sufficient for the wash-basins, baths and showers fitted in compliance with these Regulations.

(2) The supply shall be provided from tanks of a capacity of at least 10 gallons for each member of the crew for each day likely to elapse between successive replenishments of the water or by other equally efficient means.

(3) If service tanks are fitted for that purpose they shall be directly connected with the ship's main washing water or drinking water storage tanks.

(4) In ships of 1,000 tons or over any pumping necessary for the supply of fresh water shall be by mechanical power.

(5) Hot and cold water shall be laid on to all wash-basins, baths and showers fitted in compliance with these Regulations:

Provided that-

- (a) in the case of a bath and shower combined, hot and cold fresh water shall be required to be laid on only to the bath or the shower; and
- (b) hot and cold fresh water shall not be required to be laid on to wash-basins provided for the sole use of ratings if it is laid on to spring-loaded draw-off taps in the same room in accordance with paragraph (18) of regulation 24 of these Regulations.

(6) Cold fresh water shall be laid on to any wash-basins which are additional to those required by these Regulations and are fitted in sleeping rooms.

(7) The hot fresh water shall be at a constant temperature of at least 150 °F and shall be supplied by thermostatically controlled calorifiers or by other equally safe and efficient means.

(8) Every shower bath shall be provided with an anti-scalding mixture valve, which shall be adjusted so that the temperature of the shower-water (whether salt or fresh) can be varied by the person using a shower over the range of temperatures between the ambient temperature and a temperature of between 95 and 105 °F.

(9) The Government Inspector of Shipping may exempt-

- (a) any ship of under 500 tons; and
- (b) any whale catcher,

from the requirement of this regulation relating to the supply of hot water to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

## **26. Supply of drinking water**

(1) In every ship to which these Regulations apply, a supply of drinking water shall be provided in the crew accommodation from tanks of an adequate capacity for the purpose having regard to the number of persons in the crew and the time likely to elapse between successive replenishment of the water, or by other equally efficient means.

(2) If service tanks are fitted for that purpose they shall be directly connected to the ship's main drinking water storage tanks and, in ships of 3,000 tons or over, any pumping necessary for the supply of drinking water in crew accommodation shall be by mechanical power.

(3) Cold drinking water shall be laid on to taps in the galleys and pantries, and in the mess rooms provided for those members of the crew for whose use service pantries are not provided.

(4) In every ship to which these Regulations apply, being a ship of 1,000 tons or over employed otherwise than as a home trade ship, means shall be provided whereby the crew shall obtain access to drinking water which has been cooled by passing it through a cooling-tank or by other suitable means.

## **27. Laundry facilities**

(1) In every ship to which these Regulations apply, being a ship of 500 tons or over, washing troughs or other suitable facilities shall be provided to enable the crew to wash their clothes, and shall be adequate in size and sufficient in number for that purpose.

(2) The troughs shall be made of or coated with hygienic and durable material having a smooth and impervious surface not likely to crack, flake or become corroded and the troughs or other facilities shall be situated in a room appropriated for use only as a laundry:

Provided that the troughs or other facilities may be situated in the crew's washing accommodation if the provision of a separate laundry is unreasonable or impracticable in the circumstances and the troughs or other facilities shall be provided with an adequate supply of hot and cold fresh water, and shall be so arranged as to discharge overboard or into an enclosed tank served by a mechanically operated suction pump.

(3) The Government Inspector of Shipping may exempt any whale catcher from the requirements of paragraph (2) of this regulation if he is satisfied that the wash-basins

provided therein in compliance with regulation 24 of these Regulations are suitable for washing clothes.

(4) In every ship to which these Regulations apply, rooms for drying the crew's clothes shall be provided and shall be separate from sleeping rooms, mess rooms, recreation rooms, offices, storerooms, galleys, pantries and hospitals and shall be fitted with racks or rods with sufficient space having regard to the number of persons in the crew and the duration of the voyages on which the ship is intended to be engaged.

(5) The heating of such rooms shall be capable of being controlled independently of the heating of any other space in the ship, and the exhaust ventilation of such rooms shall be independent of all other spaces in the ship unless it is provided by a trunked mechanical ventilation system:

Provided that in ships of under 500 tons drying cabinets or other suitable facilities may be substituted for a drying room.

(6) In every ship to which these Regulations apply adequately ventilated compartments or lockers shall be provided for hanging oilskins and working clothes used by the crew, and separate compartments or lockers shall be provided for officers and ratings.

(7) The compartments or lockers shall be situated outside the sleeping rooms of the crew and in a position readily accessible therefrom; and the Government Inspector of Shipping may exempt any ship of under 500 tons from any of the requirements of this paragraph and paragraph (6) of this regulation.

## **28. Water closets**

(1) In every ship to which these Regulations apply each of the following classes of persons shall be provided with water closets separate from those provided for the other classes-

- (a) officers and apprentices;
- (b) petty officers;
- (c) ratings other than petty officers:

Provided that the Government Inspector of Shipping may, in relation to any ship, permit any combination of the foregoing classes to be treated as one class for the purposes of this regulation if he is satisfied that the circumstances so require.

(2) Water closets shall be provided as follows-

- (a) one for every eight persons in each of the classes as aforesaid and each of such classes shall be provided with at least one water closet, and one additional water closet shall be provided for any of such classes in which the total number of persons exceeds by four or more a multiple of eight:

Provided that-

- (i) in determining the number of water closets required by this sub-paragraph, no account shall be taken of any private water closet, or the persons for whose use a private water closet is appropriated;

- (ii) if the number of persons in any class exceeds 100, the number of water closets provided for that class shall be the greater of the following- thirteen, or ten, together with four per cent of the number of persons in excess of 100, calculated to the next following whole number,

and for the purpose of this sub-paragraph, a water closet shall be deemed to be private if it is appropriated for the sole use of not more than four persons; and the Government Inspector of Shipping may exempt from the requirements of this sub-paragraph any passenger ship engaged solely in voyages, the normal duration of which does not exceed four hours;

- (b) in addition to the water closets required by sub-paragraph (a), there shall be provided such number of water closets, if any, as is required to increase the total number of water closets provided for the crew to the following-

- (i) in ships of 500 tons but under 800 tons 3;
- (ii) in ships of 800 tons but under 3,000 tons 4;
- (iii) in ships of 3,000 tons or over 6;

- (c) in determining the number of water closets required by this paragraph no account shall be taken of any water closet forming part of a permanent hospital.

(3) The water closets shall be situated close to the sleeping rooms of the persons for whom they are provided and in particular, a water closet shall be situated close to the sleeping rooms of any radio officers in the crew if such sleeping rooms are in a position remote from other sleeping rooms.

(4) If the entrance to a water closet is from an open deck, the entrance shall, if practicable, be properly screened.

(5) If the means of entry into water closets forming part of the crew accommodation is from a passageway leading to other parts of the crew accommodation, a lobby shall be provided at the entrance of the water closet or, where a lobby is not practicable, a selfclosing door and any doors between a water closet and a passageway shall be close-fitting and without apertures.

(6) The Government Inspector of Shipping may exempt any ship from the requirement that the doors shall be close-fitting and without apertures to the extent to which he is satisfied that the exhaust ventilation arrangements from the water closet render compliance therewith unnecessary.

(7) Access to water closets shall not be obtained directly from a mess room or sleeping room:

Provided that access to a water closet may be obtained directly from not more than two sleeping rooms altogether accommodating not more than four persons, if the persons so accommodated are three or four in number, the water closet pedestal shall be so screened as to ensure privacy.

(8) Every water closet shall be completely enclosed by bulkheads and shall be provided with exhaust ventilation directly to the open air:

Provided that a water closet may be separated by a partition consisting of steel or other opaque and rigid material open at the top and bottom from-

(a) another water closet;  
a urinal; or (c) washing accommodation if the water closet is served by a trunked mechanical ventilation system which effectively removes odours therefrom.

(9) Every water closet shall be so constructed as to facilitate cleaning and not to harbour dirt or vermin.

(10) Subject to the provisions of paragraph (11) of this regulation, every water closet shall be provided with the following-

- (a) a water closet pedestal of single type with-
  - (i) a pan of white vitreous china or other suitable material;
  - (ii) a seat of polished hardwood or other suitable material, with an opening of 4 inches at the front;
  - (iii) a trap with a metal inspection plate; and
  - (iv) an efficient ventilator connected to the outlet;
- (b) an adequate flush of water, which shall be always available and supplied through self-closing non-concussive supply valves with a portable seating in metal which is not likely to become corroded;
- (c) a soil pipe not less than four inches in diameter, so constructed as to facilitate cleaning and minimise the risk of obstruction; the pipe shall have a direct overboard outfall fitted with a storm-valve, unless it is connected with a main sewage outfall by an efficient and hygienic system;
- (d) a device for holding toilet paper;
- (e) a handrail or grip.

(11) Every water closet provided for the exclusive use of such ratings as are referred to in paragraph (2) of regulation 39 of these Regulations shall be designed and equipped in a manner suited to the national habits and customs of those ratings and in particular, shall be provided with-

- (a) a water closet pedestal of single type with a trapped pan of white vitreous china or other suitable material;
- (b) an arrangement which automatically flushes the pan at intervals not exceeding five minutes and provides a continuous trickle of water; and
- (c) a soil pipe such as is referred to in sub-paragraph (c) of paragraph (10) of this regulation; and the pipe shall be fitted with a metal inspection plate and efficient ventilation,

and the Government Inspector of Shipping may exempt any ship from the requirements of this paragraph if he is satisfied that the water closets provided for the aforesaid ratings comply with the requirements of paragraph (10) of this regulation and have been properly adapted so as to be suited to the national habits and customs of those ratings.

(12) The provisions of this regulation shall not apply to water closets forming part of a permanent hospital.

## 29. Galleys

(1) Every ship to which these Regulations apply shall be provided with a galley for the preparation of food for the crew, unless the circumstances are such that no members of the crew are required to mess on board.

(2) The galley shall be situated as near as may be to the mess rooms provided for the crew and any necessary equipment shall be provided to enable food to be served hot in the mess rooms under all weather conditions.

(3) The galley shall be situated in a position which will prevent, as far as is practicable, the entry into the galley of coal dust from coal chutes or bunker hatchways.

(4) There shall be no direct opening between the galley and any sleeping room and the Government Inspector of Shipping may exempt any ship of under 500 tons from the requirements of this paragraph.

(5) Any galley situated on an open deck shall be provided with weather doors which are horizontally divided into halves, so that the upper half can be opened independently of the lower half, if such a division is necessary for the lighting, ventilation or privacy of the galley or for the service of food therefrom.

(6) Every galley shall, so far as is reasonable and practicable, be lighted by natural lighting from all the sides and from overhead.

(7) Every galley shall be provided with at least three fixed points for artificial lighting, one of which shall be situated close to a cooking range required by this regulation. The Government Inspector of Shipping may exempt any ship of under 1,000 tons from the requirements of this paragraph.

(8) If the galley is situated on an open deck, openings shall be cut in the sides and ends of the galley for ventilation purposes and shall be fitted with dust-tight shutters made of steel or other suitable material and permanently attached to the structure of the galley; and the Government Inspector of Shipping may exempt any ship from the requirements of this paragraph if he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(9) Every galley shall be provided with exhaust fans which discharge the fumes into the open air; and the Government Inspector of Shipping may exempt from the requirement of this paragraph-

(a) any ship of under 1,000 tons;

(b) any other ship, if he is satisfied that the galley is so situated that the fumes therefrom can discharge only into the open air.

(10) The floor of the galley shall be provided with gutters and with scuppers which shall be led overboard or to an enclosed tank served by a mechanically operated suction pump and the position and number of the gutters shall be such as will ensure the efficient drainage of the floor.

(11) The cooking appliances in the galley shall be arranged in a manner which will facilitate the cleaning of the galley.

(12) All cupboards and dressers in the galley shall be made of material which is impervious to dirt and moisture and can easily be kept clean and all metal parts of the cupboards and dressers shall be rustproof.



(13) The cupboards and dressers shall be so made as not to be likely to harbour dirt or vermin and the bottoms of all the cupboards and dressers shall either be flush with the deck or shall be so fitted as to enable the deck space beneath them to be readily accessible for cleaning.

(14) Every galley shall be provided with such equipment as will enable food in sufficient quantity to be properly and readily prepared for the persons whom the galley is intended to serve, and the cooking utensils to be hygienically cleansed.

(15) Without prejudice to the generality of the preceding paragraph-

- (a) every galley shall be provided with one or more cooking appliances with-
  - (i) a total oven capacity, suitable for roasting and baking, of at least  $\frac{1}{4}$  cubic foot; and
  - (ii) an area of range top-plate or boiling table, amounting to at least  $\frac{1}{3}$  square foot,

for each person whom the galley is intended to serve; and the Government Inspector of Shipping may exempt any ship from any of the requirements of this sub-paragraph in so far as they relate to cooking appliances in galleys intended to serve more than 60 persons, or to the area of any top-plate or boiling table in which electricity or heat-storage is employed, or to the area of any appliance which the Government Inspector of shipping is satisfied is of unusual design;

- (b) every galley shall be provided with atleast the number of ovens and fire-gates specified in the following table-

<i>Number of persons whom the galley is Intended to serve</i>	<i>Number of ovens</i>	<i>Number of fire-gates</i>
Not more than 20.....	1	1
More than 20, but not more than 30.....	2	1
More than 30 but not more than 60 .....	2	2
More than 60 .....	3	

Provided that no fire-gate shall be required in a galley fitted only with electric gas cooking appliances; and the Government Inspector of Shipping may exempt any ship from the requirement of a second fire-grate if he is satisfied that adequate heat is readily available from one fire-grate and that adequate provision of spare parts is made for such grate and for any equipment necessary for its proper operation;

- (c) the top-plate of every cooking range shall be at a height which will enable it to be conveniently used by a person of normal standing on the floor of the galley, unless a separate boiling table is provided at such a height; and the Government Inspector of Shipping may exempt any ship from the requirements of this paragraph, if he is satisfied that compliance therewith is unnecessary by reason of the voyages on which the ship is intended to be engaged or the national habits and customs of the persons whom the galley is intended to serve.

(16) Salt-water taps shall not be filled over a sink in any galley or other place in which food may be prepared for the crew.

(17) Hot and cold fresh water shall be laid on to a sink in the galley for washing-up purposes, and a connection shall be provided on a water pipe in the galley, and shall be suitable for the connection of a hose with which the floor may be scoured.

### **30. Dry provision storeroom**

(1) In every ship to which these Regulations apply, not being a ship in which each member of the crew provides his own food, one or more storerooms shall be provided for the storage of dry provisions for the crew and such rooms shall be filled with sufficient shelves, cupboards and bins having regard to the maximum period likely to elapse between successive replenishments of stores and to the maximum number of persons for whom food is to be served.

(2) Every dry provision storeroom shall be enclosed by bulkheads constructed of steel or other suitable material.

(3) Access to every dry provision storeroom shall be obtained from a passageway, galley, pantry or another storeroom, or from a position on an open deck which, in so far as is reasonable and practicable in the circumstances, shall be a protected position.

(4) Every dry provision storeroom shall be so situated, constructed and ventilated as to avoid deterioration of the stores through heat, draught, condensation or infestation by insects or vermin.

(5) Without prejudice to the generality of the foregoing paragraph, no dry provision storeroom shall be situated over a boiler room or any other space in which heat is generated or shall adjoin a galley or machinery casing; and the Government Inspector of Ship may exempt any ship from the requirements of this paragraph if he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances and that the dry provision storeroom is adequately insulated.

(6) No part of a dry provision storeroom shall be used for the storage of bedding or textiles.

### **31. Cold storerooms and refrigerating equipment**

(1) In every ship to which these Regulations apply, refrigerating equipment and cold storerooms shall be provided and shall be, having regard to the period likely to elapse between successive replenishments of stores, adequate for the storage of perishable provisions for the crew. The Government Inspector of Shipping may exempt any ship of under 1,000 tons from the requirements of this paragraph if he is satisfied that the ship is provided with adequate alternative equipment for the storage of perishable provisions.

(2) Access to every cold storeroom shall be obtained from a passageway, galley or pantry or from another storeroom.

### **32. Hospitals**

(1) Every ship to which these Regulations apply, being a ship (other than a whale catcher or a tug) which is intended to be at sea on any occasion for a continuous period of more than three days with a crew of fifteen or more persons, shall be provided with a

space appropriated for use as a permanent hospital for the crew and the space so appropriated shall not at any time be used for any purpose other than for the treatment of sick person.

(2) The Government Inspector of Shipping may exempt from the requirement of paragraph (1) any ship engaged only on voyages or excursions wholly between ports within Nigeria.

(3) In every other ship to which these Regulations apply, a room shall be appropriated for use, when necessary, as a temporary hospital and when such room is in use as a hospital it shall not be used for any purpose other than the treatment of sick persons.

(4) The Government Inspector of Shipping may exempt any ship from the requirement of paragraph (3) of this regulation if he is satisfied that compliance therewith is unnecessary in the circumstances.

(5) Every hospital, whether permanent or temporary, shall be situated in a position which will ensure the greatest possible quiet and comfort for the patients.

(6) The hospital shall be readily accessible and, in the case of a ship not carrying a duly qualified medical practitioner or duly qualified nurse exclusively employed as a member of the crew, shall be so situated as to be readily accessible from the sleeping accommodation of the master of the ship or a person appointed by the master to take charge of the patients and be so situated as to facilitate the proper treatment of patients in all weathers.

(7) The minimum width of the entrance to every permanent hospital shall be 30 inches or as near thereto as is practicable in the circumstances and the hospital shall be so arranged that a stretcher can easily be carried into the hospital and placed alongside at least one single-tier bed therein.

(8) The floor covering in every permanent hospital shall, as far as is practicable, be free from joints.

(9) Every permanent hospital shall include a hospital ward fitted on at least two sides with side scuttles at least 12 inches in diameter and the side scuttles shall be capable of being opened:

Provided that, if it is not practicable to fit a side scuttle on two sides of the hospital ward, a skylight, capable of being opened and of as large a size as is practicable, may be substituted for a side scuttle on one side of the ward; and all side scuttles in the hospital, and any skylight therein which is exposed to the direct rays of the sun, shall be provided with curtains, blinds or jalousies.

(10) The Government Inspector of Shipping may exempt from the requirements of paragraph (8) of this regulation-

(a) any ship of under 1,000 tons; and

(b) any other ship, if he is satisfied that the permanent hospital therein is fully airconditioned or served by a trunked mechanical ventilation system.

(11) In addition to any mechanical ventilation required by regulation 13 of these Regulations, every permanent hospital shall be provided with adequate natural supply and exhaust ventilation to the open air by means of ventilators, independent of the ventilators

provided for any other space in the ship; and the Government Inspector of Shipping may exempt any ship from the requirement of this regulation if he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(12) Every permanent hospital shall be provided with an electric fan, unless it is served by a trunked mechanical ventilation system.

(13) Any radiators in a permanent hospital shall be installed as far away as is practicable from the heads of beds.

(14) In addition to the lighting required by regulation 12 of these Regulations, every permanent hospital shall be provided with a portable electric lamp and with such accessories as are necessary for its use.

(15) In every ship which is required by this regulation to be provided with a permanent hospital at least one bed shall be provided in a hospital ward for every 50, or fraction of 50, members of the crew; and the Government Inspector of Shipping may exempt from the requirement of this paragraph any ship carrying more than 300 persons, to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(16) At least one single-tier bed shall be provided in a ward in every permanent hospital and the bed shall, if practicable, be so arranged as to be accessible from both sides and from the foot.

(17) If any beds in the ward are arranged in double tiers, the upper tier shall be hinged or shall be removable.

(18) Subject to the foregoing provisions of paragraphs (16) and (17) of this regulation, the provisions of paragraphs (3) to (13) (a) inclusive and paragraph (12) of regulation 18 of these Regulations shall apply to hospital beds as they apply to beds in a sleeping room.

(19) In every ward in a permanent hospital one of each of the following items of equipment shall be provided for each bed in the hospital ward and shall be within reach of that bed-

- (a) a locker approximately one foot square by two feet high, and fitted with a flat top and a shelf;
- (b) a water bottle; and
- (c) a tumbler.

(20) In every ward in a permanent hospital the following items of equipment shall be provided-

- (a) seats adequate in number, having regard to the number of beds in the ward;
- (b) a clothes locker additional to that required by paragraph (19) of this regulation, and complying with the specifications set forth in subparagraph (a) (ii) of paragraph (1) of regulation 19 of these Regulations;
- (c) a box cover which will conceal a bed-pan; and
- (d) electric bell-pushes so arranged as to be within reach of each bed and communicating with the sleeping room of the person in charge of the patients.

(21) A wash-basin having a capacity of at least  $\frac{1}{2}$  gallons shall be fitted in every permanent hospital and in ships of 5,000 tons or over a bath at least 4 feet 5 inches in internal length shall be fitted in washing accommodation forming part of the hospital and adjacent to the hospital ward.

(22) The wash-basin and bath shall be made of or coated with hygienic and durable material having a smooth and impervious surface not likely to crack, flake or become corroded and be fitted with an efficient and hygienic discharge system separate, if practicable, from any other discharge system in the ship and in particular the waste pipes shall be fitted in a manner which will facilitate cleaning.

(23) A scupper at least two inches in diameter shall be fitted in the lowest part of any room (other than a ward) which contains such wash-basin or bath.

(24) The Government Inspector of Shipping may exempt any ship from the requirement of a bath in a permanent hospital, if he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(25) A water closet pedestal shall be fitted as part of every permanent hospital and it shall comply with the following specifications-

- (a) it shall be fitted either in a water closet or in washing accommodation forming part of the hospital;
- (b) access to the water closet pedestal (or washing accommodation, as the case may be) shall be obtained directly from the hospital ward or from a lobby forming part of the hospital; and the Government Inspector of Shipping may exempt any ship from the requirement of this sub-paragraph if he is satisfied that compliance therewith is impracticable in the circumstances, and that the water closet forming part of the hospital is situated sufficiently near to the ward;
- (c) the room in which the water closet is installed shall be provided with a gas-tight, self-closing door unless it is served by a mechanical system of exhaust ventilation, and shall be so constructed as to facilitate cleaning and not to harbour dirt or vermin;
- (d) such room shall be ventilated in the manner specified in paragraph (8) of regulation 28 of these Regulations and shall comply with the requirements of paragraph (10) or (11) of the said regulation, whichever shall be applicable in the circumstances.

(26) In all ships engaged, whether temporarily or permanently, on voyages to the Persian Gulf area between the months of May and October inclusive, consideration shall, wherever practicable, be given to the provision in every hospital in every such ship for a means of air-conditioning of sufficient capacity to maintain 84° Fahrenheit (dry bulb) with 52 per cent relative humidity when the ambient conditions are 90° Fahrenheit (dry bulb) and 78 per cent relative humidity and this may be by independent unit.

(27) The Government Inspector of Shipping may exempt any ship of under 500 tons from any of the requirements of this regulation.

### **33. Medical cabinet**

(1) In every ship to which these Regulations apply, a medical cabinet shall be provided in a position adjacent to the permanent hospital, if any, required by regulation 32 of these Regulations or near to the sleeping room of the person in charge of sick

persons on board and the medical cabinet shall be fitted in a position which is remote from all sources of heat, and will remain dry.

(2) The medical cabinet shall be of a size, design and construction suitable for storing the medicines, medical stores and the book of instruction provided in the ship for the benefit of the seamen on board, and in particular, the medical cabinet shall be provided with the following-

- (a) an outer door fitted with an efficient lock;
- (b) an inner cupboard fitted with a door and a lock which shall be incapable of being opened by the key to the lock referred to in sub-paragraph (a) of this paragraph; and such inner cupboard shall be used solely for the storage of poisonous drugs;
- (c) shelves so constructed as to facilitate the identification of medicine stored thereon;
- (d) a dispensing counter or dispensing table, in either case with a surface which can easily be kept clean;
- (e) at least two drawers suitable for the storage of medical stores and used solely for that purpose;
- (f) fittings which will enable hot-water bottles to be carried in a hanging position;
- (g) a rack suitable for holding devices for measuring medicines;
- (h) a book containing readily understandable instructions for the use of medicines and medical stores provided for the crew, unless the ship carries a duly qualified medical practitioner as a member of the crew,

and the Government Inspector of Shipping may exempt any ship from the requirements of this paragraph to the extent to which he is satisfied that compliance therewith is impracticable having regard to the size or intended service of the ship.

(3) The medical cabinet shall be lighted by an electric light which shall be inside or immediately outside the cabinet, and which will enable all the contents of the cabinet to be clearly seen in the absence of light from any other source.

(4) The medical cabinet and the place in which it is fitted shall be so ventilated as to avoid deterioration of the contents of the cabinet.

(5) The Government Inspector of Shipping may exempt from any of the requirements of this regulation any ship of under 500 tons, being a ship wholly engaged on voyages or excursions between ports in Nigeria only, if he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

### **34. Protection from mosquitoes**

(1) In every ship to which these Regulations apply, being a ship regularly engaged on voyages to any port to which this regulation relates, the crew accommodation, other than

galleys, storerooms and recreation spaces on the open deck shall be provided with protection against the admission of mosquitoes, and such protection shall be provided by means of screens of rust-proof wire or other suitable material which shall be fitted to all side scuttles, natural ventilators, skylights, and doors leading to the open deck.

(2) Any door to which such screens are fitted, being a door at the entrance to a permanent or temporary hospital, shall be of a self-closing type.

(3) The ports to which this regulation relates are the following-

- (a) Ports between 20° North Latitude and 20° South Latitude on the coasts of-
  - (i) Asia, including the East Indian Archipelago and the Philippine Islands, but excluding Aden, Bombay, Madras, Vizagapatam, Colombo, Trincomalee, Singapore, Penang and Port Swettenham;
  - (ii) Africa, excluding Port Sudan and Massawa;
  - (iii) New Guinea, New Britain, New Ireland, New Hebrides and the Solomon Islands;
- (b) Ports on the coasts of Madagascar.

(4) Any ship the crew accommodation of which is fully air-conditioned may not be required to comply with all of the requirements of paragraph (1) of this regulation provided that special locking arrangements are incorporated for all side scuttles and windows, and openings which are required by these Regulations as means of escape or those forming permanent openings to the open deck, must however, at all times, be adequately fitted with screens.

### **35. Maintenance and inspection of crew accommodation**

(1) The crew accommodation in every ship to which these Regulations apply shall be maintained in a clean and habitable condition, and all equipment and installations required by these Regulations shall be maintained in good working order.

(2) Every part of the crew accommodation (not being a storeroom) shall be kept free of stores and other property not belonging to or provided for the use of persons from whom that part of the accommodation is appropriated, and in particular no cargo shall be kept in any part of the crew accommodation.

(3) The master of the ship or an officer appointed by him for the purpose shall inspect every part of the crew accommodation at intervals not exceeding seven days, and shall be accompanied on the inspection by one or more members of the crew.

(4) The master of the ship shall cause to be entered in the ship's official log book a record of-

- (a) the time and date of the inspection;
- (b) the names and ranks of the persons making the inspection;
- (c) particulars of any respects in which the crew accommodation or any part thereof was found by any of the persons making the inspection not to comply with these Regulations.

### 36. Inspection by surveyor of ships

The crew accommodation in every ship to which these Regulations apply shall be inspected by a surveyor of ships whenever-

- (a) the ship is registered or re-registered in Nigeria;
- (b) any part of the crew accommodation in the ship undergoes substantial alterations or repairs;
- (c) the number of persons accommodated in any sleeping room is increased above that marked in accordance with paragraph (1) of regulation 16 of these Regulations;
- (d) in the opinion of a surveyor there is reason to believe (whether or not in consequence of a complaint) that any of the provisions of these Regulations has been contravened in respect of that ship, or that any condition subject to which the Government Inspector of Shipping has exempted the ship from a requirement of these Regulations has not been satisfied;
- (e) a request for an inspection of the crew accommodation has been made to the Government Inspector of Shipping or to a surveyor of ships by or on behalf of the owner of the ship or of any organisation which appears to the Government Inspector of Shipping to be representative of the owners of Nigerian ships or the seamen concerned; or
- (f) a complaint has been lodged with a surveyor of ships or with a superintendent or shipping master, which complies with the following requirements-
  - (i) the complaint shall be in writing, signed by one member of the crew in the case of a ship of under 1,000 tons, and by three members of the crew in the case of any other ship;
  - (ii) the complaint shall specify the respects in which it is alleged that the crew accommodation in the ship does not comply with these Regulations;
  - (iii) the complaint shall be lodged without undue delay;
  - (iv) the complaint shall be lodged at least 24 hours before the ship is due to sail, unless the ship is in port for less than 24 hours.

### 37. Fees

In respect of any inspection of a ship carried out for the purposes of sub-paragraph (b), (c), (d), (e), or (f) of regulation 36 of these Regulations, the following fee shall be paid-

	<del>₦</del>	K
(a) For each visit to the ship	4	50
(b) Maximum total fee in each case	30.	00.

Provided that no fee shall be payable in respect of an inspection made in pursuance of the aforesaid sub-paragraph (f) if the Government Inspector of Shipping is satisfied that the inspection was made in consequence of an unjustified complaint.



### **38. Accommodation shared with passengers**

(1) No accommodation provided in compliance with these Regulations shall be used, or appropriated for use, by passengers. No galley or storeroom provided in compliance with these Regulations shall be used, or appropriated for use, for the preparation or storage of food for passengers.

(2) The Government Inspector of Shipping may exempt any ship from the requirements of these Regulations, not being requirements relating to sleeping rooms, or office accommodation, to the extent to which he is satisfied that accommodation equal or superior in standard to the accommodation required by these Regulations is available for the use of service of the crew in common with passengers.

### **39. Additional exemptions**

(1) The Government Inspector of Shipping may exempt-

- (a) any ship while under construction;
- (b) any ship while undergoing trials;
- (c) any ship of under 200 tons;
- (d) any tug;
- (e) any ship which, in his opinion, is primarily employed in a harbour, river, estuary, lake or canal;
- (j) any passenger steamer in respect of which there is in force a passenger certificate of Class III or IV; and
- (g) any ship engaged in the whaling industry,

from the requirements of these Regulations to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(2) The Government Inspector of Shipping may exempt from the requirements of these Regulations any ship in which by reason of the type of ratings employed, it is necessary to employ a substantially greater number of ratings than would normally be required, if he is satisfied that the ship is provided with crew accommodation for such ratings that is suited to their distinctive national habits and customs and, in the case of mess rooms, sanitary accommodation and hospitals, is equal or comparable in standard to the crew accommodation required by these Regulations.

(3) The Government Inspector of Shipping may, after consultation with the owners of the ship, or such organisation or organisations as appear to him to be representative of owners of Nigerian ships, and with such organisation or organisations as appear to him to be representative of seamen employed in Nigerian ships, exempt any ship from any of the requirements of these Regulations if he is satisfied that corresponding advantages are provided in the ship so that the crew accommodation, considered as a whole, is equivalent or superior in standard to that required by these Regulations.

### **40. Non-deductible spaces**

In the measurement of a ship to which these Regulations apply for the purpose of ascertaining her registered tonnage no deduction shall be allowed for-

- (a) any space appropriated for the storage of fresh water for the use of the crew;
- (b) any excess in volume of the space appropriated for the storage of provisions (other than fresh water) for the crew over 15 per cent of the total volume of the other spaces provided in the ship as crew accommodation and accommodation for the master of the ship; and
- (c) any space forming part of the crew accommodation which has not been first included in the measurement of the ship's tonnage.

FIRST SCHEDULE  
[Regulations 3 and 13 (5).]

*Trunked mechanical ventilation system*

1. The trunked mechanical ventilation system referred to in regulation 3 and paragraph (5) of regulation 13 of these Regulations (in this Schedule referred to as "the system") shall, in relation to the spaces specified in the second column of Table I annexed hereto, be capable of the respective standards of performance specified in the third or fourth column of that Table, whichever standard shall be the higher in the circumstances:

Provided that nothing in Table I shall be taken to relate to a space specified in the second column of Table II annexed hereto.

2. The system shall, in relation to the spaces specified in the second column of Table II, be capable of the respective standards of performance specified in the third and fourth columns of that Table.

3. If any storeroom is served by a fan which provides warmed air for any other space, the storeroom shall be provided with ventilation trunking separate from that serving such other space.

4. The clear area of the exhaust openings provided in conjunction with the system shall be sufficient to ensure that the velocity of air at each exhaust opening does not exceed 1,000 feet per minute when the system is in operation.

5. The speed of every supply fan forming part of the system shall be capable of being varied, where direct current motors are used.

6. The system shall be quiet in operation.

7. All trunking forming part of the system shall be provided with non-return flaps where such flaps are necessary for the exclusion of effluvia and the preservation of the health of the crew.

8. If the system is designed to circulate heated air as the sole means of heating the crew accommodation, the system shall be sub-divided into sections, which can be separately controlled to the extent necessary to enable a comfortable temperature to be maintained in all parts of the crew accommodation.

TABLE I

1 cate gory	2	3 Fresh air changes per hour	4 Volume of fresh air, in cubic feet per minute, for each person likely to use the room at anyone time
A	Rooms (other than rooms in Category C) in deck houses above the upper or shelter deck-  (a) outside rooms (other than rooms adjoining machinery casing); (b) inside rooms and rooms adjoining machinery casing.	  10 15	  50 50
B	Rooms (other than rooms in Category C) in side-to-side superstructures above the upper or shelter deck-  (a) outside rooms (other than rooms adjoining machinery casing);  (b) inside rooms and rooms adjoining machinery casing.	  12  15	  50  50
C	Mess rooms, smoking rooms and recreation rooms (in each case above the upper or shelter deck)-  (a) not adjoining machinery casing;  (b) adjoining machinery casing.	  15  18	  25(a)  25(a)
D	Passageways adjoining machinery casings.	4	-
E	Rooms in between decks (including shelter between decks) of ships propelled by internal combustion machinery-  (a) rooms clear of machinery casing;  (b) rooms abreast of but not adjoining machinery casing;  (c) rooms adjoining machinery casing (other than mess rooms, smoking rooms and recreation rooms);  (d) mess rooms, smoking rooms and recreation rooms (in each case adjoining machinery casing).	  12  12  15  18	  50  50  60  25
F	Rooms in between decks (including shelter between decks) of steamships-  (a) rooms clear of machinery casing; (b) rooms abreast of, but not adjoining machinery casing; (c) rooms adjoining machinery casing (other than mess rooms, smoking rooms and recreation rooms);  (d) mess rooms, smoking rooms and recreation rooms (in each case adjoining machinery casing).	  12  15  18  20	  50  60  60  30

1. Whatever the number of persons likely to use the room at anyone time, the total volume of fresh air per minute shall not be required to be such as would result in more than twenty fresh changes per hour.

TABLE II

1 <i>Cate gory</i>	2	3		4
		<i>Fresh air changes per hour</i>		
		<i>Supply</i>	<i>Exhaust</i>	
G	Galleys	20 (c), (d)		40 (d)
H	Sanitary accommodation, drying rooms and	10		
J	Wards in permanent hospitals	12 or such greater number as would result in supply of not less than cubic feet of fresh air minute for each bed in the room		
K	Dry provision storerooms	Not less than 10 (e) and not more than 20		

2. Whatever the number of persons likely to use the room at anyone time, the total volume of fresh air per minute shall not be required to be such as would result in more than 25 fresh air changes per hour or 15, if at least two sides of the galley are exposed to the weather.

3. The Government Inspector of Shipping may exempt any ship from these requirements to the extent that he is satisfied that compliance therewith is unnecessary by reason of the insulation of the equipment in the galley, or by reason of the size of the galley, subject to the provisions of regulation 30 (4) of these Regulations.

SECOND SCHEDULE

[Regulations 8 (2) and 9 (3).]

*Deck sheathings*

1. The material referred to in paragraph (3) of regulation 8 and paragraph (3) of regulation 9 of these Regulations (in this Schedule referred to as "the material") shall comply with the following requirements-

(a) *Foothold*-the material, whether wet or dry, shall provide a good foothold.

(b) *Thermal Insulation*-

(i) if the material covers a deck exposed to the weather, it shall provide thermal insulation not less than that provided by a wooden deck 2<sup>1</sup>/<sub>4</sub> inches thick;

(ii) if the material covers any other deck, it shall provide a warm and comfortable surface;

(c) *Fire Resistance*-the material shall be such as will not readily ignite in the position in which it is laid.

- (f) *Water absorption-the* material shall be such that, after being immersed in water for a period of 48 hours, the moisture content of the material will not exceed 7 per cent of its dry weight. The Government Inspector of Shipping may exempt any ship from the requirement of this sub-paragraph.
- (e) *Adhesion-the* material shall be so laid as to adhere closely under all conditions of service to the surface on which it is laid.
- (f) *Non-corrosion-the* material shall not contain any substance which may cause corrosion of the deck on which it is laid, unless the deck is effectively protected from corrosion by a coating applied for that purpose.
- (g) *Danger to persons-the* material shall be such as will not produce any injurious effect upon persons who may come in contact with it.
- (h) *Resistance to wear and weather-the* material shall be sufficiently hard and strong to withstand all conditions of service and shall be sufficiently flexible to prevent cracking under those conditions.

2. If the material is laid in a permanent hospital, it shall be material not likely to be damaged by surgical spirit or other liquids, which may be used in the hospital.

3. If the material is laid on the crown of an oil fuel tank, the material shall be such that if it is immersed in fuel oil for a period of 24 hours at a temperature of 150 °F. the weight of the material will not increase by more than 1 per cent and the material will not be penetrated by the oil.

### THIRD SCHEDULE [Regulation 8 (2).]

#### *Insulating material for the underside of decks*

The insulating material referred to in paragraph (2) of regulation 8 of these Regulations (in this Schedule referred to as "the material") shall comply with the following requirements-

- (a) *Thermal insulation-the* material shall provide thermal insulation not less than that provided by a wooden deck 2 ¼ in. thick.
- (b) *Fire resistance-the* material shall be such as will not readily ignite in the position in which it is laid.
- (c) *Adhesion-the* material shall be so laid as to adhere closely under all conditions of service to the deck under which it is laid.
- (d) *Non-corrosion-the* material shall not contain any substance which may cause corrosion of the deck under which it is laid, unless the deck is effectively protected from corrosion by a coating applied for that purpose.

## FOURTH SCHEDULE

[Regulation 16.]

### *Marking*

#### PART I

##### *Markings for sleeping rooms*

Certified for (a)\* seamen.

Certified for (b)\* seamen.

Certified for (a)\* seamen or (b)\* seamen.

#### PART II

##### *Markings for spaces other than sleeping rooms*

Certified for chief officer (c) \*

Certified for officers.

Certified for petty officers.

Certified for apprentices.

Certified for crew.

(a)\* There shall here be inserted the maximum number of seamen who may be accommodated in the room in accordance with these Regulations when it is not appropriated for use solely by such ratings as are referred to in regulation 39 (2).

(b)\* There shall here be inserted the maximum number of seamen who may be accommodated in the room in accordance with these Regulations when it is appropriated for use solely by such ratings as are referred to in regulation 39 (2).

(c)\* In the case of a room intended for the sole use of any other officer the rank of that officer shall here be substituted.

## **MERCHANT SHIPPING (ACCEPTED LOAD LINE CONVENTION**

### **CERTIFICATES) ORDER**

#### ARRANGEMENT OF ORDERS

##### ORDER

1. Short title.
2. Certificates accepted.
3. Form of certificate.
4. Certificates to be applicable to current voyage.
5. Certificate to show by whom issued, etc.
6. Certificate to show date and period of validity, etc.
7. Countries which have accepted Convention.

FIRST SCHEDULE

*International Load Line Certificate*

SECOND SCHEDULE

**MERCHANT SHIPPING (ACCEPTED LOAD LINE  
CONVENTION  
CERTIFICATES) ORDER**

[LN. 70 of 1964.]

under section 185

[2nd July, 1964]

[Commencement.]

**1. Short title**

This order may be cited as the Merchant Shipping (Accepted Load Line Convention Certificates) Order.

**2. Certificates accepted**

Every Load Line Convention certificate in respect of a Load Line Convention ship, not being a Nigerian ship, which complies with such of the requirements of this order as apply to it in the circumstances shall be accepted as having the same force as the corresponding certificate issued by the Minister under the Act.

**3. Form of certificate**

Subject to the provisions of this order, a Load Line Convention certificate shall be in the form set forth in the First Schedule to this order, or as adapted to suit the needs of special classes of ships by the Government Inspector of Shipping.

[First Schedule.]

**4. Certificates to be applicable to current voyage**

Every Load Line Convention certificate shall be by its terms applicable to the voyage in respect of which a clearance or transire is demanded and to the trade in which the ship is for the time being engaged.

**5. Certificate to show by whom issued, etc.**

Every Load Line Convention certificate shall show by its terms that it was issued by or under the authority of the Government of the country in which the ship is registered or to which she belongs or that it was issued at the request of that government by the minister or by or under the authority of the government of any

other country to which the Load Line Convention applies. The certificate shall be in English if issued by the minister and in any other case in the official language of the country of the government by or under the authority of which it was issued, and any particulars inserted, whether by



handwriting, typescript or otherwise in the blank spaces provided for that purpose shall be in roman characters and arabic figures.

**6. Certificate to show date and period of validity, etc.**

Every Load Line Convention certificate shall show the date on which it was issued and the period of its validity, which shall not exceed five years from the date of issue, subject to annual inspections to ensure that the terms are being complied with. Such certificates may thereafter be extended for a further period of five years if the ship passes a full load line survey:

Provided that if a duly authorised officer of the country in which the ship is registered or to which she belongs has extended the period of validity of any certificate by a period not exceeding either five months for the specific purpose of enabling the ship to return to that country, or one month for any other purpose, such certificate shall be accepted during the period of any such extension if the ship complies with any other requirements of this order which apply to it in the circumstances.

**7. Countries which have accepted Convention**

It is hereby declared that the countries listed in the Second Schedule to this order are recognised as having accepted the provisions of the International Load Line Convention.

[Second Schedule.]

FIRST  
SCHEDULE  
[Order 3.]

*International Load Line Certificate*

Issued under the authority of the Government of .....  
under the provisions of the International Load Line Convention, 1930.

Ship ..... Distinctive number or letters .....

Port of Registry  
.....

Gross Tonnage .....  
Freeboard from Deck Line

Load Line

Tropical ..... (a) ..... above (b)  
Summer ..... (b) Upper edge of line through center of disc.

Winter ..... (c) ..... below (b)

Winter in North Atlantic ..... (b) ..... below (b)

Allowance for fresh water for all freeboards .....

The upper edge of the deck line from which these free boards are measured is .....

inches above the top of the

..... deck at  
side.

\_\_\_\_\_

F



T

S

W

WNA



THIS IS TO CERTIFY that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Convention.

This certificate remains in force until

.....

Issued at ..... on the ..... day of ..... 20

.....

Here follow the signature or seal and the description of the authority issuing the certificate.

The provisions of the Convention being fully complied with by this ship, this certificate is renewed until .....

Place ..... Date .....

Signature or seal and description of authority.

The provisions of the Convention being fully complied with by this ship, this certificate is renewed

Until.....

.....

Place ..... Date

.....

Signature or seal and description of authority.

The provisions of the Convention being fully complied with by this ship, this certificate is renewed

until

.....

.....

Place ..... Date .....

Signature or seal and description of authority.

\_\_\_\_\_

\_\_\_\_\_

NOTE.-Where sea-going steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

SECOND  
SCHEDULE  
[Order 7.]

List of governments which are parties to the International Convention  
Respecting Loadlines, 1930, and of the Territories to which the Convention has  
been applied.

<i>Government</i>	<i>Effective Date</i>
Argentina .....	19th January, 1936
Australia .....	17th May, 1936
Belgium .....	29th August, 1935
Brazil .....	31 st March, 1938
Bulgaria .....	4th December, 1933
Burma .....	1 st January, 1935
Cambodia .....	15th January, 1939
Cameroun ..	28th February 1956
Canada .....	1 st January, 1933
Chile .....	24th August, 1933
China .....	19th November, 1935
Congo (Brazaville) .....	28th February, 1956
Costa Rica .....	1st October, 1953
Cuba .....	9th March, 1933
Czechoslovakia .....	18th September, 1955
Dahomey.....	28th February, 1956
Denmark .....	1 st January, 1933
Dominican Republic .....	28th January, 1948
Ecuador .....	28th May, 1950
Federation of Malaya .....	10th April, 1954
Finland .....	1st January, 1933
France .....	1st January, 1933
Comoro Archipelago .....	} 28th February, 1956
French Polynesia .....	
French Somaliland	
French Southern and Antarctic Territories.	
New Caledonian Dependencies .....	
St Pierre and Miquelon .....	
Wallis and Futuna Islands .....	
Germany.....	6th December, 1933

February, 1958

Greece .....	4th March, 1935
Haiti .....	2nd March, 1961
Honduras .....	10th September, 1948
Hungary .....	16th April, 1933
Iceland .....	26th February, 1933
India .....	1 st January, 1935
Indonesia .....	27th April, 1933
Irish Republic .....	8th May, 1934
Israel .....	15th October, 1949
Italy .....	1 st January, 1933
Cote d'Ivoire .....	28th February, 1956
Japan .....	11 th September, 1935
Korea, Republic of .....	11 th September, 1954
Kuwait .....	12th April, 1959
Liberia .....	25th June, 1949
Malagasy Republic .....	28th February, 1956
Mauritania .....	28th February, 1956
Mexico .....	6th September, 1934
Netherlands .....	1 st January, 1933
Curaco.....	.....
Netherlands New Guinea.....	}..... 27 <sup>th</sup> April. 1933
New Zealand.....	.....1 st January, 1933
Nicaragua .....	19th May, 1954
Niger .....	28th February, 1956
Norway .....	1 st January, 1933
Pakistan .....	1 st January, 1935
Panama .....	13th October, 1936
Peru .....	30th June, 1933
Phillipine Republic .....	30th December, 1949
Poland .....	6th December, 1933
Portugal .....	1 st January, 1933
Roumania .....	1st April, 1933

*Government*

*Effective Date*

South Africa .....	24th May, 1947
Spain .....	1st January, 1933
Sweden .....	1 st January, 1933
Switzerland .....	19th August, 1954
Thailand .....	11 th October, 1933
Turkey.....	20th August, 1955
Former Union of Soviet Socialist Republics .....	1st January, 1933
United Arab Republic .....	24th October, 1936
United Kingdom .....	1 st January, 1933
Hong Kong .....	1 st September, 1938
United States of America .....	1 st January, 1933
Uruguay.....	8th May, 1939
Venezuela .....	30th March, 1955
Vietnam .....	15th January, 1939
Former Yugoslavia .....	26th March, 1934

**MERCHANT SHIPPING (MEDICAL SCALES)  
REGULATIONS**

ARRANGEMENT OF REGULA  
nONS

REGULATION

1. Short title and extent.
2. Ships to carry medicines and medical stores.
3. Application.
4. Instruments and appliances already on board.
5. Storage of poisons.
6. Orders for morphine.
7. Replenishment of supplies.
- 8.
9. Disinfectant and antiseptics.
10. Exemption to the requirements of these Regulations.

SCHEDU  
LE

MERCHANT SHIPPING (MEDICAL SCALES) REGULATIONS  
[L.N. 93 of 1964.]  
under sections 97 and 398

[ 1 *st* September, 1965]

[Commencement.]

**1. Short title and extent**

These Regulations may be cited as the Merchant Shipping (Medical Scales) Regulations, and shall apply to every Nigerian ship whose registered tonnage is above 15 tons, except pleasure yachts.

**2. Ships to carry medicines and medical stores**

Every ship to which these Regulations apply shall carry medicines and medical stores in accordance with the scales set out in the Schedule to these Regulations.

[Schedule.]

**3. Application**

The application of the individual scales to particular classes of these ships is as follows-

- (a) Scale I applies to all ships which are required by law to carry a doctor;
- (b) Scale II applies to ships which are not required to carry a doctor and are ships of Class I or Class V;
- (c) Scale III applies to ships which are not required to carry a doctor and are ships of Class II or Class VI;
- (d) Scale IV applies to ships of Class III or Class VII;
- (e) Scale V applies to ships of Class IV or Class VIII and sea going fishing vessels.

**4. Instruments and appliances already on board**

Instruments and appliances carried on board a ship, which, but for the coming into operation of these Regulations, would have been appropriate to the ship, need not be replaced so long as they remain in good serviceable condition. All renewals or replacements of such instruments and appliances however, shall comply with the scales set out in the said Schedule.

**5. Storage of poisons**

All poisons shall be kept in a separate cabinet under lock and key and, in the case of ships to which Scales II and III of the said Schedule apply, responsibility for their safe custody shall rest with the master of the ship.



## **6. Orders for morphine**

All orders for the supply of morphine ampoules and tablets for ships to which Scales II and III of the said Schedule apply, shall be signed by the master of the ship himself and not by a deputy.

## **7. Replenishment of supplies**

Masters of ships to which these Regulations apply shall ensure that any medicines or medical stores used during a voyage are replaced at the first opportunity. When there is a general replenishment of medicines or medical stores, the master of the ship shall procure from the chemist supplying such medicines or medical stores, a certificate to the effect that the ship's medical cabinet is in proper order in accordance with the scale applicable to that ship.

## **8. Disinfectants and antiseptics**

Disinfectants and antiseptics must be of a brand complying with the specifications laid down in the Appendix to the Schedule.

## **9. Exemption to the requirements of these Regulations**

The Government Inspector of Shipping may exempt any ship from the requirements of these Regulations in so far as he is satisfied that compliance therewith would be unreasonable or impracticable in the circumstances, and that satisfactory alternative arrangements have been provided for the medical care of the crew and other persons on board.

### SCHEDULE [Regulation 8.]

#### SCALE 1

### **1. Quantities**

(1) The quantities of medicines, sundries and dressings set out in this Scale shall be carried on all voyages of 50 days' duration or less.

(2) In the case of voyages of more than 50 days' duration the quantities shall be increased by not less than 10 per cent for every additional period of 10 days, save where indicated by the symbol "\*".

(3) The quantities of medicines, sundries and dressings shown in this Scale for ships carrying passengers and crew not exceeding 1,000 shall be increased by not less than 25 per cent for every additional 500 passengers and crew over and above 1,000, except where indicated by the symbol "\*".

(4) The quantities of instruments and appliances set out in this Scale shall be carried on all voyages, irrespective of the number of persons carried, except where otherwise indicated in this Scale.

### **2. General requirements**

The medicines and medical stores comprised in this Scale shall comply with the following requirements-

(1) They shall conform to the standards and requirements of the current issue of the British Pharmacopoeia, the British Pharmaceutical Codex or the National Formulary, where those standards and requirements are applicable, and shall also comply with any special requirements indicated in this Scale.

(2) Containers or wrapping of medicines shall be plainly and durably labelled to show-

(a) the official abbreviation of the Latin title of the contents as set out in the British Pharmacopoeia, or where the use of such abbreviation would give rise to ambiguity, the Latin title in full;

(b) the minimum and maximum dose of the contents for an adult as set out in the British Pharmacopoeia, the British Pharmaceutical Codex or the National Formulary;

(c) the name and address of the supplier, which shall be indicated on a separate label, which shall occupy not more than 25 per cent of the total label space.

(3) Labels shall be rendered resistant to moisture either by the use of an efficient label varnish, which shall cover the label and overlap the edges, or by some alternative method, the effect of which is not inferior to varnishing.

(4) Containers or wrappings of medicines indicated thus "P" shall be marked with a label having the word "POISON" printed thereon in capital letters and either in red lettering or on a red background.

(5) Articles marked "t" shall be carried in green or amber-coloured fluted bottles and labelled "For external use only".

#### SCALE I

##### Medicines

<i>Article</i>	<i>Quantities for ships carrying passengers and not exceeding</i>			
	250	500	750	1,000
<i>All drugs and materials must conform to the instructions preceding this scale</i>				
* Acid. Boric. Cryst. ....	8 oz.	8 oz.	8 oz.	8 oz.
Acid. Hydrochlor. Oil. ....	1 fl. Oz.	2fl. Oz.	3fl.oz.	4fl. Oz.
*Acid Salicyl .....	½ o.z	½ oz.	½ oz.	½ oz.
*Acid. Sulph. Oil. ....	2fl. Oz.	2fl. Oz	2fl. Oz.	2fl.oz.
*Aether. Anaesth. (in amber-coloured ampoules or in tins) .....	20 oz.	20 oz.	40 oz.	40 oz.
Aether. Solv. (not for Anaesthesia) .....	4fl.oz.	8fl.oz	12fl. Oz.	16 fl. Oz.
*Aethyl. Chor. 50 gramme tubes (for local spray anaesthesia) .....	2 tubes	2 tubes	2 tubes	2 tubes
Ammon. Bicarb .....	1 oz.	2 oz.	3 oz.	4 oz.
(a) *Antitox. Diphtheric. To be supplied in concentrated form containing not less than 4,000 units per ml. ....	20,000 units	40,000 units	60,000 units	80,000 units
*Antitox. Tetanus (1,500 International Units) .	3 amps.	3 amps.	3 amps.	3 amps.
*Appical. Benzyl. Benz .....	1 pint	2 pints	3pints.	4 pints

<i>Article</i>	<i>Quantities for ships carrying passengers and crew not exceeding-</i>
<i>All drugs and materials must conform to the</i>	

<i>instructions preceding this scale</i>	250	500	750	1,000
Aq. pro. Inj. in 2 ml. ampoules .....				
*Argent. Nit. Indur. (mounted) .....	12 amps.	24 amps.	36 amps.	48 amps
Calamin. ....	2 pencils	2 pencils	2 pencils	2 pencils
	2 oz.	4 oz.	6 oz.	8 oz. 480
*Caps. Chloramphen, 0.25 grm. ....	120 caps.	240 caps.	360 caps	caps.
Cataplasm. Kaolin. (in ½ lb. sealed tins) .....	3 tins	6 tins	9 tins	12 tins
Caps Tetracycline 250 mg. (or its equivalent broad spectrum antibiotic (b)) .....	32	32	48	64
*Chlorof. (in amber-coloured 2 oz. ampoules) .....	3 amps	3 amps.	9 amps.	12 amps.
.....	4 fl. Oz	4 fl.oz.	4 fl. Oz.	Ffl. Oz.
Collod. Flex. (meth) .....	4Oz.	8 oz.	12 oz.	1 Ib.
Conspers. Zinc. Oxid. et Amyli Co. ....	8Oz.	16 oz.	24 oz.	32 Oz.
Conspers. Zinc. Undecen. ....	1 Ib.	1 Ib.	1 Ib.	1 Ib.
*Dextros. Hyd. ....	1 fl. Oz.	2 fl. Oz.	3 fl. Oz.	4fl.oz.
Emuls. Ment. Pip. ....	2 fl. Oz.	4fl. oz.	6 fl. Oz.	8 fl.oz.
Ext. Glycyrrh. Liq. ....	2 oz.	4 oz.	6 oz.	8. oz.
Ferr. et Ammon. Cit. ....	8 oz.	1 Ib.	1 ½ Ib.	2 Ib.
Glycer. ....	1 oz.	2 oz.	3 oz.	4 oz.
Glycer. Acid. Tann. ....	1 fl. Oz.	1 fl. oz.	1 fl. Oz.	1 fl. Oz.
*(b) pGutt. Cocain. et Hydrarg. Perch lor. Oleos .....	1 fl.oz	1 fl. Oz.	1 fl.oz.	1 fl. Oz.
.....	3 amps.	6 amps.	9 amps.	12 amps.
Gutt. Sulphacetamid. Mitis (c) .....				
*Inj. Adrenal. in 0.5 ml. amps. ....	6 amps.	6 amps.	6 amps.	6 amps.
*Inj. Apomorph. Hydrochlor. 1/20 gr. in 15 min. ampoules .....	6 amps.	12 amps.	18 amps.	24 amps.
Inj. Atrop. Sulph. 1/100 gr. in 1 ml. ....	12 vials.	12 vials	12 vials	12 vials
* If Inj. Bemegrade (in 10 ml. vials) or its equivalent .....	6amps.	6 amps.	6 amps.	6 amps.
	12 amps.	12 amps.	24 amps.	24 amps.
*Inj. Bism. (in 1 ml. ampoules) .....	3 amps.	6 amps.	9 amps. 9	12 amps.
*Inj. Emet. Hydrochlor. 1 gr. in 1 ml. ....	3 amps.	6 amps.	amps.	12 amps.
Inj. Ergomet. Maleat. 0.5 mg. in 1 ml. ....				
Inj. Hyoscin. Hydrobrom. 11100 gr. in 1 ml. ....	4 vials	6 vials	8 vials	12 vials
*(a) Inj. Insulin. (in 5 ml. vials of 40 units per ml.) .....	6 amps.	6 amps.	6 amps.	6 amps.
*Inj. Mersalyl. (in 1 ml. amps.) .....				

<i>Article</i> <i>All drugs and materials must COLiform to</i> <i>instructions preceding this scale</i>	<i>Qualities for ships carrying passengers</i> <i>crew not exceeding-</i>			
	250	500	750	1,000
*Inj. Morph. Sulph. 1,4 gr. in ml.	18 amps.	24 amps.	36 amps.	48 amps.

Inj. Nikethand. (in 2 ml. ampoules)	6 amps.	12 amps.	18 amps.	24 amps.
*(f) Inj. Pituit. Post. (in I ml. ampoules)	6 amps.	6 amps.	6 amps.	6 amps.

- (a) To be kept constantly at a temperature not less than 34 °F. or higher than 50 °F. The date after which the anti-toxin is not to be used shall be stated on the label.
- (b) To be supplied in bottle with dropper attached and with the following instructions on the label: with the aid of the dropper put two drops into the eye every five minutes until the eye is insensitive. Usually three or four doses suffice. The eye should then be ready, and the foreign body can be removed with a previously sterilised eye spud. Afterwards an eye shade should be used for 24 hours.
- (c) Store in a cool place and protect from light.
- (d) To be kept constantly at a temperature not less than 34 °F or higher than 50 °F. Not to be used more than 2 years after the date of manufacture as stated on the label.
- (e) To be kept in cold store and to be renewed within 18 months of date of manufacture on the label.
- (f) Alternative drug or continuation of drugs with similar therapeutic effect.

Article All drugs and materials must conform to the instructions preceding this scale	Quantities for ships carrying passengers and crew not exceeding			
	250	500	750	1,000
*Inj. Paraldehyd. (in 10 ml. ampoules) .....	3 amps.	3 amps.	3 amps.	3 amps.
*Inj. Procain. containing 2% W/V of Procain hydrochlor. (in 2 ml. ampoules) .....	6 amps.	12 amps.	18 amps.	24 amps.
*Inj Procain. et Adrenal. Fort. (in 2 ml, ampoules) .....	6 amps.	12 amps.	18 amps.	24 amps.
Inj. Quinin. Dihydrochlor. (5 gr. in 5 ml. of solution, in ampoules) .....	3 amps. 2 oz.	6 amps. 4 oz.	9 amps. 6 oz.	12 amps. 8 oz.
*Kaolin. Lev .....	2 tubes	2 tubes	2 tubes	2 tubes
*† Lamell. Atrop. 115000 gr. (tubes of 20) .....	2 tubes	2 tubes	2 tubes	2 tubes
*† pLamell. Cocain. 1150 gr. (tubes of 20) .....	1 tubes	1 tubes	1 tube	1 tubes
*† Lamell. Fluoresc. Sod. 111000 gr. (tubes of 20) .....	2 tubes	2 tubes	2 tubes	2 tubes
*Lamell Fluoresc. Sod. 111000 gr. (tubes of 20) .....	1 pint	2 pints	4 pints	4 pints
*† Larnell. Physostig. 111000 gr. (tubes of 20) .....	4fl.oz.	12 fl. Oz.	16 fl. Oz.	16 fl. Oz.
*Linct. Scill. Opiat. .... .....				
†Lin. Methyl. Salicyl. .....				

SCALE I-continued

All drugs and materials must conform to the instructions preceding this scale	Quantities for ships carrying passengers and crew not exceeding			
	250	500	750	1,000
Mag. Sulph. (in 1 oz. pkts.) .....	4 Ib. 8 oz.	8 Ib. 1 Ib.	12 Ib. 1 ½ Ib	16 Ib. 2 Ib.
Mag. Trisil .....				
*Mist. Senn. Co .....	½ gall	1 gall.	1 ½ gall	2 gall.
Oculent. Hydrarg. Oxid. in 60 gr. collapsible tube .....	3 tubes	6 tubes	9 tubes	12 tubes
01. Arach .....	½ pint	1 pint	1 ½ pints	2 pints
01. Ricin .....	1 pint	2 pints	3 pints	4 pints
*0 1 Terebinth. . .....	3fl.oz.	3 fl.oz.	3 fl. Oz.	3 fl. Oz.
Paraff. Liq .....	½ pint	1 pint	1 ½ pints	2 pints
Paraff. Moll. Flav .....	1 Ib.	2 Ib.	3 Ib.	4 Ib.
(c) (b) Paraldehyd. (in amber-coloured bottle) .....	2 fl. Oz.	4 fl. Oz.	6 fl. Oz.	8 fl. Oz.
Phenol. Liq .....	1fl. oz.	2 fl. Oz.	3 fl. Oz.	4 fl.oz.
Pil. Phenolphthal. Co .....	½ gros	1 gross	1 ½ gross	2 gross

Scale I- continued

Article All drugs and materials must conform to the instruction preceding this scale	Quantities for ships carrying passengers and crew not exceeding-			
	250	500	750	1,000
Pot. Bicarb .....	4 oz.	8 oz.	12 oz.	1 Ib.
Pot. Brom .....	4 oz.	8 o.z	12 oz.	1 Ib.
Pot. Cit. ....	4 oz.	8 oz.	12 oz.	1 Ib.
Pot. lod .....	1 oz.	2 oz.	3.Oz.	4 oz.
(a) Procaine Penicillin G Fortified in rubber-capped vials each containing sterile procaine penicillin G300,000 international units and a crystalline penicillin salt 100,000 international units, or its equivalent injectable penicillin with suitable suspending and buffering agents. (e) .....	12 vials	24 vials	36 vials	48 vials
.....	4 oz.	8 oz.	12 oz.	1 Ib
Pulv. Mag. Trisil. Co .....	1 oz.	1 oz.	1 oz.	1 oz.
*Res. Carbol. ....	1 Ib.	3 Ib.	4 ½ Ib.	6 Ib.
Sod. Bicarb .....				1 Ib
Sod. Cit. ....	4 oz.	8 oz.	12 oz.	
Sod. Salicyl. (in flake) .....				1 Ib.
.....	4 oz.	8 oz.	12 oz.	

(c) To be replaced within 12 months of the date of issue shown on the label.

(a) Label to state the volume of sterile solvent to be added to the vial for the preparation of a suspension for intramuscular injection, and to bear the words "to be kept in a cool dry place and renewed two years from the date of manufacture."

<i>Article</i> <i>All drugs and materials must conform to the instruction preceding this scale</i>	<i>Quantities for ships carrying passengers and crew not exceeding-</i>			
	<i>250</i>	<i>500</i>	<i>750</i>	<i>1,000</i>
(b) Solv. Pot. Permang. 8 <sup>3</sup> / <sub>4</sub> gr. .... .	50	100		
Solv. Sod. Chlorid. 15.75 gr. .... .	100	200	150	200
Solv. Thymol. Co ..... .	25	50	300	400
Sp. Ammon. Aromat. .... .	4 fl. Oz.	8 fl. Oz.	75	100
Sp. Chir. (B.P.C. No. 1) ..... .	½ pint	1 pint	12 fl. Oz.	16 fl. Oz.
Sp. Chlorof ..... .	2 fl. Oz.	4 fl. Oz.	1 ½ fl. Oz.	2 pints
*Sp. Rectificatus ..... .	4 fl. Oz.	4 fl. Oz.	6fl. Oz.	8 fl. Oz.
Streptomycin Sulphate (B.P.), equivalent to 1 gramme Streptomycin base, in sealed container, with suitable suspending agents (a) ..... .			4 fl. Oz.	4 fl. Oz.
..... .	10 vials	15 vials	20 vials	30 vials
Sulphacetamid. Sod ..... .	1 oz.	1 oz.	1 oz.	1 oz.
(c) Supp. Bism. Subgall. Co ..... .	1 doz.	1 doz.	1 doz.	1 doz.

Scale I - *continued*

(b) The label to bear the words "One solution-tablet dissolved in pint of

Article <i>All drugs and materials must conform to the instruction preceding this scale</i>	Quantities for ships carrying passengers and not exceeding-			
	250	500	750	1,000
Syr. Chloral. ....	2 fl. Oz.	4 fl. Oz.	6 fl. Oz.	8 fl. Oz.
Syr. Tolu. ....	4fl. Oz.	8 fl. Oz.	12 fl. Oz.	16fl. Oz.
Tab. Acid. Acetylsalicyl. 5 gr. ....	100	200	300	400
*Tab. Butobarbiton. 1 1/2 gr. ....	50	100	150	200
Tab. Casco Sagr. 2 gr. ....	50	100	150	200
*Tab. Chloroquin. Phosphat. 0.25 gramme or	100	200	300	400
Tab. Chloroquin. Sulphat. 0.25 gramme ....	100	200	300	400
Tab. Codein. Co. ....	25	50	75	100
*Tab. Colchicin. 1/240 gr. ....	25	50	75	100
Tab. Digoxin. 0.25 mg. ....	25	50	75	100
Tab. Ephed. Hydrochlor. 1/2 gr. ....	25	50	75	100
Tab. Ergometrin. Maleat. 0.5 mg. ....	50	100	150	200
Tab. Ferr. Sulph. Exsic. 3 gr. ....	25	25	25	25
(d) Tab. Glyc. Trinit. 1/130 gr. ....	100	100	100	100
*Tab. Hydrarg.c. Cret. I gr. ....	25	50	75	100
Tab. Hydrarg. Subchlor. I gr. ....	50	150	150	200
Tab. Hydrarg. Subchlor. 1/6 gr				

water forms a 1 in 1,000 solution of potassium permanganate."

(c) To be kept in a cool place.

(d) To be kept in a well-closed container in a cool place and protected from light.

Article <i>All drugs and materials must conform to the instructions preceding this scale</i>	Quantities for ships carrying crew not exceeding-			
	250	500	750	1,000
*Tab. Hyoscin. Hydrobrom. 1/200 gr. ....	50	100	150	200
Tab. Ipecac. et Opii 5 gr. ....	50	100	150	200
Tab. or Caps phenoxymethyl Penicillin 250 mg. (or its equivalent (c)) oral Penicillin. ....	50	100	150	200
*Tab. Mepyramin. Maleat. 0.1 gramme or				
Tab. Promethazin. Hydrochlor. 0.025 gramme (Histamine Antagonists) ....	50	100	150	200



SCALE I- continued

(e) Alternative drug or combination of drugs with similar therapeutic effects-

(a) Ships shall carry 25 tablets per member of the crew in addition to the quantities

Article	Quantities for ships carrying passengers and crew not exceeding-			
	250	500	750	1,000
<i>All drugs and materials must conform to the instruction preceding this scale</i>				
*pTab. Morph. Hydrochlor. ¼ gr. or Tab... Morph. Sulph. ¼ gr. ....	25	25	25	25
Tab. Phenacet. et Caffein .....	50	100	150	200
Tab. Phenobarbiton. ½ gr. ....	100	200	300	400
Tab. Pot. Chlorat. 5 gr. ....	50	100	150	200
(a) Tab. Proguanil. Hydrochlor. 0.1 gramme .....	100	200	300	400
Tab. Reserpin. 0.25 mg. (or its equivalent (c). (d) .....	50	100	150	200
Tab. Sod. Bicarb. Co .....	100	200	300	400
Tab. Sod. Chlorid. 7 gr. with Dextros. 3 gr. ....	5,000	5,000	5,000	5,000
Tab. Stiboestr. 0.5 mg. (or its equivalent) (e).....	25	50	75	100
Tab. Sulphadimidin. 0.5 gramme (or its equivalent (b)) .....	500	1,000	1,500	2,000
Tab. Sulphaguanidin. 0.5 gramme (or its equivalent (b)) .....	250	500	750	1,000
Tab. Thyroid. ½ gr. ....	25	50	75	100
*Tinct. Bellad .....	2 fl. oz.	2 fl. oz.	2 fl. Oz.	2 fl. Oz.
Tinct. Benzoin. Co .....	2 fl. oz.	oz.	6 fl. Oz.	8 fl. Oz.
Tinct. Cardam. Co*Tinct. Bellad .	2 fl. oz.	4 fl.	6 fl. oz.	8 fl. Oz.
Tinct. Chlorof. et Morph .....	2 fl. oz.	oz.	6 fl. oz.	8 fl. Oz.
Tinct. Gent. Co .....	4 fl. oz.	4 fl.	12 fl. oz.	16 fl. Oz.
		oz.		
		4 fl.		
		oz.		
		8 fl.		
		oz.		

shown above.

(b) Alternative drug with similar therapeutic effects.

Article All drugs and materials must conform to the instruction preceding this scale	Quantities for ships carrying passengers and crew not exceeding-			
	250	500	750	1,000
Tinct. Hyosecy .....	2 fl. Oz.	4 fl. Oz.	6 fl. Oz.	8 fl. Oz.
Tinct. Ipecac .....	4 fl. Oz.	8 fl. Oz.	12 fl.	16 fl.
Tinct. Nuc. Yom .....	2 fl. Oz.	4 fl. Oz.	Oz.	Oz.
pTinct. Opii .....	2 fl. Oz.	4 fl. oz.	6 fl. Oz.	8 fl. Oz.

Article All drugs and materials must conform to the instruction preceding this scale	Quantities for ships carrying passengers and crew not exceeding-			
	250	500	750	1,000
Tinct. Opii Camph .....	4 fl. Oz.	8 fl. oz.	13 ft. oz.	16 ft. oz.
Tinct. Zingib. Mit. ....	1 ft. oz.	2 fl. Oz.	3 ft. oz.	4 fl. oz.
Ung. Acid. Benz. Co .....	4 oz.	8 oz.	12 oz.	1 lb.
Ung. Acid. Boric .....	2 oz.	4 oz.	6 oz.	8 oz.
*Ung. Benzocain. Co .....	2 oz.	4 oz.	6 oz.	8 oz.
Ung. Hydrarg. Ammon .....	2 oz.	4 oz.	6 oz.	8 oz.
Ung. Methyl. Salicyl. ....	4 oz.	8 oz.	12 oz.	1 lb.
Ung. Zinc. Oxid .....	4 oz.	8 oz.	12 oz.	1 lb.
Ung. Zinc. Undecen .....	4 oz.	8 oz.	12 oz.	1 lb.
*(c) Vaccin. Typho-paratyphos. in 10 c.c. vial .....	1 vial	1 vial	1 vial	1 vial

(a) Vaccin. Vaccinia 4/5ths in 5 dose tubes 4/5th in 1 dose tubes. An amount equivalent to one dose for every two Person on board

*(b) Vitrell. Amyl. Nitris. 5 min .....	6	6	6	6
Zinc.Oxid .....	1 oz.	2 oz.	3 oz.	4 oz.
.....	2 oz.	2 oz.	2 oz.	2 oz.
*Zinc. Sui ph .....				

(a) To be kept in a cold chamber between 12° and 20 °F.; if no cold chamber at that temperature is available, it should be kept in a domestic refrigerator in or on the

freezing compartment so that it is maintained constantly at a temperature of not more than 32 °F, It must be replaced within 12 months of the date of issue on the label.

(b) To be labelled with an additional label as follows:

Ministry of Transport Scale I and II Ships, VITRELL. AMYL. NITRIS.  
(Amyl. Nitrite). To be replaced within twelve months from (date of supply). This substance is subject to decomposition and it may be DANGEROUS to use it after that period.

(c) To be kept constantly at a temperature not less than 34 °F. or higher than 50 °F, and to be renewed within 18 months of the date of issue on the label.

(d) Protect from light.

Scale I- continued

Article All drugs and materials must conform to the instruction preceding this scale	Special information	Quantities for ships carrying passengers and crew not exceeding-			
		1 pint	2 pints	3 pints	4 pints
Antiseptic.....	To conform to specification for Antiseptics given in Appendix A of this Schedule				
Anti - V.D. Outfit.....	To conform to the specification given in Appendix B of this Schedule.	For the first 50 members of the crew, one outfit per member and one outfit for every two members of the crew exceeding 50, maximum quantity 1gross.			

* Basin.....	To be of good quality enamelled iron, anodised Aluminium, Stainless steel or plastic. Minimum size 8" diameter by 4" depth	1	2	3	4
*Bedpan.....	To be of good quality enamelled iron or stainless steel. Perfection type, large size.....	2	2	4	4
The Ship Captain's Medical Guide, latest edition, with amendments .....		1	1	1	1
Merchant Shipping Medical Scales, latest edition with amendments.....		1	1	1	1
British Pharamaceutical Codex latest edition, with amendments.....		1	1	1	1
* Bottles-		1	1	1	1
2 oz.....		1 ½	3 doz.	4 ½ doz.	6 doz.
6 oz.....	Graduated teaspoons.....	3 doz.	6 doz.	9 doz.	12 doz.
	Graduated tablepoons...	½ doz.	1 doz.	1 ½ doz.	2 doz.
2 oz.....	Fluted poison.....	1 doz.	2 doz.	3 doz.	4 doz.
6 oz.....	Fluted poison.....				
Boxes-		1 doz. nest	2 doz. nest	3 doz. nest	4 doz nest
Ointment.....	Nested				

SCALE I-continued

Article All drugs and materials	Special information	Quantities for ships carrying passengers and crew not exceeding
------------------------------------	---------------------	---

<i>must conform to instruction preceding this scale</i>		250	500	750	1,000
Pill.....	Nested.....	1 doz.	2 doz.	3 doz.	4 doz.
.....	.....	3 doz.	6 doz.	9 doz.	12doz.
Corks.....	To fit 2	6 doz.	12	18 do	24 doz.
.....	oz.bottles.....	3	doz.	3	3
*	To fit 6 oz.		3		
.....	bottles.....				
.....	Porcelain, for invalid	1 ½	3 galls	3 galls.	6galls.
.....	feeding.....	galls.			
*Disinfectant.....	To conform to the specification for		2		2
.....	Disinfectants given in Appendix			2	
.....	A of this Schedule .....	2			
*Double Reservoir.....	To be of rustless and stainless				
.....	metal or of glass in metal frame,		3		3
.....	2 pints, with 6 ft. of best rubber			3	3
.....	tubing and stopcock				12
*Eye	.....	3	3	3	
.....	To be of glass, porcelain or plastic	3	6		
.....	which is unaffected by immer-			9	
.....	sion in boiling water for at	3	12		24
.....	least 5 minutes			18	
*Eye	.....	6			
pers.....	.....				
*Eye	To be of cardboard				
les.....	.....				
*Finger cots,	Assorted sizes				
ber.....	.....				
First-aid satchel.....	The following to be supplied				
.....	complete in a strong canvas				
.....	bag with a strap for carrying-				
.....	8 triangular bandages		1		1
.....	4 standard dressings				
.....	No. 13				
.....	2 standard dressi ngs	1		1	
.....	No. 14				
.....	1 standard dressing				
.....	No. 15				
.....	½ lb. roll of cotton wool				
.....	6 brass, plated safety				
.....	pins, 2" on a card				

<i>must conform to the instructions preceding this scale</i>	<i>Special Information</i>	250	500	750	1,000
	* Funnels ..... * Gloves, Rubber Post-mortem ..... Surgical ..... * Hot Water Bottles ..... * Ice Bag ..... * India rubber sheeting .. Infants' prepared milk food ..... Insecticide- *(a) Liquid *(a) Hand sprayer powder .....	Enamel, glass or plastic(2" and 5") ..... — Size 7 <sup>1</sup> / <sub>2</sub> ..... Size 8 ..... 8" x 12" approximately, rubber, with .... — 1 yd. wide, to be rolled on a wooden core, surface to be smooth and non-adhesive ..... In lb. Tins ..... To conform to the specifications given in Appendix C of this Schedule. An amount equal to 6 galls. 12 galls. 18 galls of the diluted product 2   2   2 4 oz.   8 oz.   12 oz.	2 1 pair 2 pairs 2 pairs 2 1 2 yds. 1 lb.	2 1 pair 2 pairs 2 pairs 4 1 4 yds. 21b.	2 1 pair 2 pairs 2 pairs 6 1 6 yds. 3 lb.

- (a) Pre-packed press-button pressure canisters may replace wholly or in part liquid insecticide. The volume of the contents of the canisters shall not be less than one quarter of the volume of the diluted liquid insecticide which they replace.
- No hand sprayer need be carried if all the liquid insecticide solution is replaced by pressure canisters.

<i>Article</i>	<i>Special Information</i>	<i>Quantities for ships carrying passengers and And crew not exceeding-</i>			
		<i>250</i>	<i>500</i>	<i>750</i>	<i>1,000</i>
<i>All drugs and materials must conform to the instructions preceding this scale</i>					
Invalid prepared milk food .....	In 1 lb. ....	1 lb.	21b.	3 lb.	41b.

SCALE *I-continued*



Article		Quantities for ships carrying passengers and crew not exceeding-			
		250	500	750	1,000
<i>All drugs and materials must conform to the instructions preceding this scale</i>	<i>Special Information</i>				
Labels-					
Plain .....	In packets of 100.....	<b>1</b>	2	3	4
*Poison .....	In packets of 50 .....	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
*Measures-					
2 dr. ....	Glass, graduated, Government stamped.....	2	2	2	2
1 oz .....	Glass, graduated, Government stamped .....	2	2	2	2
4 oz .....	Glass, graduated, Government stamped .....	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
20 oz .....	Glass graduated .....	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
* Methylated spirit (eralised) .....	—	1 pint	2 pints	3 pints	4 pints
* Mortar and pestle	(Wedgwood) (No.2 size)	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
Mosquito Repellent .....	Dimethyl Phthalate in 2 oz. bottles. Bottle to bear a label with the following caution- Dimethyl Phthalate is a solvent for lacquer, paint and plastic articles. It should not be brought into contact with spectacle frames, watch glasses, fountain pens, etc. For issue to each member of the crew as a protective measure against mosquitoes, when the vessel is in a malarious area. It is estimated that a 2 oz. boule should last about two weeks. When it is known that the vessel is going to remain in a malarious area for a considerable period the reserve carried should be increased accordingly.	One bottle	per member	of the crew	Plus a minimum reserve of 10 per cent.
		1 bottl per	member	Of the	crew plus a minimum reserve of 10 per cent.

All drugs and materials must conform to the instructions preceding this scale.	Special Information	crew not exceeding-			
		250	500	750	1,000
* Oxygen .....	—	44 cu. ft.	44 cu. fl.	88 cu. fl.	132 cu. fl.
* Oxygen Therapy Outfit	To conform to the specification given in Appendix D of this Schedule.....	1 outfit	1 outfit	1 outfit	1 outfit
* Paleu knife- 4" blade .....	The blade to be of rustless and stainless steel, with wooden handle.....	1	1	1	1
9" blade .....		1	1	1	1
Paper- * Dispensary .....	Whitedemy .....	1 qr.	1 qr.	1 qr.	1 qr.
* Filter .....	In sizes to fit funnels ..	25	50	75	100
* Paraformaldehyde .....	In tables or powder fumigation, with two suitable lamps	1 lb.	1 lb.	1 lb.	1 lb.
* Safety pins .....	Brass, plated, .....	5 doz.	5 doz.	5 doz.	5 doz.
Salt in urine test paper ...	In books of .....	3	1	1	3
* Scale	Standard pillar dispensing and weights.....	1	1	1	1
* Sputum mug .....	To be of metal or elled iron with hinged lid. ....	3	3	1	1
(a) Stabilised Chloride of Lime	For sterilisation of drinking water( in ¼ lb. sealed tins). To conform to specification given in Appendix E of this Schedule	(a)	(a)	(a)	(a)
* Stretcher- Neil Robertson .....	—	1	1	1	1
Canvas folding .....	Military type or lent	1	1	1	1
* Temperature Charts ....	Morning and Evening and four-hourly combined Charts for respirations and temperature	2 doz. of each	2 doz. of each	2 doz. of each	2 doz. of each

(a) The number of tins to be carried shall be calculated on the amount of stabilised

chloride of lime required to produce a concentration of one part of chlorine per million parts of water in the largest fresh water tank in the ship (a quarter pound tin will be required for approximately 28 tons of water). Stabilised chloride of lime need not be carried if vessel equipped with an efficient chlorinating plant.



SCALE *I-continued*

MEDICAL STORES

*Instruments and appliances*

Irrespective of number of persons carried and length of voyage except where indicated

SCALE I-continued

MEDICAL STORES

Instruments and appliances

Irrespective of number of persons carried and length of voyage except where indicated

Article	Quantity
Saws-	
Amputation 8" blade.....	1
(a) Fergussons,	1
small.....	
(a) Scissors-	1 pair
Blunt-pointed, 7" .....	1 pair
One blade sharp-pointed, and the other blunt-pointed, 7" .....	
Trepaine, carbon steel, % .....	3
(a) Trocars and cannulae, sizes 8, 16, and 21 French catheter gauge .....	
Minor instrument case of washable canvas containing the following-	1
(a) Director, probe pointed, 6" .....	
(a) Eye spud (with covered point) .....	1
(a) Forceps-	
Artery, Spencer Wells' 6" .....	2 pairs
.....	1 pair
Dissecting, 6" .....	1 pair
Dressing, 6" .....	1
Sinus, 6" .....	1
Splinter, 4" .....	
Probe, with eye (silver) .....	
(a) Scalpel, 6" .....	1 pair
(a) Scissors-	1 pair
Blunt-pointed, 6" .....	
One blade sharp-pointed, and the other blunt-pointed, 6" .....	

SCALE I- continued

Article	Quantity
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(a) Midwifery instrument case of washable canvas containing the following-	
Curette .....	1
Curette, flushing .....	1
Dilators (Hegar) .....	1 set
Forceps-	
Obstetric (axis traction) .....	1 pair
Uterine (Herman's No. 10) .....	1 pair
Speculum, double duck-bill (Sirn's) .....	1
Uterine Sound (Sirn's) .....	1
Volsellum .....	1
Dental instrument case of washable canvas containing the following-	1
(a) Dental syringe, all metal, together with six needles .....	1
(a) Elevator, hospital pattern, in metal handle-	
Left, stamped "Left elevator" .....	1
Right, stamped "Right elevator" .....	1
(a) Forceps-	
Dental packing .....	1 pair
Incisor-	
Lower, stamped "Lower incisor" .....	1 pair
Upper, stamped "Upper incisor" .....	1 pair
Molar-	
Lower, stamped "Lower molar" .....	1 pair
Upper left, stamped "Upper left molar" .....	1 pair
Upper right, stamped "Upper right molar" .....	1 pair
Stump-	
Lower, stamped "Lower stump" ' .....	1 pair
Upper, stamped "Upper stump" .....	1 pair
(a) Probe, Moon's single ended .....	1
Airway and mouth, Hewitts or Equivalent, set of three .....	1 set
Applicators, wooden .....	100
Bougies, gum elastic, sizes 2, 4, 6 and 8 .....	1 container
English gauge in glass or metal container with a sprinkling of French chalk.	

<i>Article</i>	<i>Quantity</i>
Catgut-	
Straight intestinal needles, sizes 4 and 8, threaded with 00 catgut (28") in sealed glass tubes, 2 of each .....	4
20-day, in sealed glass tubes (28"), Nos. 0, I and 3, 6 of each .....	18
Catheters-	
With olivary ends, gum elastic and stilettes - I full set together with 3 Bi-Coudees gum elastic, sizes 6, 8 and 10 English gauge in glass or plastic cylinder or metal box with hinged lid with a sprinkling of French chalk.....	1 container
Jacques rubber, sizes 4, 6, 8, 10 and 12 in glass or plastic cylinder or metal box with hinged lid with a sprinkling of French chalk. ....	1 container
Diagnostic set containing May ophthalmoscope, auriscope with three interchangeable specula, Duplay nasal speculum, bent arm throat lamp, one laryngeal mirror, one post-nasal mirror, holder for wooden tongue spatula, large battery handle and spare lamp.....	1 set
Drainage-	
Tubing, rubber, in 1 ft lengths of each Nos. 5, 10 and 20 guage.....	3 lengths 1 sheet
Corrugated rubber sheeting, 12" x 6" .....	
Drop bottle, chloroform, 2 oz. graduated .....	1
Dropper, ether, Bellamy Gardner's .....	1
(a) Eye spud with covered point .....	6
.....	
Inhaler, Schimmelbusch .....	6
.....	
Microscope slides .....	1 doz.
.....	1 doz.
.....	3
.....	2
Needles-	
Anti-toxin, assorted sizes Record Mount. ....	1
(b) Hypodermic No. 15, diameter 0.6 mm., length 23 mm. Record Mount .....	1
(b) Hypodermic No. 0, diameter 0.9 mm., length 41 mm. Record Mount .....	1
(b) Drawing up (piercing end), diameter 1.83 mm., length 64 mm. Record Mount .....	
Lumbar puncture, 3W', Howard Jones, 20 B.W.G. ....	1 reel
.....	1 box
Probang, oesophageal, bristle, gum elastic, with sponge end .....	1
Ryle's duodenal tube .....	
.....	
Shears, plaster, Swedish pattern, modified Lorenz's .....	
.....	
Silk, 4 sizes on metal reel.....	
.....	
Silkworm gut (assorted sizes), box containing 50 .....	
.....	
Sphygmomanometer, portable unspillable mercury-type .....	
.....	



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SCALE I -*continued*

SCALE I-continued

Article		
Splints-		
Assorted , thigh, leg and arm sizes.....		1
Gooch splinting (36" wide) .....		set
Thomas's small, medium and large .....		1
Steriliser, steam or electrically heated with automatic cut-out (large enough to contain midwifery forceps) .....		yd. 3
Stethoscope, binaural, complete .....		1
Stomach tube 42" (gauge 18-20) in red rubber with unbreakable funnel to fit, and wooden gag .....		1
Suspensory bandages with under straps-		
Small .....		1
Medium.....		
Large.....		2
Suture needles, round bodies, cutting-edge, straight, half-curved and curved, assorted sizes .....		2 2
3 doz. Syringe, ear, metal or rubber, 4 oz .....		
Syringe, glycerin injection, with vulcanite nozzle, 1/2 oz .....		3
Syringe, Higginson's with enema nozzle and one NO.8 Jacques rubber cathet...		doz.
		1
		1
		2
2ml.	Syringe, hypodermic Glass or nylon barrel, fitted with metal nozzle (for Record Mount) in metal case.....	3
ml.	Syringe, anti- toxin 10 The syringe must pass the Thermal Shock Test and Corrosion Tests laid down in British Stan- dard 1263 of 1946.....	1
Table, operation, metal with lighotomy crutches. Table legs to be provided with suitable filling for attachment to deck		
Thermometer, clinical, in metal or plastic protective case, lens fronted, 1/2 min. and stamped N.P.L.		
Tongue, depressors, wooden .....		
Esmasch's or Sarnway's .....		
Tracheotomy set consisting of-		
Tracheotomy Set double tubes, assorted ( including infant's size).....		
Trachea dilator.....		
Sharp hook.....		

SCALE I- *continued*

<i>Article</i>	<i>Quantity</i>
Tray, enameled iron or other suitable material-	
10" x	1
7".....	1
12" x	2
9".....	
Kidney shaped, 10	2
“.....	2
Truss, elastic band type-	2
Single 42" with rat -tailed pad right.....	
Single 42" with rat- tailed pad left.....	
Double 42" with rat- tailed pads.....	

(a) To be of rustless and stainless steel.

(b) Quantities to be doubled if more than 1,000 persons carried

SCALE II  
MEDICAL STORES

*Dressings*

<i>Articl</i> <i>ALL drugs and materials</i> <i>must conform to the in-</i> <i>structions preceding this</i> <i>scale</i>	<i>Details regarding</i> <i>packaging</i> <i>labelling</i>	<i>Quantities for ships carrying</i> <i>and crew 1101 exceeding-</i>			
		250	500	750	1,000
Bandages-					
* Elastic Adhesive 2'12" x 3 yds. (un stretched)	To be supplied in containers.	2 con-tainers	4 con-tainers	6 con-tainers	8 con-tainers
* Plaster of Paris 3" x 3 yds.	In sealed containers pared for use	6 con-tainers	12 con-tainers	18 con-tainers	24 con-tainers
* Triangular - not less than 36" side, 51" base.	Each bandage to be vidually wrapped labelled;				
	to be stated on	6	6	6	6
Unbleached Calico 6" x 6 yds.	Each bandage to be vidually wrapped labelled;				
	to be stated on	6	6	6	6
<b>W.O.w.-</b>					
1" x 3 yds .....	Ditto	18	36	54	72
2" x 4 yds .....	Ditto	18	36	54	72

SCALE II-continued

Article All drugs and materials must conform to the in- structions preceding this scale	Details regarding packaging and labelling	Quantities for ships carrying passengers and crew not exceeding-			
		250	500	750	1,000
3" x 4 yds .....	Ditto	9	18	27	36
Cotton Wool- 2 oz. 8W" wide (or 8 oz. 12" wide)	To be supplied rolled. The packets to be la- belled with the words "Cotton Wool"; meas- urements to be stated on the label. The cot- ton wool to be in one continuous length as follows- 2 oz. size: approximately 30" 8 oz. size: approximately 60"	12 2 oz. pkts. or 8 2 oz. pkts. and 1 8 oz. pkts.	24 2 oz. pkts. or 122 oz. pkts. and 3 8 oz. pkts.	36 2 oz. pkts. or 20 2 oz. pkts. and 4 8 oz. pkts.	48 2 oz. pkts. or 24 2 oz. pkts. and 6 8 oz. pkts.
Dressings- * Burn and wound.....	Paraffin Gauze Dressing (B.P.C.). Packaging and labelling to con- form to the specifica- tion given in Appendix F of the Schedule.	3 cartons	6 cartons	9 cartons	12 cartons
*(a) Standard No. 13 .....	Each dressing to be indi- vidually wrapped and labelled as follows: No. 13 Small B.P.C. Plain Wound Dressing 4" x 3". Directions - Unwind short end of bandage. Hold short and rolled end of bandage to straighten out pad.	6	6	6	6
*(a) Standard No. 13 ....	Apply without touching sterilised pad or wound and bandage firmly.	6	6	6	6
*(a) Standard No. 14 .....	Each dressing to be indi- vidually wrapped and labelled as follows-				

Scale II- continued

Article All drugs and materials must conform to the in- structions preceding this scale	Details regarding packaging and labelling	Quantities for ships carrying passengers and crew not exceeding-			
		250	500	750	1,000
* (a) Standard No. 15 ...	No. 14 Medium B.P.C. Plain Wound Dressing 6" x 4". Directions- Unwind short end of bandage. Hold short and rolled end of ban- dage to straighten out pad. Apply without touching sterilised pad or wound and bandage firmly.	6	6	6	6
	Each dressing to be indi- vidually wrapped and labelled as follows- No. 15 Large B.P.C. Plain Wound Dressing 8" x 6". Directions - Unwind short end of bandage. Hold short and rolled end of bandage to straighten out pad. Apply without touch- ing sterilised pad or wound and bandage firmly.	6	6	6	6
Gauze- Absorbent-	To be supplied in packets labelled with the				
36" x 6" .....	words "Gauze Ab- sorbent Sterilised",	9	18	27	36
36" x 12" .....	measurements to be stated on label.	9	18	27	36
36" x 36" .....		9	18	27	36
* Absorbent Ribbon	To be supplied in packets	1 roll	2 rolls	3 rolls	4 rolls
1" x 6 yds.	labelled with the words "Gauze Ab- sorbent Ribbon Steril- ised", measurements to be stated on label.				
Gauze and Cotton		1 lb.	21b.	31b.	41b.
* Jaconet 36"		2 yds.	2 yds.	2 yds.	2 yds.

SCALE II- continued

<i>Articles</i> <i>All drugs and materials must conform to the instructions preceding this scale</i>	<i>Details regarding packaging and labelling</i>	<i>Quantities for ships carrying passengers and crew not exceeding-</i>			
		250	500	750	1,000
Lint-					
Absorbent-					
6" x 12"	To be supplied in packets labelled with the words "Lint Absorbent Sterilised", measurements to be stated on label.	18	24	36	48
12" x 12"		9	18	27	36
Boric-	To be supplied in packets labelled with the words "Lint Boric", measurements to be stated on label.	9	18	27	36
2" x 6"		9	18	27	36
6" x 12"		12	24	36	48
Plaster-Zinc Oxide-					
* $\frac{1}{2}$ " x 5 yds.	To be supplied on a spool	1 spool	2 spools	3 spools	4 spools
* 1" x 5 yds.	To be supplied on a spool	1 spool	2 spools	3 spools	4 spools
* 3" x 5 yds.	To be supplied on a spool	1 spool	2 spools	3 spools	4 spools
*Sterilised Dressings, etc., for major operation. 2 rolls white absorbent gauze, each 6 yds., 36" in width to be folded 9" wide before rolling. 6 absorbent gauze pads (twelve thicknesses of gauze) 10" x 20".		1 set	1 set	1 set	1 set
5 dozen gauze swabs 6" x 6" (12 thicknesses of gauze stitched at edges) packed in dozens.	The whole of the dressings to be wrapped in greaseproof paper, sterilised, and encased in one or two hermetically sealed metal containers and labelled "Sterilised dressings for major operation."				
1 many tail calico bandage (War Office pattern).					
2 5" bandages, 6 yds. White open weave.					
1 packet safety pins; $\frac{1}{2}$ doz. size 3.					
$\frac{1}{2}$ doz. size 4.					
8 surgical towels 18" x 32" weight not less than 24 oz. per doz.					
2 surgeon's caps. 2 gowns and 2 surgical masks.					
*Unbleached Calico 38" wide.		3 yds.	3 yds.	3 yds.	3 yds.

(a) For replenishing First Aid Satchel.

SCALE II-continued

**1. Quantities**

(1) The quantities of medicines set out in this Scale are the requirements for a voyage of twelve months duration and shall be carried on all voyages of over six months' duration. On voyages of six months' duration or less, not less than half the said quantities shall be carried, except where otherwise indicated in this Scale.

(2) The quantities of medical stores set out in this Scale shall be carried on all voyages.

**2. General requirements**

The medicines and medical stores comprised in this Scale shall comply with the following requirements-

(1) They shall conform to the standards and requirements of the current issue of the British Pharmacopoeia, the British Pharmaceutical Codex or the National Formulary, where those standards and requirements are applicable, and shall also comply with any special requirements indicated in this Scale.

(2) Containers or wrappings of medicines shall be plainly and durably labelled to show-

- (a) the English name of the contents as set out in the first column of this Scale;
- (b) the particulars of the medicines given in the second column of this Scale printed in less prominent type than the information under (a). Where the word "POISON" is to be included with other particulars on the label it shall be printed in capital letters and either in red lettering or on a red background;
- (c) the minimum and maximum dose of the contents for an adult, as set out in the British Pharmacopoeia, the British Pharmaceutical Codex or the National Formulary;
- (d) the name and address of the supplier, which may be indicated on a separate label, shall occupy not more than 25 per cent of the total label space.

(3) Labels shall be rendered resistant to moisture either by the use of an efficient label varnish which must cover the label and overlap the edges, or by the use of some alternative method the effect of which is not inferior to varnishing.

SCALE II continued

Medicines

<i>Names of Medicines in English</i>	<i>Other particulars to be included on the label</i>	<i>Special information about composition</i>	<i>Quantities for ships carrying the under- mentioned number of persons</i>



		<i>packaging, etc.</i>	<i>Up to 40 persons</i>	<i>Over 40 persons</i>
Amyl. Nitrite capsules	Vitrell. Amyl. Nitris 5 min.	No reduction in quantities for voyages of 6 months' duration and under. To be labelled with an additional label as follows: "MtNISTRY OF TRANSPORT" <i>Scale and II Ships</i> , VITRELL. AMYL. NITRIS. (Amyl. Nitrite). Not to be used after twelve months from .... (date of supply). This substance is subject to decomposition and it may be DANGEROUS to use it after that period."	6	6
Arachis Oil .....	Ol. Arach.		1/2 pint	1 pint
Aromatic Spirit of Ammonia .....	Sp. Ammon. Aromat.		4fl. oz.	8 fl. oz.
Aspirin Tablets .....	Tab. Acid. Acetylsalicyl. 5 gr.		250	500
Benzyl Benzoate Application . .....	Applicat. Benzyl. Benzyl. For external use only	To be supplied in green or amber fluted bottle	<b>2 pints</b>	<b>4 pints</b>
Black Draught .....	Mist. Senn. Co.		1/2 gal.	1 gal.
Boric Acid .....	Acid. Boric. Cryst.		8 oz.	8 oz.
Calamine Lotion .....	Lot. Calamin.  For external use only. Shake the bottle.	To be supplied in green or amber fluted bottles.	4 pints	8 pints
Calomel Tablets .....	Tab. Hydrarg. Subchlor. <b>1</b> gr.	—	100	200

SCALE II -continued

Names of Medicines in English	Other particulars to be included on the label	Special information about composition packaging, etc.	Carrying the under- mentioned number of persons	
			Up to 40 persons	Over 40 persons
Carbolised Resin .....	Res. Carbo! .....	To be supplied in a wide-mouthed bottle so that dental twee- zers can be inserted.	1 fl. oz. 2 pints	1 fl. oz. 4 pints
Castor Oil	Ol. Ricin .....	—		
Chloramphenicol .....	Caps. Chloramphen. 0.25 grammne .....	To be labelled with an additional label as follows: "MINISTRY OF PORT" <i>Scale 1/</i> CHLORAMPHENIC To be used only for the treatment of ente- ric (typhoid) fever as directed in the Ship Captain's Medical Guide.	120 capsules	120 capsules
Chloroquine Tablets ....	Tab. Chloroquine Phos- phat. 0.25 grammne or Tab. Chloroquin. Sulphat. 0.20 grammne .....		250	500
Cocaine Eye-drops .....	Gutt. Cocain. et Hy- drarg. Perchlor. Oleos. B.P.C. POI- SON.-For external use only.  <i>Directions for use:</i> With the aid of the dropper put two drops into the eye every five minutes until the eye is insensitive. Usu- ally three or four doses suffice. The eye should then be ready, and the for- eign body can be re- moved with a previ- ously sterilised eye spud. Afterwards an eye shade should be used for 24 hours.	To be supplied in green or amber fluted bottles with dropper attached. No reduc- tion in quantities for voyages of 6 months' duration and under.	1 fl. oz.	1 fl. oz.

SCALE II-continued

Names of Medicines in English	Other particulars to included on the label	Special information about composition packaging, etc.	Quantities for ships carrying the under- mentioned number of persons	
			Up to 40 persons	Over 40 persons
Compound Codeine .....	Tab Codein. Co.CAU- TION.-It is dan- gerous to exceed the stated dose.		150	300
Coramine Injection	Inj. Nikethamide.	To be supplied in 2 ml. ampoules.	6 Ampoules	6 Ampoules
Cough Linctus	Linct. Scill. Opiat. CAUTION.-It is dangerous to exceed the stated dose.		2 pints ½lb.	4 pints ½ 2lb.
Cream of Tartar	Pot. Tart. Acid.			
Dover's Powder	Tab. Ipecac. et Opii			
Tablets .....	5 gr. POISON.		100	200
Dusting	Conspers. Zinc. Amyli Co.	No reduction in quanti- ties for voyages of 6 months' duration and under.	2 oz.	4 oz.
Ear Drops .....	Aurist. Phenol. These drops must Not be diluted with water. POISON.	No reduction in quantities for voyage of 6 month's duration ties for voyages of 6 months' duration and under.	1 fl. oz.	1 fl. oz.
Ephedrine Tablets	Tab. Ephed. Hydro- chlor. ½ gr. CAU- TION.-It is ous to exceed the stated dose.	No reduction in quantities for voyages of 6 months's Month's duration and under	100	100
Epsom Salts	Mag. Sulp	To be supplied in 1 oz. packets.	41b.	8 lb.
Eye drops Antiseptic	Gutt. Sulphacetamid Mit. (protect from light).	To be supplied in green or amber fluted bottles with dropper attached.	1 fl. oz. 4 fl. oz.	fl. oz. 8 tl. oz.
Friars' Balsam	Tinct. Benzoin. Co.			
Fungicide Ringworm powder .....	Conspers Zinc. Undecen.		40z.	4 oz.

SCALE II -continued

Names of Medicines in English	Other particulars to be included on the label	Special information about composition packaging, etc.	Quantities for ships carrying the under- mentioned number persons	
			Up to 40 persons	Over 40 persons
Goulard's Extract .....	Liq. Plumb. Subacet. Fort. POISON.-For external use only. For use prepare <i>Goulard's Lotion</i> by diluting two tea- spoonfuls to a pint of water.	To be supplied in green or amber fluted bottles.	2 fl. oz.	4 fl. oz.
Heart Tablets	Tab. Glyceryl Trinitrini. 1/ 130 grain. The tablet should be chewed before swallowing. Keep in a cool place, protect from light.	—	24	24
Kaolin Poultice	Cataplasm. Kaolin.	In ½ lb. sealed tins.	4 tins	8 tins
Kaolin Stomach Mixture (Kaolin Sedative Mixture) .....	Mist. Kaolin. et Morph. CAUTION.-It is dangerous to exceed the stated dose. Shake the bottle.	—	1 pint	2 pints
Laudanum .....	Tinct. Opii. POISON.	—	4 fl. oz.	6 fl. oz.
Methyl Salicylate Lini- ment .....	Lin. Methyl. Salicyl. For external use only.	To be supplied in green or amber fluted bottles.	½ pint	1 pint
Morphine Ampoules ¼ gr .....	POISON	Ampoule Syringes containing a solution of either a morphine salt equivalent to Anhydrous Morphine ¼ gr. in 1 c.c. or Pa- pavereturn B.P.C. ¼ gr. in 1 c.c. (in screw-capped metal drums of six). No re- duction in quantities to be carried for voy- ages of 6 months' duration and under.	1 drum	2 drums

SCALE II -continued

			Quantities for ships carrying the under-	

Names of Medicines in English	Other particulars to be included on the label	Special information about composition packaging, etc.	mentioned number of persons	
			U.S. 40	20
Morphine Tablets.....	Tab. Morph, Hydro- Chlor ¼ gr. or Tab. Morph. Sulph. ¼ gr. POISON.	These tablets are for oral use and hypo- dermic tablets must not be supplied. No reduction in quanti- ties to be carried for voyages of 6 months' duration and under.	25	25
Oil of Turpentine.....	01. Terebinth.		4 fl. oz.	8 n. oz.
Proguanil "Paludrine" Tablets .....	Tab. Proguanil Hydro- chlor. 0.1 gram me.		50 per person	50 per person
Penicillin .....	Procaine Penicillin G. Fortified in rubber- capped vials and containing 300,000 international units of sterile procaine peni- cillin G. and 100,000 international units of crystalline penicillin salt with suitable suspending and buffering agents.	In rubber-capped vials. Label to state the volume of sterile sol- vent to be added to the vial for the prepa- ration of a suspen- sion for intra- muscular injection. To be kept in a cool dry place and renewed two years from the date of manufacture.	12 vials	24 vials
Penicillin v. Tablets or Capsules .....	Tab. or Caps. Phe- noxymethyl penicil. 250 mg.	Keep in containers which prevent access of moisture and in a cool place.	100	100
Pile Ointment .....	Ung. Benzocain Co.		40z.	4 oz.
Potassium Permanga- nate Solution .....	Solv. Pot. Permang. 8 ¾ gr.		50	100
(a) Salt Tablets	Solv. Sod. Chlorid. 7 with Dextros. 3 gr.	No reduction in quanti- ties for voyages of 6 months' duration and under.	2,000	3,000
Seasickness Tablets	Tab. Hyoscin, Hydro- bromo 1/200 gr. POISON.		50	100
Sedative Tablets	Tab. Butobarbiton. 1 ½ gr. POISON.		50	100

SCALE II- *continued*

Names of Medicines in English	Other particulars to be included on the label	Special information about composition packaging, etc.	Quantities for ships carrying the under- mentioned number of persons	
			Up to 40 persons	Over 40 persons
Soda Mint Tablets	Tab. Sod. Bicarb. Co.	—	50	100
Sodium Bicarbonate ....	Sod. Bicarb .....	—	4 oz.	8 oz.
Soft Paraffin	Paraff. Moll. Flav. ....	—	8 oz.	8 oz.
Stomach Powder	Pulv. Mag. Trisil. Co.	—	8 oz.	1 lb.
Sulphadimidine Tablets	Tab. Sulphadimid  0.5 gramme. POISON.	To be supplied in  bottles containing 500 tablets.	1 bot.	2 bots.
Sulphaguanidine Tablets .....	Tab. Sulphaguanidin. 0.5 gramme. POISON.	—	200	400
Surgical Spirit .....	Sp. Chir. (B.P.C.  No. 1).	—	½ pint	1 pint
Tincture of	Liq. Iod. Mit. For exter- nal use only.	To be supplied in or amber fluted bottles.	½ pint	1 pint
Tonic .....	Tab. Ferr. Phospho c. Quinin. et Strych. 30 min. CAUTION.-It is dangerous to ex- ceed the stated dose.	—	150	300
Vegetable Laxative Tablets .....	Tab. Colocynth. et. Ja- lap. Co.  CAUTION.-It is dangerous to exceed the stated dose.	—	200	400
Water for Injection	Aq. pro Inj. in 2 ml. ampoules.	—	24 am- poules	48 am- poules
White precipitate ment .....	Ung. Hydrarg. Ammon. POISON.	—	4 oz.	8 oz.
Whitfield's	Ung. Acid. Benz. Co.	—	4 oz.	8 oz.
Zinc Ointment	Ung. Zinc. Oxid.	—	40z.	8 oz.



SCALE II

MEDICAL STORES

*Sundries*

Article	Special Information	Quantities for the ships ships undermentioned number of persons undermentioned num- ber of persons	
<i>Article</i>	<i>Special Information</i>	Up to 40 persons	Over 40 persons
Antiseptic	To conform to the specification for Antiseptics given in Appendix A of this Schedule.	1 pint	2 pints
Anti-VD. Outfit .....	To conform to the specification given in Appendix B of this Schedule.	For the first 50 mem- bers of the crew one outfit per member and one outfit for every two members of the crew ex- ceeding 50	
Basin .....	To be of good quality enamelled iron, anodised aluminium, stain- less steel or plastic minimum size 8" diameter by 4" depth, lettered "Medical".	1	1
Bedpan .....	To be of good quality enamelled iron or stainless steel. Perfection type, large size.	1	<b>1</b>
Books- Ship Captain's Medical Guide, latest edition with	—	1	1
Merchant Shipping Medical latest edition with	—	1	1
Bottles- 20zs. ....	Graduated teaspoons	6	12
60zs. ....	Graduated tablespoons	6	12
20zs . ....	Fluted poison	3	6
Boxes, ointment	Nested	6 nests	12 nests
Corks	To fit 2 oz. bottles	18	36
	To fit 6 oz. bottles	12	24
Disinfect .....	To conform to the specification for Disinfectants given in Appendix <sup>A</sup> of this Schedule.	1 gall.	2 gall.



		Up to 40 persons	Over 40 persons	
Eye Baths.....	To be of glass, porcelain or a plastic which is unaffected by immersion in boiling water for at least 5 minutes.	2		
.....				
Eye Shades.....	To be of cardboard..... Assorted sizes.....	2 6	2 6 12	
Finger Stalls, Leather.....	The following to be supplied complete in a strong canvas bag with a strap for carrying: 8 triangular bandages, 4 standard dressings No. 13, 2 standard dressings No. 14, 1 standard dressing No. 15, ½lb. roll cotton wool, 6 brass, plated safety pins, 2", on a card.			
First Aid Satchel.....	Size 8.....	1 2 pairs 2	1 2 pairs	
...	.....			
Gloves — Rubber Surgical — Rough Hot Water Bottles.....	8" x 12" (approximately) rubber, with covers. 1 yd. x 2 yds. to be rolled on a wooden core, surface to be smooth and non-adhesive.	1		
India rubber Sheeting.....				
Insecticide- (a) Liquid.....	To conform to specification given in Appendix C of this Schedule.			
.....		40 <sub>3</sub>	1 80 <sub>3</sub> .	
(a) Hand Sprayer.....	To conform to specification given in Appendix C of this Schedule.	1 pkt.	1	
Powder.....	To conform to specification given in Appendix C of this Schedule.	1 pkt.		
.....				
Labels- Plain.....	In packets of 100.....			
.....	In packets of 50.....			
Poison.....				
.....				

SC  
ALE II-  
continued

An amount equal to  
3 gall.                      6 gall.  
  
Of the diluted product

SCALE II-continued

Article	Special information	Quantities for the ships carrying the undermentioned number (!f persons	
		Up to 40 persons	Over 40 persons
Measures- 2 ozs	Graduated ozs., drs., tablespoons teaspoons (Mason's wine) unstamped. The words ounces drachms to be marked in full abbreviated and not to be by symbols.	2	2

(a) Pre-packed press-button pressure canisters may replace wholly or in part diluted liquid insecticide. The volume or the contents of the canisters shall not be less than one quarter of the volume of the diluted liquid insecticide which they replace.

No hand sprayer need be carried if all the liquid insecticide solution is replaced by pressure canisters.

2 drachms.....	Government stamped, conical, glass graduated drachms and minims. The words drachms and minims to be marked in full or abbreviated and not to be replaced by symbols	2	2
Methylated Spirit (Mineralised) Mosquito Repellent .....	Dimethyl Phthalate in 2 oz. bottles. Bottle to bear a label with the following caution:  Dimethyl Phthalate is a solvent for lacquer, painted and plastic articles. It should not be brought into contact with spectacle frames, watch glasses, fountain pens, etc.  For issue to each member of the crew as a protective measure against mosquitoes when the vessel against malarious area. It is estimated that a 2 oz. bottle should last about two weeks. When it is known that the vessel is going to remain in a malarious area for a considerable period the reserve carried should be increased accordingly.	1	1
Neil Robertson Stretcher..... Palette Knife, 4" blade.....	– The blade to be of rustless and stainless steel, with wooden handle.	1	1

SCALE II- continued

		Quantities for ships carrying the undermentioned num-	
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<i>Article</i>	<i>Special Information</i>	<i>ber of persons</i>	
		<i>Up 1040 persons</i>	<i>Over 1040 persons</i>
Safety Pins .....	Brass, plated, 2"	1 doz.	1 doz .
(a) Salt in Urine Test .....	In books of 20. No reduction in quantities for voyages of 6 months' duration and under.	2	2
Sputum Mug .....	To be of metal or enamelled iron with hinged lid.	1	1
(b) Stabilised Chloride of Lime .....	In 1/4 lb. tins. To conform to specification given in Appendix E of this Schedule	(b)	(b)
Temperature Charts .....	Four-hourly combined chart for pulse, respirations and temperature.	3	3
Urine Bottle .....	Enamelled iron, plastic, polythene or equivalent with handle for male use.	1	1

(a) Ships proceeding to ports in the Persian Gulf, in the Red Sea or on the Arabian Coast shall carry in addition one book for every five members of the crew.

(b) The number of tins to be carried shall be calculated on the amount of Stabilised Chloride of Lime required to produce a concentration of one part of chlorine per million parts of water in the largest fresh water tank in the ship (a quarter pound tin will be required for approximately 28 tons of water.)

SCALE 11  
MEDICAL STORES

*Instruments and appliances*

<i>Article</i>	<i>Special Information</i>	<i>Quantities for ships carrying the undermentioned number of persons</i>
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		Up to 40 persons	Over 40 persons
Applicators-wooden, for throat.....	-	1 doz.	1 doz.
Canvas Roll for Instruments .....	For use as a container for Eye Spud, Forceps (Dental Packing, Dissect- ing, Epilation, Sinus, Spencer Wells), Scissors, Clinical Thermo- meters.	1	1

SCALE II-continued

Article	Special Information	Quantities for ships carrying the undermentioned number of persons	
		Up to 40 persons	Over 40 persons
Catheters- Gum elastic, with olivary .....	Sizes 3, 5 and 7, one of each to be supplied with stilettes in a glass or plastic cylinder, or metal box with hinged lid with a sprinkling of French chalk.	1 container	1 container
Jacques Rubber	Sizes 3, 5 and 7, one of each to be supplied in a glass or plastic cylinder or metal box with hinged lid with a sprinkling of French chalk.	1 container	1 container
Eye Spud with covered point ....	To be of rustless and stainless steel.	1	1
Forceps- Packing .....	To be made of rustless and stainless steel throughout.	1 pair	1 pair
Dissecting, 5" .....	To be made of rustless and stainless steel throughout.	1 pair	1 pair
Epilation with oblique ends for removal of splinters	To be made of rust less and stainless steel throughout.	1 pair	1 pair
Sinus, 5" .....	To be made of rustless and stainless steel throughout.	1 pair	1 pair
Spencer Wells, 5" .....	To be made of rustless and stainless steel throughout.	2 pairs	2 pairs
Kidney Dish, 10" .....	Enamelled iron.	1	1
Microscope Slides .....	—	6	6
Needles, Hypodermic .....	No. 0, diameter 0.9 mm., length 41 mm., Record Mount.	6	6
Paget's Knife .....	To be of rustless and stainless steel throughout and to be supplied in a metal or wooden box together with the scalpel.	1	1
Scalpel .....	1 1/2" blade. To be of rustless and stainless steel throughout and to be supplied in a metal or wooden box together with the Paget's Knife.	1	1
Scissors, 7"	One blade sharp-pointed and the other blunt-pointed. To be of rust less and stainless steel.	1 pair	1 pair

SCALE *IT-continued*

Article	Special Information	Quantities for carrying the undermentioned per of persons	
		Up to 40 persons	Over 40 persons
Sutures and Needles	The sutures should be of nylon or fitted to half curved eyeless with a cutting edge, size 10 or equivalent size. Each needle suture to be sterile and closed sealed glass tube with a scratch. Container label to give illustrated directions for the tube.	4	6
Splints- Common	—	1 set	1 set
Liston's Thigh	Largest size.	1	1
Steriliser with spirit lamp (or electrically heated type with matic cutout)	To measure not less than approx. <b>3" x 2"</b> .	1	1
Stomach Tube, 42" (gauge 18-)	To be supplied in red rubber with breakable funnel to fit and wooden gag.	1	1
Suspensory bandages with under- straps- Medium	—	2	4
Large	—	2	4
Syringe, Higginson's with enema nozzle and rubber catheter.	The syringe with enema nozzle indelibly marked "For enema only" and to be supplied in a with one No.8 Jacques Rubber catheter.	1	1
Syringe, Higginson's with ear	The syringe to be indelibly "For ear use only" and to be plied in a box.	1	1
Syringe, .....	2 ml. glass or nylon barrel fitted a metal nozzle (for Record in metal case. The syringe pass the Thermal Shock Test Corrosion Tests laid down in ish Standard 1263 of 1946.	2	2

Article	Special Information	Quantities for ships carrying the undermentioned
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		Number of persons	
		Up to 40 Persons	Over 40 persons
Thermometer, Clinical.....	To be supplied in metal or plastic protective case, lens fronted ½ min and stamped N.P. L.	2	3
Tongue Depressors.....		1 doz.	2 doz.
Truss, elastic band type-	To be made of		1
Single 38".....	wood.....	1	1
Singles 38".....	With rat-pad,	1	1
Double 38".....	right..... With rat-	1	
	pad, left.....		
Bandages—	With rat-tail		
Crepe, 3 x 5 yds.....	pads.....	3	3
	Each bandage to be individually wrapped and labeled; measurements to be stated on label.		
Elastic Adhesive 2 ½ x 5 yds (unstretched).	To be supplied in metal container.	1 con- tainer	1 con- tainer
ElastTriangular, not less than 36" size, 51" Base.		4	8
	Each bandage to be individually wrapped and labeled; measurements to be stated on label.		
		18	36
	Ditto	18	36
	Ditto		
W.O. W.-			
1" X 3 yds.....			
3" x 4yds.....	To be supplied rolled. The packets to be labeled with the words " Cotton Wool"; measurements to be stated on the label. The cotton wool to be in one continous length as follows- ½	18 pkts.	36 pkts.
Cotton Wool-	oz. size.....21"-	18 pkts.	36 pkts.
½ oz., 3" wide.....	22" 1 oz.		
1 oz., 4 ½ wide.....	size.....28"-30"		
Dressings-			
Burn and Wound.....	Paraffin Gauze Dressing (B.p.C). packaging and labeling to conform to the specification given in Appendix F of this Schedule.	6 cartons	12 cartons

Scale II- continued



Article	Special Information	carrying the undermentioned number of persons	
		Up to 40 persons	Over 40 persons
Standard No. 13	Each dressing to be individually wrapped and labelled as follows- No. 13 Small B.P.C. Plain Wound Dressing 4" x 3" Directions.-Unwind short end of bandage. Hold short and rolled end of bandage to straighten out pad. Apply without touching sterilised pad or wound and bandage firmly.	12	24
Standard No. 14	Each dressing to be individually wrapped and labelled as follows- No. 14 Medium B.P.C. Plain Wound Dressing 6" x 4" Directions.-Unwind short end of bandage. Hold short and rolled end of bandage to straighten out pad. Apply without touching sterilised pad or wound and bandage firmly.	6	12
Standard No. 15	Each dressing to be individually wrapped and labelled as follows- No. 15 Large B.P.C. Plain Wound Dressing 8" x 6" Directions.-Unwind short end of bandage. Hold short and rolled end of bandage to straighten out pad. Apply without touching sterilised pad or wound and bandage firmly.	6	12
Gauze- Absorbent-			
36" x 12" .....	To be supplied in packets labelled with the words "Gauze Absorbent Sterilised"; measurements to be stated on label.	12 pkts.	24 pkts.
36" x 36" .....		8 pkts.	16 pkts.

SCALE II-continued

Article	Special Information	Quantities/or ships carrying the undermentioned number of persons	
		Up to 40 persons	Over 40 persons
Absorbent Ribbon- 1" x 6yds. ....	To be supplied in packets labelled with the words "Gauze Absorbent Ribbon Sterilised"; measurements be stated on label.	1 roll	1 roll
Jaconet .....	—	1 sq. yd.	2 sq. yds.
Lint- Absorbent- 6" x 12" .....	To be supplied in packets labelled with the words "Lint Absorbent Sterilised"; measurements to be stated on label.	12 pkts.	18 pkts.
12" x 12" .....		12 pkts.	18 pkts.
Boric- 2" x 6" .....	To be supplied in packets labelled "Lint Boric"; measurements to be stated on label.	12 pkts.	24 pkts.
6" x 12" .....		12 pkts.	24 pkts.
Plaster- Elastic Adhesive, 1" x 3 yds. stretched).	To be supplied on a spool .....	1 spool	2 spools
Zinc Oxide 1" x 5 .....	To be supplied on a spool .....	1 spool	2 spools

SCALE III

*General requirements*

The medicines and medical stores comprised in this Scale shall comply with the following requirements-

(1) They shall conform to the standards and requirements of the current issue of the British Pharmacopoeia, the British Pharmaceutical Codex or the National Formulary, where those standards and requirements are applicable, and shall comply with any special requirements indicated in this Scale.

(2) Containers or wrappings of medicines shall be plainly and durably labelled to show-

- (a) the English name of the contents as set out in the first column of this Scale;
- (b) the particulars of the medicines given in the second column of this Scale printed in less prominent type than the information under (a). Where the word "POISON" is to be included with other particulars on the label it shall be printed in capital letters and either in red lettering or on a red background;
- (c) the minimum and maximum dose of the contents for an adult, as set in the British Pharmacopoeia, the British Pharmaceutical Codex, or the National

Formulary;

(d) the name and address of the supplier, which may be indicated on a separate label, shall occupy not more than 25 per cent of the total label space.

(3) Labels shall be rendered resistant to moisture either by the use of an efficient label varnish which must cover the label and overlap the edges, or by the use of some alternative method, the effect of which is not inferior to varnishing.

(4) The medicines and medical stores marked "(a)" need not be carried on ships which are normally within 12 hours' voyage of a port.

SCALE III

*Medicines*

<i>Names of English</i>	<i>Other particulars to be included on the label</i>	<i>Special information composition packaging, etc.</i>	<i>Quantity</i>
Aromatic Spirit of	Sp. Ammon. Aromat. ....	—	2 fl. oz.
(a) Aspirin Tablets	Tab. Acid Acetylsalicyl., 5 gr .....	—	200
(a) Boric Acid	Acid. Boric .....	—	2 oz.
Castor Oil	Ricin .....	—	8 fl. oz.
Cocaine Eye drops	Gutt. Cocain. et Hydrarg. Perchlor. Oleos. B.P.C.  POISON.-For external use only.  Directions for use. With the aid of the dropper put two drops into the eye every five minutes until the eye is insensitve. Usually three or four doses suffice. The eye should then be ready and the foreign body can be removed with a previously sterilised eye spud or other clean instrument. Afterwards an eye shade or some cover should be used for 24 hours.	To be supplied in green or amber fluted bottle with dropper attached.	1 fl. oz.
Compound Codeine	Tab. Codeine. Co .....	—	100
	CAUTION.-It is dangerous to exceed the stated dose.		
Cough Linctus	Linct. Scill. Opiat. ....	—	1 pint



SCALE III-continued

<i>Names of Medicines in English</i>	<i>Other particulars to be included on the label</i>	<i>Special information about composition packaging, etc.</i>	<i>Quantity</i>
(a) Epsom Salts .....	CAUTION.-It is dangerous to exceed the stated dose. Mag. Sulph. .....	To be supplied in 1 oz. packets.	1 lb. 2 fl. oz.
(a) Friars' Balsam .....	Tinct. Benzoin. Co .....	-	4 fl. oz.
(a) Goulard's .....	Liq. Plumb. Subacet. Fort. ....  POISON.-For external use only. For use prepare <i>Goulard's union</i> by diluting two teaspoonfuls to a pint of water	To be supplied in green or amber fluted bottles.	2 fl. oz.
(a) Laudanum .....	Tinct. Opii.  POISON	-	8 fl. oz.
(a) Methyl Salicylate Liniment .....	Lin. Meth. Salicyl. .... For external use only.	To be supplied in green or amber fluted bottles.	1 drum
Morphine .....	POISON .....	Ampoule Syringes containing solution of either a morphine salt equivalent to Anhydrous Morphine ¼ gr. in I c.c. or Papave-retum B.P.C. Y, gr. in I c.c. (in screw-capped metal drums of six).	6
Morphine Tablets .....	Tab. Morph. Hydrochlor. ¼ gr. or Tab. Morph. Sui ph. ¼ gr.  POISON	These tablets are for oral use and hypodermic tablets must not be supplied.	50
(a) Sedative .....	Tab. Butobarbiton. 1 ½ gr.  POISON	-	50
Soda Mint Tablets .....	Tab. Sod. Bicarb. Co.	-	4 oz.
Soft Paraffin .....	Paraff. Moll. Flav.	-	100
(a) Sulphadimidine Tablets ...	Tab. Sulphadimid. 0.5 gramme. POISON	-	

SCALE III-continued

<i>Names of Medicines in English</i>	<i>Other particulars to be on the label</i>	<i>Special information composition packaging, etc.</i>	<i>Quantity</i>
Tincture of Iodine	Liq. Iod. Mit. For external use	To be supplied green or amber fluted bottles.	4 fl. oz.
Vegetable Laxative	Tab. Colocynth. et Jalap. Co. CAUTION. - It is dangerous to exceed the stated dose.	—	50
Zinc Ointment	Ung. Zinc. Oxid.	—	40 ..

SCALE III

*Medical stores sundries*

<i>Article</i>	<i>Special Information</i>	<i>Quantity</i>
(a) Antiseptic.....	for Antiseptics given in Appendix A of this Schedule.	½ pint
Basin.....	To be of good quality enamelled iron, ananodised aluminium, stainless steel or plastic minimum size 8" diameter by 4" depth, lettered "Medical".	1
Bottles-		
(a) 6 oz.....	Graduated tablespoons.	3
(a) 2 oz.....	Fluted poison.	3
Books-		
Ship Captain's Medical Guide, latest edition with amend- ments.		1
Merchant Shipping Medical Guide scales, latest edition with amendments.		1
(a) Boxes, Ointment.....		2 nest
(a) Corks.....	Nested. To fit 2 oz. bottle.	6
Disinfectant.....	To fit 6 oz. bottle.	6
Eye bath.....		½ gall.
Eye Shades.....	To conform to the specification	2
		4
	Antisepticsgiven in Appendix A of this Schedule. To be of glass, porcelain or a plastic which is unaffected by immersion in boilin water for at least 5 minutes. To be of cardboard.	

<i>Article</i>	<i>Special Information</i>	<i>Quantity</i>
Finger Stalls, Leather.....	The following to be supplied complete in a strong canvas bag with a strap for carrying-	6
First Aid Satchel.....	8 triangular bandages.  4 standard dressings No. 13.  2 standard dressings No. 14.  1 standard dressing No. 15.  ½ lb. roll of cotton wool. 6 brass, plated safety pins 2", on a card.	1

SCALE III-continued

(†) Pre-packed press-button pressure canisters may replace wholly or in part diluted liquid insecticide. The volume of the contents of the canister shall not be less than one quarter of the volume of the diluted liquid insecticide which they replace. No hand sprayer need be carried if all the liquid insecticide solution is replaced by pressure cannisters.

<i>Article</i>	<i>Special Information</i>	<i>Quantity</i>
Insecticide- † Liquid.....	To conform to the specification given in Appendix Cof this Schedule.	An amount equal to 1 ½ gals. Of diluted product
† Hand Sprayer.....	To conform to the specification given in Appendix Cof this Schedule.	1
(a) Labels- Plain.....	In packets of 100.	1 pkt.
(a) Labels – Poison.....	In packets of 50.	1 pkt.
Measures- 2 OZ.....	Graduated ozs., drs., tablespoons and teaspoons (Mason's wine) unstamped. The words "ounces" and "drachms" to be marked in full or abbreviated and not to be replaced by symbols.	1
(a) 2 drachms.....	Government stamped, conical glass graduated drachms. The words "drachms" and "minims" to be written in full or abbreviated and not to be replaced by symbols.	1
Safety pins.....	Brass, Plated, 2”.	12



SCALE III-continued

Article	<i>Special Information</i>	<i>Quantity</i>
Canvass Roll Instrument.....	For use as a container for Eye Spud when carried; Forceps (Epilation, Spencer Wells'), Scissors, Clinical Thermometer.	1
Catheters-	Sizes 3, 5 and 7, one of each to be supplied in a glass, plastic or metal container with a sprinkling of French chalk.	1 container
(a) Gum elastic, with olivery ends.....	Sizes 3, 5 and 7, one of each to be supplied in a glass, plastic or metal container with a sprinkling of French chalk.	1 container
(a) Jacques rubber.....	To be of rustless and stainless steel.	1 container
(a) Eye Spud with covered point.....	To be made of rust less and stainless steel throughout.	1
Forceps- Epilation with Oblique ends for removal of splinters.....	To be made of rust less and stainless steel throughout.	1 pair
Spencer Wells' 5".....	To be made of rust less and stainless throughout.	1 pair
(a) Paget's Knife.....	To be rustless and stainless stell throughout and to be supplied in a mental or wooden box.	1
Scissors 7"	One blade sharp-pointed and the other blunt-pointed. To be of rustless and stainless steel.	
(a) Sutures and Needles.....	The sutures should be of nylon or silk fitted to half curved eyeless needles with a cutting edge,size 10 or equivalent size. Each needle and suture to be sterile and closed in a sealed glass tube with a fracture scratch. Container label to give illustrated direction for breaking the tube.	1
Splints-	- Largest size.	2
Common.....		1 set
(a) Liston's Thight.....		1
Suspensory bandage with under straps-	-	
(a) Meduim.....		1
(a) Large.....	The syringe with enema nozzle to be indelibly marked "For enema use only," and to be supplied in a box with one No.8 Jacques rubber catheter	1
a) Syringe, Higginson's with Enema Nozzle and Rubber Cathere.....	To be supplied in metal or plastic protective case, lens fronted ½ min. and stamped N.P.L.	1
Thermometer;		1
Clinical.....		2

Scale III- Continued

Article	Special Information	Quantity
a) Truss, elastic band type-		
Single	With rat-tail pad, right.	1
38".....	With rat-tail pad, left.	1
Single	With rat-tail pads	1
38".....		
Double 38".....		

SCALE III

Article	Details regarding packaging and labeling	Quantity
<i>All materials must conform to the instruction at the commencement of Scale III</i>		
Bandages-(a) Elastic Adhesive 2 ½ x 3 yds. (unstretched)..... Triangular, not less than 36" side, 51" base..... W.O.W.- 1" x 3yds..... 3" x 4yds..... Cotton Wool- ½ oz. 3" wide..... 1 oz.4" wide.....  Dressings- Burn and Wound.....  Dressings- Standard No . 13.....	<b>To be supplied in a metal container.</b> Each bandage to be individually wrapped and labelled; measurements to be stated on label.  Ditto Ditto To be supplied rolled. The packets to be labelled with the words "Cotton Wool," measurements to be stated on the label. The cotton wool to be in one continuous length as follows:- ½ oz. size                   21" -22" 1 oz. size                    28"- 30" Paraffin Gauze Dressing (B.P.C.). Packaging and labelling to conform to the specification given in Appendix F of this Schedule.  Each dressing to be individually wrapped and labeled as follows; No. 13 Small B.P.C. Plain Wound Dressing.	1 con- tainer 3  12 6 6 pkts.  6 pkts.  3 cartons  12

Medical stores dressings

*Scale III- continued*

Article	Details regarding packaging and labeling	Quantity
<p>All materials must conform to The instruction at the commen- Cment of Scal III</p>		
Standard No. 14.....	<p>4" x 3" Directions. - Unwind short end of bandage. Hold short and rolled end of bandage to straighten out pad. Apply without touching sterilised pad or wound and bandage firmly.</p> <p>Each dressing to be individually wrapped and labelled as follows: No. 15 Large B.P.C. Plain Wound</p>	8
Standard No. 15.....	<p>6" x 4" Directions. - Unwind short end of bandage. Hold short rolled end of bandage to straighten out pad. Apply without touching sterilised pad or wound and bandage firmly.</p> <p>Each dressing to be individually wrapped and labelled as follows: No. 15 Large B.P.C. Plain Wound Dressing.</p>	4
Gauze- Absorbent-		
(a) 36" x 12".....	<p>To be supplied in packets labelled with the words "Gauze Absorbent Sterilised"; measurements to be stated on label.</p>	4 pkts
(a) 36"x 36".....		2 pkts
(a) Jaconet.....		1 sq. yd
Lint-		
(a) 6" x 12".....	<p>To be supplied in packets labelled with the words "Gauze Absorbent Sterilised"; measurements to be stated on label.</p>	4 pkts.
(a) 12" x12".....		2 pkts
Boric-		
(a) 2" x 6".....	<p>To be supplied in packets labelled "Lint", "Boric"; measurements to be stated on label.</p>	12 pkts

*SCALE III- continued*

SCALE III- <i>continued</i> Article	Details regarding packaging and labeling	Quantity
<p><i>All materials must conform to the instruction at the</i></p>		

<i>commencement of Scale III</i>		
(a) 6" x 12" .....		12 pkts.
Plaster-		
Elastic Adhesive		
(a) 1" x 3 yds. (unstretched)	To be supplied on a spool.	1 spool
Zinc Oxide		
1" x 5	To be supplied on a spool.	1 spool
yds.....		

SCALE IV-  
*continued*  
Medical stores dressings

**1. Quantities**

The quantities of medicines and medical stores marked "(a)" may be reduced to 50 per cent for ships carrying less than six persons.

**2. General requirements**

(1) Medicines and medical stores are to conform to the requirements of the current British Pharmacopoeia, the British Pharmaceutical Codex or National Formulary where those standards are applicable. Attention is drawn to special requirements in the dispensing of certain preparations.

(2) Medicines are to be plainly and durably labelled to show:

- (a) the English name of the contents as described in the first column of the Scale;
- (b) the description of the medicines given in the second column of the Scale printed in less prominent type than the information under (a). Where the word "POISON" is to be included with other particulars on the label it is to be printed thereon in capital letters and either in red lettering or on a red background;
- (c) the B.P., B.P.C., or N.F. minimum and maximum dose of the contents for an adult, or in other cases the instructions indicated in the Scale;
- (d) the name and address of the supplier - this should be indicated on a separate label which must not occupy more than 25 per cent of the total label space.

(3) Labels are to be rendered resistant to moisture either by the use of an efficient label varnish which must cover the label and overlap the edges, or by the use of some alternative method the effect of which is not inferior to varnishing.

(4) All articles are to be kept in a cabinet or separate compartment which should be capable of being locked; the key to be kept in the custody of the master.

SCALE IV -*continued*

*Medicines*

<i>Names of Medicines in English</i>	<i>Other particulars to be included on the label</i>	<i>about composition packaging, etc.</i>	<i>Quantity</i>
Aromatic Spirit of Cocaine Eye-drops	Sp. Ammon. Aromat. Gutt. Cocain. et Hydrarg. Perchlor. Oleos. B.P.C. POISON. - For external use only. Directions for use- With the aid of the dropper put two drops into the eye every five minutes until the eye is insensitive. Usually three or four doses The eye should then be ready and	-	2 fl. oz.
	the foreign body can be removed with a previously sterilised eye spud, or other clean instrument. Afterwards an eye shade or some cover should be used for 24	To be supplied in green or amber fluted bottle with dropper attached.	1 fl. oz.
(a) Compound Codeine Tablets	Tab. Codein. Co. CAUTION. - It is dangerous to exceed the stated dose.	-	100
(a) Cough Linctus .....	Linct. Scill. Opiat.	-	1 pint
(a) Codein Tablet.....	CAUTION. - It is dangerous to exceed the stated dose.	-	
(a) Soda Mint Tablets ....	Tab. Sod. Bicarb. Co.	-	50
(a) Soft Paraffin .....	Paraff. Moll. Flav.	-	40z.
(a) Tincture of Iodine	Liq. Iod. Mil. For external use only.	To be supplied in green or amber fluted bottles.	4 fl. oz.
(a) Vegetable Laxative Tablets	Tab. Colocynth. et Jalap. Co. CAUTION. - It is dangerous to exceed the stated dose.	-	50
(a) Zinc Ointment .....	Ung. Zinc. Oxid .....	-	40z.

SCALE IV -continued

Medical Stores - Sundries

Article	Special Information	Quantity
(a) Antiseptic.....	To conform to the specification for Antiseptics given in Appendix A.	½ pint
Basin.....		
Books-		
Ship Captain's Medical Guide, latest edition with amendments.	—	1
Merchants Shipping Medical Scales, latest edition with amendments.	—	1
(a) Disinfectant.....	To conform to the specification for Disinfectants given in Appendix A.	½ galls.
(a) Eye Baths.....		
(a) Eye Shades.....	To be of glass, porcelain or a plastic which is unaffected by immersion in boiling water for at least 5 minutes.	2
(a) Finger Stalls, Leather.....	To be cardboard.	4
First Aid Satchel.....	Assorted sizes.	6
(a) Insecticide Liquid.....	The following to be supplied complete in a strong canvas bag with a strap for carrying- (a) 8 triangular bandages. (a) 4 standard dressings No 13. (a) 2 standard dressings No. 14. 1 standard dressing No. 15. (a) ½ lb. roll of cotton wool. 6 brass, plated safety pins 2". On a card.	1
(a) Spray.....		
(a) Safety Pins.....	To conform to the specification given in Appendix C.	An amount equal to 3 the diluted product.
	To conform to the specification given in Appendix C.	1
	Brass, plated, 2"	12

SCALE IV -continued

Medical Stores - Instruments and Appliances

Article	Special Information	Quantity
Canvas Roll for Instruments .....	For use as a container for Forceps (Epilation, Spencer Wells'), Scissors, Clinical Thermometer.	1
Forceps- Epilation with oblique ends for removal of splinters.		1 pair
Spencer Wells ' 5".....	To be made of rustless and stainless steel throughout.	1 pair
Scissors 7".....		1 pair
Splints- Common.....	To be made of rustless and stainless steel throughout.	
Thermometer, Clinical.....	One blade sharp-pointed and the other blunt-pointed. To be of rustless and stainless steel.	1 set
	-	2
	To be supplied in metal or plastic protective case, lens fronted, ½ min. and stamped N.P.L.	

SCALE IV

Medical stores dressings

Article	Details regarding packaging and labeling	Quantity
<i>All materials must conform to the instruction at the commencement of Scale IV</i>		
Bandages- Triangular- Not less than 36" side 51" base.	Each bandage to be individually wrapped in printed paper with reference as to measurement and size.	3
W.O.W.- (a) 1" x 3 yds.....	Each bandage to be individually wrapped in printed paper with reference as to measurement and size.	12
(a) 3"x 4 yds.....	Ditto	6 6 pkts.
Cotton Wool- (a) ½ oz. 3" wide..... (a) 1 oz. 4 ¼ " wide.....	To be supplied rolled. The packets to be labeled with the words " Cotton Wool"; measurements to be stated on the label. The cotton wool to be in one continuous length as follows- ½ size 21" – 22" 10 <sub>3</sub> size 28"- 30"	6 pkts.

SCALE IV-continued

<p><i>Article</i> All materials must conform to the instruction at the commencement of Scale IV</p>	<p><i>Details regarding pacakaging and labelling</i></p>	<p><i>Quantity</i></p>
<p>Dressing-</p> <p>(a) Burn and Wound .....</p> <p>(a) Standard No. 13.....</p> <p>(a) Standard No. 14.....</p> <p>(a) Standard No. 15.....</p> <p>Plaster- Zinc Oxide 1" x5 yds.....</p>	<p>Paraffin Gauze Dressing (B.P.C.). Packaging and labelling to conform to the specification given in Appendix F</p> <p>Each dressing to be individually wrapped and labelled as follows-</p> <p>No. 13 Small B.P.C.</p> <p>Plain Wound Dressing.</p> <p>4" x 3"</p> <p>Directions. - Unwind short end of bandage. Hold short and rolled end of bandage to straighten out pad. Apply without touching sterilised pad or wound and bandage firmly</p> <p>Each dressing to be individually wrapped and labelled as follows-</p> <p>No. 14 Medium B.P.C.</p> <p>Plain Wound Dressing.</p> <p>6" x 4"</p> <p>Directions.- Unwind short end of bandage. How short and rolled end of bandage to straighten out pad. Apply without touching sterilized pad or wound and bandage firmly.</p> <p>Each dressing to be individually wrapped and labeled as follows;</p> <p>No 15 Large B.P.C</p> <p>Plain Wound Dressing.</p> <p>8" x 6"</p> <p>Directions.- Unwind short end of bandage. Hold short and rolled end of bandage to straighten out pad. Apply without touching sterilized pad or wound and bandage firmly.</p> <p>To be supplied on a spool.</p>	<p>2 cartoons</p> <p>12</p> <p>8</p> <p>4</p> <p>1 spool</p>





## SCALE V

### *Medical stores - Sundries*

First-Aid Box: The following to be supplied in a box capable of being locked.

- 4 Triangular Bandages;
- 4 Standard Dressings No. 13;
- 2 Standard Dressings No. 14;
- 1 Standard Dressing No. 15;
- $\frac{1}{2}$  lb. Roll of Cotton Wool;
- 6 Brass plated safety pins 2" on a card;
- Tincture of iodine 4 fl. ozs.; or
- Acridine 4 fl. ozs.

The Government Inspector of Shipping may recognise materials equivalent to Standard Dressing Nos. 13, 14 and 15, for use in Scale V only, and also substitutes for the antiseptics listed, on individual applications.

## APPENDIX A

### *Specification of disinfectants and antiseptics for ships*

#### **1. Disinfectants**

The disinfectant shall conform to the following specification-

(1) *General Description.*- The disinfectant shall be a white fluid and shall be a finely dispersed, stabilised emulsion containing coal-tar acids or other phenolic bodies, with or without hydrocarbons.

(2) *Germicidal Value and the Method of its Determination.*-The germicidal value shall be not less than 1.7 when determined by the modified Chick-Martin method as laid down by the British Standards Specification No. 808 of 1938.

(3) *Stability before dilution.*-On standing for three months at ordinary temperatures (5°C. to 30 °C.) the disinfectant fluid shall not precipitate nor show separation of more than traces of oil. A creamed fluid which can be rendered homogeneous by gentle mixing is permissible.

(4) *Stability after Dilution.*-The disinfectant fluid shall be miscible with distilled water and artificial sea-water (27 grammes of sodium chloride and 5 grammes of crystalline magnesium sulphate ( $\text{MgSO}_4 \cdot 7\text{H}_2\text{O}$ ) dissolved in and made up to 1,000 ml. with distilled water and filtered before use) in all proportions from one to five per cent, inclusive, to give a stable emulsion which shall not break nor show more than traces of separation of either top or bottom oil, when maintained at 18-22 °C. for six hours. When examining the disinfectant under this sub-paragraph, the sample and diluents shall each be brought to the specified temperatures before mixing, which shall be performed by pouring the former into the latter from a cylinder.

(5) *Odour and Corrosive Action.*-The fluid shall be free from objectionable smell, and when used as directed, shall have no more corrosive action on metals than that occasioned by the water employed as a diluent.

(6) *Packaging.*-Where no container is specified on the tender form, the fluid shall be packaged in containers capable of being stored under normal conditions for six months without deleterious interaction between the fluid and the container.

(7) *Labelling.*-The containers shall be labelled to show the name and nature of the contents and with full instructions for use for various purposes. The dilutions recommended in the instructions shall be suitable for the purposes specified. The labels shall be rendered resistant to moisture either by the use of an efficient label varnish which must cover the label and overlap the edges or by some alternative method, the effect of which is not inferior to varnishing.

## **2. Antiseptics**

The Antiseptic shall conform to the following specification-

(1) *General Description.*-The antiseptic shall consist of a homogeneous solution or emulsion of a phenol, chlorocresol, p-chloro-rn-xyleneol or a solution or emulsion of any other germicidal substance which is no less efficient as an antiseptic, dissolved in a suitable solvent.

(2) *Phenol coefficient.*-The Rideal-Walker Phenol Coefficient of a homogeneous solution or emulsion of phenol, chlorocresol or p-chloro-rn-xyleneol shall not be less than 3 when determined by the method given in British Standard Specification No. 541 of 1934 as amended in August 1943, May 1951 and May 1953.

(3) *Stability of Dilution.*-The antiseptic shall not show any separation after six hours when mixed, in all proportions from one to four per cent inclusive, in waters of all degrees of hardness up to the equivalent of 300 parts calcium carbonate per million. These mixtures shall not break or precipitate in less than 6 hours at 32°C and 37 °C.

(4) *Labelling.*-The Containers shall be labelled to show the name and nature of the contents and with full instructions for use for various purposes. The dilutions recommended in the instructions shall be suitable for the purposes specified. The labels shall be rendered resistant to moisture either by the use of an efficient label varnish which must cover the label and overlap the edges or by some alternative method, the effect of which is not inferior to varnishing.

*Specification of Anti- V.D. Outfit*

1. The Anti-V.D. Outfit shall comprise a tube of prophylactic ointment and a washing cloth to the following specifications:

ANTI-V.D. OINTMENT

FORMULA:

Mercurous chloride 30 grammes

Sulphathiazole	15 grammes
White soft paraffin	40 grammes
Light liquid paraffin	14 gramme
Cetyl alcohol	1 gramme
Oil of Lavender	0.01 milimetre

The ointment shall be supplied in collapsible tubes, with elongated nozzles and screw caps, each containing 60 grains, and labelled Prophylactic Ointment. The length of the nozzle shall not be less than  $\frac{1}{2}$  inch nor more than  $\frac{2}{3}$  inch.

## **2. Washing cloth**

This cloth shall be of coarse weave soft cotton wash cloth, free from size or dressing, or white lint, and not less than 3" x 3" square impregnated with soap to a total weight of approximately 10 ounces per square yard. Soap shall be of the type that will lather in either hard or soft water. As an alternative to soap a suitable detergent, to give a washing cloth not inferior in any respect to a washing cloth prepared with soap, may be used, provided that the detergent employed is not an irritant to the skin.

3. Each kit to be in a separate sealed waterproof envelope bearing the following instructions:

### ANTI-V.D. OUTFIT

#### *Instructions for use after exposure*

1. Pass water.
2. Wet the wash cloth and thoroughly wash the penis, purse and surrounding skin.
3. Squeeze about  $\frac{1}{4}$  of the contents of the tube into the canal of the penis. Massage gently with thumb and forefinger for a few seconds after injecting the ointment.
4. Rub the rest of the ointment over the entire length of the penis, purse and adjacent abdomen and thigh for at least 3 minutes paying particular attention to the foreskin, head and neck of penis.
5. Do not pass water for two hours after using the kit if you can avoid it.

### APPENDIX C

#### *Specification of insecticides and hand sprayer*

## **1. Insecticides**

The insecticide shall be capable of destroying all types of insects including, for example, mosquitoes, cockroaches, steam flies, bugs, fleas, lice and ants, commonly found in the living accommodation and in galleys or other spaces used in the preparation, or for storage, of foodstuffs for consumption on board ship.

The active principle in any insecticidal formulation shall consist of anyone or more of the following-DDT, Gamma BHC, Dieldrin, Malathion, Diazonon. Any other substance may be included in the active principle if it is no less efficient as an insecticide. The formulation may include pyrethrins or other biological equivalent.

## **2. Formulation**

- (1) The insecticide shall take the form of either-
  - (a) a solution of one or more insecticides in odourless petroleum distillate for use with a hand operated spray gun, complying with the provisions of paragraph 5 of this Appendix, as a space spray and residual spray,
  - (b) a solution of the insecticide with an appropriate propellant in a pre-packed press-button canister for use as a space spray and residual spray.

(2) The insecticide in the concentration employed shall not be harmful to humans when used in accordance with the instructions and with the precautions specified on the container. The formulation shall be free from visible impurities, foreign matter and offensive odour, and shall be non-staining.

### **3. Inflammability**

The insecticide solution referred to in paragraph 2 (1) (a) and (b) of this Appendix shall not have a flash point lower than 120°F when tested by the approved Abel method.

### **4. Packing, labelling and storage**

(1) The insecticide solution shall be carried in containers so sealed that they will remain air-tight and water-tight. Pressure canisters for spraying shall be provided with a cap or other effective means of protecting the valve mechanism when not in use.

(2) Containers and pressure canisters shall be safely and securely packed in wooden or fibre board cases.

(3) Containers and pressure canisters shall bear a moisture-proof label. The label may be printed on the container, and shall show at least the following items-

- (a) the name of the manufacturer;
- (b) clear instructions for use as-
  - (i) a residual spray against non-flying insects including for example cockroaches, steam flies, ants, bugs, fleas;
  - (ii) a space spray against flying insects including for example mosquitoes and flies;
- (c) a precautionary notice indicating that particular care should be taken to avoid contamination of foodstuffs, food utensils and benches on which food is prepared; excessive inhalation of the mist should be avoided; spillage on the skin should be washed off immediately with soap and water; storage should be away from living accommodation, pantries, foodstores and edible cargo.

### **5. Sprayers**

The hand sprayer for use with the liquid insecticide solution, if carried, shall be a soundly constructed continuous action sprayer, the nozzle of which shall be capable of producing a fine mist and also of wetting a surface when operated close to it for the purpose of residual spraying.

### **6. Insecticidal dusting powder**

This shall be suitable for application to the body or clothing of infested persons. The material shall consist of a powder, white to cream, or grey in colour, containing an insecticide suitable for the purpose, packed in a dredger. Instructions for use shall be given on a moisture proof label fixed on the container or printed thereon.

## **ApPENDIX D**

### *Specification of oxygen therapy equipment for use on board ships*

1. Three disposable oxygen inhalers of plastic material.
2. One manometer type oxygen flowmeter.
3. One fine-adjustment valve with oxygen pressure gauge, bullnosed fitting.
4. 6 ft. Plastic or Rubber tubing.

5. One Oxygen Universal cylinder key which provides a lever for tightening fly-nut of bullnosed valve unions and spanners for the union nuts of fine-adjustment valves, also gland nuts of bullnose type oxygen cylinder valves, chromium finish.
6. The above equipment shall be contained in a durable carrying case including simple instructions in use of equipment.

#### APPENDIX E

##### *Specification of chloride of lime for the treatment of drinking water in ships*

1. The chloride of lime shall contain not less than 24 per cent and not more than 26 per cent available chlorine. It shall also contain not less than 14 per cent of free quick lime (CaO).
2. The total water existing in all forms, consisting largely, if not entirely, of the water in combination in the form of calcium hydroxide, shall not exceed 7.5 per cent.
3. The chloride of lime shall be of such stability that after passing four weeks in an oven kept at 140 OF ( $\pm 2^\circ$ ) the percentage of available chlorine shall not decrease more than 2.
4. The chloride of lime shall be put up in 14 lb-tins, the date of issue by the manufacturer being stamped on the base of each tin.
5. Each tin shall contain a measure, made of a material resistant to chlorine, to contain 60 grains of the powder, when full, i.e., sufficient to chlorinate approximately 200 gallons of water.
6. Each tin and contents (except the measure, which may be used again) whether partially used or not, shall be renewed within one year following the date stamped on the tin.

#### APPENDIX F

##### *Specification of burn and wound dressing - paraffin gauze dressing (B.P.C.)*

Each dressing shall measure approximately  $3\frac{3}{4}$ " x  $3\frac{3}{4}$ " and shall be packed in an individual envelope (the dimensions of which shall be not be greater than  $5\frac{1}{2}$ " square) in such a manner as to allow it to retain its even impregnation. The envelope shall be made of a suitable material, preferably not more than 50 thousandths of an inch thick, shall be impermeable to moisture, free from pin holes and shall also be greaseproof. The envelope shall be hermetically sealed and remain so under all conditions of sea transport. Thirty-six envelopes shall be packed in a suitable carton appropriately labelled, giving detailed instruction for use.

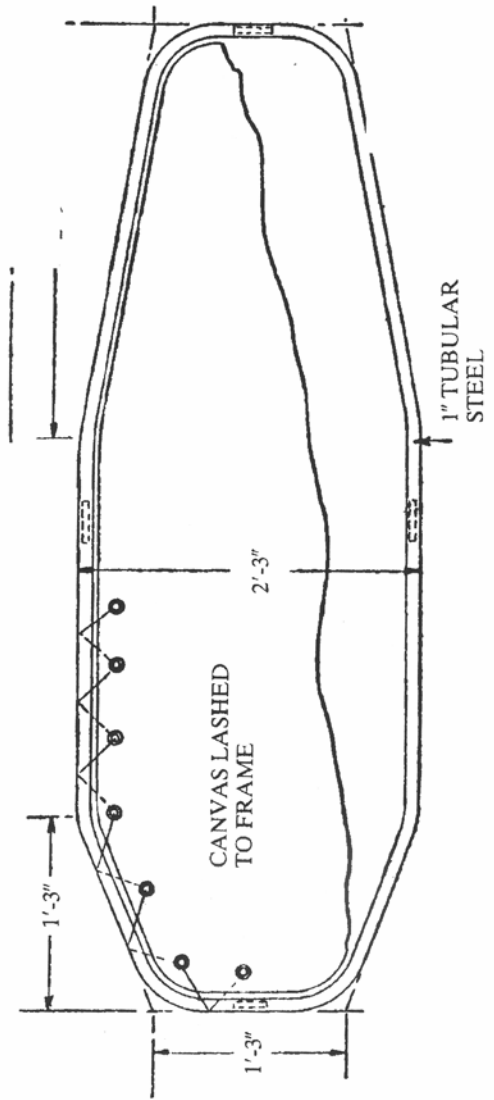
#### APPENDIX G

##### *Specification of a tubular steel pattern stretcher*

The stretcher shall be of the general shape shown on the following sketch and shall be formed of canvas suitably lashed to a metal frame of 1 inch diameter tubular steel. The frame shall be fitted with four metal lugs welded on, one at each end and one at the middle of each side as shown in the sketch.



[Issue I]



MERCHANT SHIPPING (CURRENCY EQUIVALENT ON  
LIMITATION OF LIABILITY) ORDER  
[L.N. 94 of 1964.]

under section 350

*[6th August, 1964]*

[Commencement.]

**1. Short title**

This Order may be cited as the Merchant Shipping (Currency Equivalent on Limitation of Liability) Order.

**2. Nigerian Currency equivalent to sundry gold francs**

One hundred and forty-six naira, ninety kobo and five thirty-seconds of a kobo and forty-seven naira, thirty-nine kobo and twenty-seven thirty-seconds of a kobo are hereby specified as the amounts which for the purposes of section 366 of the Merchant Shipping Act, are to be taken as equivalent to three thousand one hundred gold francs and one thousand gold francs respectively.

[Cap. M11.]

**MERCHANT SHIPPING (RECOGNITION OF SCHOOLS OF  
NAUTICAL  
COOKERY) REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title.
2. Recognised Schools of Nautical Cookery.
3. Powers of the Government Inspector of Shipping.

**MERCHANT SHIPPING (RECOGNITION OF SCHOOLS OF  
NAUTICAL  
COOKERY) REGULATIONS**

[L.N. 115 of 1964.]

under section 48

*[10th September, 1964]*

[Commencement.]

## **1. Short title**

These Regulations may be cited as the Merchant Shipping (Recognition of Schools of Nautical Cookery) Regulations.

## **2. Recognised schools of Nautical cookery**

For the purposes of regulation 2 (5) of the Merchant Shipping (Manning) Regulations, the following Schools of Nautical Cookery are recognised for the purpose of granting Certificates of Competency as Ship's Cook-

- (a) the Robert Gordon's Technical College, Aberdeen;
- (b) the Grimsby Nautical School, Orwell Street, Grimsby;
- (c) the Leith Nautical College, 59 Commercial Street, Edinburgh, 6;
- (d) the City of Liverpool Nautical Training School for Ships' Stewards and Cooks, Oldham Street, Liverpool, 1;
- (e) the London School of Nautical Cookery, The Sailors' Home and Red Ensign Club; Dock Street and Ensign Street, London, E.1 ;
- (F) the National Sea Training Schools of Nautical Cookery at-
  - (i) Cardiff;
  - (ii) Glasgow;
  - (iii) Hull;
  - (iv) South Shields;
- (g) the Royal Naval School of Cookery at-
  - (i) Chatham;
  - (ii) Devonport;
  - (iii) Portsmouth;
- (h) the Army Catering Corps Taining Centre - Aldershot;
- (i) the Army Catering Corps Schools-
  - (i) British Army of the Rhine;
  - (ii) Middle East Land Forces;
  - (iii) Far East Land Forces;
- (j) the R.A.F. Catering Centre at-
  - (i) Halton;
  - (ii) Innsworth.

## **3. Powers of Government Inspector of Shipping**

The Government Inspector of Shipping may by notice recognise other schools for the purpose of granting certificates of competency as a ship's cook and when published in the *Federal Gazette* the notice of recognition shall have effect as if any such school had been included in these Regulations.

**MERCHANT SHIPPING (MARINE BOARDS)  
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title.
2. Interpretation.
3. Attorney-General to appear for Government.
4. Summoning of Marine Board.
5. Notice of investigation.
6. Parties to the proceedings.
7. Parties by permission.
8. Notice to produce.
9. Notice to admit.
10. Evidence.
11. Proceedings of Board.
12. Addresses and evidence for the parties.
13. Examination of witnesses.
14. Questions for the Board.
15. Addresses.
15. Adjournment.
16. Decision of the Board.
17. Costs.
18. Copy of report.
19. Re-hearing of the case.
21. Service of notices.
20. Proof of service.
21. Assessors' allowances.
22. Publication of Regulations.

SCHEDULE

E

*Prescribed forms*

**MERCHANT SHIPPING (MARINE BOARDS)  
REGULATIONS**

[L.N.116 of 1964.]

under section 408

[ 10th October, 1964]

[Commencement.]

## **1. Short title**

These Regulations may be cited as the Merchant Shipping (Marine Boards) Regulations.

## **2. Interpretation**

In these Regulations, unless the context otherwise requires-

**"Attorney-General"** means the Attorney-General of the Federation and includes any person authorised by him to exercise his functions under these Regulations;

**"Board"** means a Marine Board constituted under section 255 of the Act;

**"investigation"** means a formal investigation into a shipping casualty or into a charge of incompetency or misconduct;

**"prescribed fee"** means the fee which may be prescribed by regulations made under section 441 (*q*) of the Act;

**"President"** means the President of the Marine Board.

## **3. Attorney General to appear for Government**

Every investigation shall be conducted on behalf of the Government by the Attorney-General.

## **4. Summoning of Marine Board**

When any investigation has been ordered, the Minister shall summon the Board by summons as in Form 1 in the Schedule to these Regulations and he shall, at the same time, cause notice of the sitting as in Form 2 in the Schedule to these Regulations to be served upon the Attorney-General and upon the owner, master and officers of the ship, and upon any other person who in his opinion ought to be served.

[Form 1. Form 2.]

## **5. Notice of investigation**

(1) When an investigation has been ordered, the Attorney-General may cause a notice (hereinafter referred to as "notice of investigation") to be served upon the persons already served with notices of the sitting and upon any other person who in his opinion ought to be served with such notice.

(2) The notice of investigation shall contain a statement of the questions which on the information then in the possession of the Attorney-General, he intends to raise on the hearing of the investigation and shall be as in Form 3 in the Schedule to these Regulations.

[Form 3.]

(3) The Attorney-General may, at any time before the hearing of the investigation, by a subsequent notice amend, add to or omit any of the questions specified in the notice of investigation.

## **6. Parties to proceedings**

The Attorney-General, the owner, the master, and any officer of the ship and any other person upon whom a notice of investigation has been served, shall be deemed to be the parties to the proceedings.

## **7. Parties by permission**

Any other person may, by leave of the President, appear and any person who appears under this regulation shall thereupon become a party to the proceedings.

## **8. Notice to produce**

A party may give to any other party notice in writing to produce any documents relating to the matters in dispute which may be lawfully produced and which are in the possession or under the control of such other party; and, if the notice is not complied with, secondary evidence of the contents of any such document may be given by or on behalf of the party who gave such notice.

## **9. Notice to admit**

A party may give to any other party notice in writing to admit any documents; and, in case of neglect or refusal to admit after such notice, the party so neglecting or refusing shall be liable for all the costs of proving the documents, whatever may be the result, unless the President is of the opinion that the refusal to admit was reasonable; the cost of proving any document shall not be allowed when the notice required by this section has not been given unless the officer by whom the costs are taxed is of the opinion that the omission to give the notice constitutes a saving of expense.

## **10. Evidence**

Affidavits and statutory declarations may, by permission of the President, be used as evidence at the hearing if sworn to or taken in the manner provided by the law of Nigeria.

## **11. Proceedings of Board**

At the time and place appointed for holding the investigation, the Board may proceed with the investigation whether the parties, upon whom a notice of investigation has been served, or any of them, are present or not.

## **12. Addresses and evidence for the parties**

(1) After the question for the opinion of the Board has been stated, the Board shall proceed to hear the parties to the investigation and determine the question so stated.

(2) Each party to the investigation shall be entitled to address the Board and to produce witnesses, or to recall any of the witnesses who have already been examined for further examination, and generally to adduce evidence.

(3) The parties shall be heard and their witnesses examined, cross-examined and re-examined in such order as the President may direct.

(4) The Attorney-General may also produce and examine further witnesses, who may be cross-examined by the parties and re-examined by him.

### **13. Examination of witnesses**

(1) The proceedings on the investigation shall commence with the production and examination of witnesses by the Attorney-General.

(2) These witnesses, after being examined by or on behalf of the Attorney-General, may be cross-examined by the parties in such order as the President may direct and may then be re-examined by the Attorney-General.

(3) Questions asked and documents tendered as evidence in the course of the examination of these witnesses shall not be open to objection merely on the ground that they do, or may, raise questions which are not contained in, or which vary from, the statement of the case or questions specified in the notice of investigation or subsequent notices referred to in regulation 5 of these Regulations.

### **14. Questions for the Board**

(1) When the examination of the witnesses produced by the Attorney-General has been concluded, the Attorney-General shall state in an open session of the Board the questions in reference to the casualty, and the conduct of the officers, or other persons connected therewith, upon which the opinion of the Board is desired.

(2) In framing the questions for the opinion of the Board, the Attorney-General may make such modifications, in addition to, or omissions from, the questions in the notice of investigation or subsequent notices referred to in regulation 5 of these Regulations as, having regard to the evidence which has been given, he may think fit.

### **15. Addresses**

When the whole of the evidence in relation to the questions for the opinion of the Board has been concluded, any of the parties who desire to do so may address the Board upon the evidence, and the Attorney-General may address the Board in reply upon the whole case.

### **16. Adjournment**

The President may adjourn the investigation from time to time and from place to place; where an adjournment is asked for by a party to the investigation or by the Attorney-General, the President may impose such terms as to payment of costs or otherwise as he may think just as a condition of granting such adjournment.

### **17. Decision of Board**

(1) When the certificate of an officer is cancelled or suspended, the decision of the Board to that effect shall always be given in an open session of the Board.

(2) In other cases, the President may give the decision in an open session of the Board or by serving a copy thereof on the parties.

(3) The decision of the Board shall be in the form of a report as in Form 5 in the Schedule to these Regulations.

[Form 5.]

(4) The report shall be sent to the Minister immediately after the conclusion of the investigation.

### **18. Costs**

The President may order that the costs and expenses of the investigation, or any part thereof, shall be paid by the Attorney-General or by any other party as in Form 4 in the Schedule to these Regulations.

[Form 4.]

### **19. Copy of report**

The Minister shall, if application is made to him therefor, give to any party to the proceedings, a copy of the Board's report, on payment of a prescribed fee.

### **20. Re-hearing of the case**

Where the High Court remits a case for re-hearing in accordance with section 255 (1) of the Act, the Minister shall cause such reasonable notice of the remission, as the circumstances of the case may, in his opinion, permit, to be given to the parties whom he considers to be affected thereby.

[Cap. M11.]

### **21. Service of notices**

Any notice, summons or other document issued under these Regulations may be served by sending the same by registered letter to the address of the person to be served.

### **22. Proof of service**

The service of any notice, summons or other document may be proved by the oath or affidavit of the person by whom it was served.

### **23. Assessors' allowances**

There shall be paid by the Board to each assessor who is not a member of the public service of the Federation or a State, the sum of ten naira for each day of the hearing or a part thereof.

### **24. Publication of Regulations**

A copy of these Regulations shall be kept at every Ministry, Mercantile Marine and Harbour Masters' Office and any person desiring to peruse them shall be entitled to do so.



SCHEDULE

*Prescribed forms*  
[Regulation 4, 5 (2), 18 and 19.]

FORM 1

*Summons to Board*

In the matter of a formal investigation to be held at .....into the  
circumstances attending the .....

In pursuance of the Merchant Shipping Act (Cap. Mil), and of the Merchant  
Shipping (Marine Boards) Regulations, I hereby summon you to attend as  
President (or Member or Scientific referee) on this investigation:  
at .....on the ..... day of .....at the hour of ..... in the ... . noon.  
DATED this . ..... day of ..... 20 .....

.....  
*Minister of Transport*

I shall attend as summoned.

.....  
*(Signature of person summoned)*

FORM 2  
[Regulation 4.]

*Notice of sitting of Board*

In the matter or a formal investigation to be held at .....  
into the circumstances attending the .....

To .....; the Master, Managing Owner, or Owner of .....  
shares in the ship, the appellant (or the Attorney-General).

Take notice that the Board for the above investigation shall meet at .....  
on the .....day of .....20 ..... at .....o'clock in the ...noon  
to hear the above matter.

DATED this .....day of ..... 20 .....

.....  
*Minister of Transport*

FORM 3  
[Regulation 5 (2).]

*Notice of investigation*

To .....Master, Mate, Engineer,  
M.E.A.,

Owner, etc., of ..... or belonging to the ship of .....

I hereby give you notice that the Minister has ordered a formal investigation  
into the circumstances  
attending the .....

and subjoined hereto is a copy of a report (or statement of the case) upon which  
the said investigation has been ordered. You are hereby required to produce to  
the Marine Board all documents relevant to this case which may be in your  
possession and in particular, the following documents-

.....  
..... further give you notice that on  
the information at present available to me, the questions annexed hereto are those  
upon which it appears desirable to seek the opinion of the Marine Board; these  
questions are however subject to alteration, addition, omission or amendment at  
any time before the hearing of the investigation.

DATED this ..... day of ..... 20 .....

.....  
*.Attorney-General*

I. Report (or statement of case)

II. Questions.

1. Whether the

*(Here insert the proposed questions)*

FORM 4  
[Regulation 18.]

*Order on a party for payment of costs of investigation*

**In** the matter of a formal investigation held at .....,  
on the\* ..... days of  
before ..... assisted by  
.....into the circumstances attending

The Board orders-

(1)

That.....  
..... of ..... do pay to the Attorney-General the sum of on account  
of the expenses of this investigation; or

(2) That the Attorney-General do pay to .....  
of .....the sum of ..... on account  
of the expenses of this investigation.

GIVEN under my hand this ..... day of ..... 20

.

.....  
*President*

\* Here state all the days on which the Marine Board sat.

FORM 5  
[Regulation 17  
(3).]

*Report of Board*

In the matter of a formal investigation held at .....  
On the\*  
.....  
.....day of  
..... before .....

assisted by .....into the  
circumstances  
attending the .....

The Marine Board, having carefully inquired into the circumstances attending the  
above-mentioned shipping casualty, finds, for the reasons stated in the Annex  
hereto, that the (here state finding of the Board).

DATED this ..... day of ..... 20 .....

.....  
*President*

I do/do not concur in the above  
report.  
Member.  
Member.  
Member.  
Member.

ANNEX TO THE REPORT

*(Here state fully the circumstances of the case, the opinion of the Marine Board  
touching the causes of the casualty, and the conduct of any persons implicated  
therein, and whether the certificate of any officer is either suspended or  
cancelled, and if so for what reasons).*

- { \*Here state all the days on which the Marine Board sat.  
† If a Member does not concur in the report his reasons for dissenting  
therefrom shall be annexed to the report.

**MERCHANT SHIPPING (RECEIVER OF WRECK AND  
ASSISTANT  
RECEIVERS OF WRECK) (APPOINTMENT) NOTICE**

ARRANGEMENT OF NOTICE

NOTICE

1. Appointment of Receiver and Assistant Receiver.
2. Short title and repeal.

SCHEDULE

**MERCHANT SHIPPING (RECEIVER OF WRECK AND  
ASSISTANT  
RECEIVERS OF WRECK) (APPOINTMENT) NOTICE**

[L.N. 141 of 1964.]  
under section 286

*[17th December, 1964]*

**1. Appointment of Receiver and Assistant Receiver**

The persons holding the offices specified in the First Column of the Schedule hereunder are hereby appointed to the respective posts specified in the Second Column for the areas specified in the Third Column as set opposite the designated office.

**2. Short title and repeal**

- (1) This Notice may be cited as the Merchant Shipping (Receiver of Wreck and Assistant Receivers of Wreck) (Appointment) Notice.
- (2) Government Notice No. 1599 of 1959 is hereby cancelled.

SCHEDULE

[Section 1.]

<i>Office</i>	<i>Post to which</i>	<i>Area</i>
Government Inspector of Ministry of Transport,	Receiver of Wreck	The coast and tidal waters in Nigeria.
Principal Nautical Surveyor, Ministry of Transport ,	Assistant Receiver of Wreck	(a) The Nigerian coast and all waters  from the border with Dahomey up to but not including the Benin River entrance.

<i>Office</i>	<i>Post to which</i>	<i>Area</i>
---------------	----------------------	-------------

		(b) The inland waters within and the provinces of Ijebu and Ondo.
Harbour Master Delta Ports. Nigerian Ports Sapele	Assistant Receiver of	The Nigerian coast and the port approaches from and the Benin River up to but excluding the Nun River
The Divisional Marine Inland Waterways Warri	Receiver of Wreck	The inland waters within the Rivers provinces west of excluding the Nun river and Niger itself up to but and port approaches.
Harbour Master, Nigerian Authority, Port-	Assistant Receiver of Wreck.	The Nigerian coast and the port approaches from and the Nun river entrance up including the Qua Iboe
Divisional Marine Waterways Dept. Port-	Assistant Receiver of Wreck.	The inland waters within the Province east of and Nun river. and the Calabar west of but not including Iboe river but excluding port approaches.
Harbour Master, Nigerian Ports Authority, Calabar	Assistant Receiver of Wreck	(a) The Nigerian coast from and including the Qua Iboe river entrance up to the territorial of the Cameroun republic mouth of the Cross River.
		(b) The inland waters of Province east of and Qua Iboe river, the Ogoia and the Cross river affluents west of the Republic and the boundary.
Divisional Marine Waterways Dept.	Assistant Receiver of	The River Niger and its of but not including Idah.
Local Marine Officer, Waterways Dept.	Assistant Receiver of	The River Niger and its but not including Aboh up including Idah.

# MERCHANT SHIPPING (BOARD OF SURVEY) REGULATIONS

## ARRANGEMENT OF REGULATIONS

### REGULATION

1. Short title.
2. Interpretation.
3. Filing of notice of appeal.
4. Proceedings for constituting Board.
5. Summoning of Board.
6. Notice to complainant of hearing.
7. Forwarding copy of government surveyor's report.
8. Time of hearing.
9. Parties to proceedings.
10. Parties by permission.
11. Notice to produce.
12. Notice to admit.
13. Affidavits and statutory declarations.
14. Case for Government.
15. Case for complainant.
16. Case for appellant.
17. Witnesses in reply.
18. Addresses of parties.
19. Adjournment.
20. Delivery of decision.
21. Order of the Board.
22. Costs.
23. Service of notices.
24. Proof of service.
25. Member fees.
26. Publication of Regulations.

### SCHEDULE

#### *Forms*

## MERCHANT SHIPPING (BOARD OF SURVEY) REGULATIONS

[L.N.9of1965.]

under section 408

[31 st December, 1964]

[Commencement.]

## **1. Short title**

These Regulations may be cited as the Merchant Shipping ( Board of Survey) Regulations.

## **2. Interpretation**

In these Regulations-

"**appellant**" means any aggrieved persons appealing to the Board under section 137 of the Act;

[Cap. M11.]

"**Attorney-General**" means the Attorney-General of the Federation and includes any person authorised by him to carry out his functions under these Regulations;

"**Board**" means a Board of Survey appointed under section 200 of the Act;

"**chairman**" means the chairman of the Board.

## **3. Filing of notice of appeal**

Every appellant shall file at the office of the Government Inspector of Shipping a notice in Form 1 in the Schedule to these Regulations.

[Schedule. Form 1.]

## **4. Proceedings for constituting Board**

Immediately on the filing of the notice of appeal, the Government Inspector of Shipping shall inform the Minister, and, if the ship is a foreign ship, he shall give notice to the consular officer in the Federal Republic of Nigeria for the State to which the ship belongs, who may nominate one person to act as a member of the Board and submit the name of such person to the Minister.

## **5. Summoning of Board**

When the Minister has issued an order constituting the Board, the person appointed to act as chairman shall summon the Board by issuing a notice in Form 2 of the Schedule to these Regulations.

## **6. Notice to complainant of hearing**

If the survey has been made on the complaint of any person (hereinafter referred to as the "complainant") the chairman shall send to such person notice of the time and place appointed for the hearing.

[Schedule. Form 2.]

## **7. Forwarding copy of government surveyors report**

Before the hearing, the Attorney-General shall forward to the chairman an official copy of the report of the government surveyor; this report shall be produced in evidence at the hearing.



## **8. Time of hearing**

The Board shall, if practicable, be summoned to hear the appeal on a day not later than fourteen days from the filing of the notice of appeal.

## **9. Parties to proceedings**

The Attorney-General and the appellant shall be the parties to the proceedings.

## **10. Parties by permission**

Any other person may by permission of the chairman be made a party to the proceedings.

## **11. Notice to produce**

Either party to the proceedings may give to the other a notice in writing to produce such documents (which may lawfully be produced) relating to any matter in dispute which are in the possession or under the control of such other party; if such notice is not complied with, secondary evidence of the contents of any such documents may be given by or on behalf of the party who gave the notice.

## **12. Notice to admit**

Any party to the proceedings may give to any other party a notice in writing to admit any documents (saving all just exceptions); and, in case of neglect or refusal to admit after such notice, the party so neglecting or refusing shall be liable for all the costs of proving such documents, (whatever the result may be) unless the Board is of opinion that the refusal to admit was reasonable. The costs of proving any document shall not be allowed when the notice required by this section has not been given unless the officer by whom the costs are taxed is of the opinion that the omission to give notice constitutes a saving of expense.

## **13. Affidavits and statutory declarations**

Affidavits and statutory declarations may, by permission of the chairman (and saving all just exceptions) be used in evidence at the hearing if sworn to or taken in the manner provided by law.

## **14. Case for Government**

At the hearing the Attorney-General shall open the case for the government stating what order he requires the Board to make and thereafter call his witnesses.

## **15. Case for complainant**

The complainant, if he appears, shall open his case stating what order he requires the Board to make and thereafter call his witnesses.

## **16. Case for appellant**

The appellant shall then open his case stating what order he requires the Board to make and thereafter call his witnesses.

## **17. Witnesses in reply**

After the appellant has examined all his witnesses, the Attorney-General and the complainant may, on cause being shown to the satisfaction of the Board, call further witnesses in reply.

## **18. Addresses of parties**

After all the witnesses have been examined, the Board shall first hear the appellant, then the complainant (if any) and afterwards the Attorney-General.

## **19. Adjournment**

The chairman may at his discretion adjourn the Board's sitting from time to time and from place to place on any terms or conditions he may deem fit.

## **20. Delivery of decision**

The chairman shall record the decision of the Board and cause the same to be sent or delivered to the parties. It shall not be necessary to hold a sitting of the Board specifically for the purpose of giving its decision.

## **21. Order of the Board**

As soon as possible after the Board has come to its decision, the Board shall issue an order in Form 3 in the Schedule to these Regulations, and the chairman shall forthwith forward a copy of this order to the Minister.

[Schedule. Form 3.]

## **22. Costs**

The Board may, if it thinks fit, make any order in respect of costs of the inquiry or survey.

## **23. Service of notices**

Any notice, summons or other document issued by the Board may be served by registered post.

## **24. Proof of service**

The service of any notice, summons or other document may be proved by the oath or affidavit of the person who served the notice.

## **25. Member fees**

There shall be paid to each member of the Board who is not a public officer, and to any scientific referee appointed under section 258 (1) of the Act who is not a public officer, the sum of ten naira for each day or a part thereof of the sitting of the Board.

## **26. Publication of Regulations**

A copy of these Regulations shall be kept at the office of the Government Inspector of Shipping and at every Ministry, Mercantile Marine and Harbour Master's Office, and

may be perused at every such office by the master or owner or any person authorised from any ship which may be provisionally detained under the Act.

SCHEDULE

[Regulation 3.]

FORM 1

*Notice of appeal*

In the matter of the ship .....

To:

The Government Inspector of Shipping,  
Federal Ministry of Transport,  
Lagos.

Take notice that I, (*name and address*) .....  
the master (*or owner of* ..... *shares*) of the said  
ship do appeal against-

(1) the report of

.....  
.....the

government surveyor; or

(2) the refusal to give a clearance under section 135 of the Merchant Shipping  
Act, Cap. M11.

The address at which all notices and documents may be served by post or  
otherwise on me is

.....  
.....

DATED this ..... day of ..... 20

.....

.....

*(To be signed by the Appellant)*

NOTE.-If it is intended to object to any specified person being a member of the BOARD OF SURVEY, the fact must be stated on this form together with the grounds for the objection.

FORM 2

[Regulation 5.]

*Summons to Board*

The Board of Survey for Nigeria.

In the matter of an appeal by .....  
from the report of ..... , the government  
surveyor at ..... (*or as the case may be*).

FORM 2-continued

In pursuance of the Merchant Shipping Act Cap.M11, I hereby summon you to attend as  
..... on this appeal at .....a.m. on the .....day of ..... 20 .....

A copy of the notice of appeal is attached.

DATED at ..... this ..... day of .....20

.....

*Chairman of the Board*

I shall attend as summoned.

.....

*(Signature of person summoned)*

FORM 3  
[Regulation 21.]

*Report of members of Board*

The Board of Survey for Nigeria.

In the matter of an appeal by .....  
from the report of .....  
.....

the government surveyor at .....(or as  
the case may be).

We

.....  
.....do report that having  
heard this appeal, we did order the said ship to be released (or detained finally or conditionally  
upon .....) for the reasons set forth in the annexed statement.

We are also of opinion that the costs of this appeal shall be paid by the appellant (or by the  
Government), or (that all parties shall bear their own costs).

DATED at ..... this ..... day of .....20 .....

*Chairman* .....

*Member* .....

*Member* .....

**MERCHANT SHIPPING (DIRECTION-FINDERS) RULES**

ARRANGEMENT OF RULES

RULE

1. Short title and revocation.

## 2. Interpretation and transitional provisions.

RULE

3. Ships to which the Rules apply.
4. Provision of direction-finder.
5. Climatic and durability tests.
6. Installation of direction-finder.
7. Interference with reception.
8. Means of communication.
9. Restriction on use of direction-finder.
10. High voltage parts.
11. Supply of electrical energy.
12. Charging of batteries.
13. Calibration.
14. Records of calibration and verification.
15. Wiring diagrams and instructions.

FIRST SCHEDULE

*Transitional provisions*

SECOND SCHEDULE

*Direction-finder*

THIRD SCHEDULE

*Climatic and durability tests*

FOURTH SCHEDULE

*Certificate of calibration of direction-finder*

FIFTH SCHEDULE

*Record of check bearings taken by means of the direction-finder*

**MERCHANT SHIPPING (DIRECTION-FINDERS) RULES**

[L.N. 68 of 1964.]

under section 147

*[28th February, 1966]*

[Commencement.]

**1. Short title and revocation**

(1) These Rules may be cited as the Merchant Shipping (Direction-Finders) Rules.

(2) The Merchant Shipping (Radio and Direction-Finders) Rules 1964 to the extent that they apply to direction-finders, shall be revoked.

(3) For the avoidance of doubt, the Merchant Shipping (Direction-Finders) Rules 1952 of the United Kingdom, to the extent to which they applied to direction-finders shall be deemed to have been revoked with effect from 11 June 1964; and the entry in the Third Schedule of the Merchant Shipping Act shall be deleted accordingly.

## **2. Interpretation and transitional provisions**

(1) In these Rules, unless the context otherwise requires-

**"existing installation"** means-

- (a) an installation wholly installed before these Rules came into force; and
- (b) an installation, part of which was installed before these Rules came into force and the rest of which consists either of parts installed in replacement of identical parts or parts which comply with these Rules;

**"fishing boat"** has the same meaning as in section 2 of the Merchant Shipping Act;  
[Cap. M11.]

**"interference"** has the same meaning as in section 3 of the Wireless Telegraphy Act;  
[Cap. W5.]

**"mile"** means a nautical mile of 6,080 feet;

**"tons"** means gross tons;

In relation to classes of emission-

**"class A1"** means telegraphy by on-off keying without the use of a modulating audio frequency;

**"class A2"** means telegraphy by the on-off keying of an amplitude-modulating audio frequency or audio frequency, or by the on-off keying of the modulated emission;

**"class B"** means damped waves.

(2) These Rules shall have effect subject to the transitional provisions contained in the First Schedule of these Rules.

## **3. Ships to which the Rules apply**

(1) Subject to the provisions of paragraph (2) of this rule, these Rules shall apply to-

(a)

(b)

sea-going Nigerian ships of 1,600 tons or over; or

other sea-going ships of 1,600 tons or over which are within any port in Nigeria if such sea-goings ships are not-

- (i) troopships registered elsewhere other than in Nigeria;
- (ii) ships propelled otherwise other than in Nigeria;
- (iii) pleasure yachts; or
- (iv) fishing boats.

(2) Nothing in these Rules shall apply to ships engaged otherwise than on international voyages.

#### **4. Provision of direction-finder**

Every ship to which these Rules apply shall be provided with a direction-finder complying with the requirements specified in the Second Schedule of these Rules, and such ship shall, if registered in Nigeria, comply with the Performance Specification for a Direction Finding Equipment issued by the Ministry of Communications or with the Performance Specification for a Direction Finder Equipment 1965 issued by the Postmaster General of the United Kingdom.

#### **5. Climatic and durability tests**

(1) The direction-finder shall be free from mechanical defects and shall comply with the requirements of these Rules-

- (a) while undergoing the vibration, dry heat, and low temperature tests required by the Third Schedule of these Rules;

[Third Schedule.]

- (b) when subjected to the damp heat test required by the said Third Schedule; and

- (c) immediately after undergoing the other tests required by the said Third Schedule.

(2) The direction-finder aerial system referred to in the Second Schedule of these Rules shall be such that after undergoing the mould growth tests required by the Third Schedule of the Rules, no mould shall be present on it.

#### **6. Installation of direction-finder**

(1) The direction-finder shall be installed in such a position that efficient determination of radio bearings by means of the direction-finder shall not be hindered by extraneous noises.

(2) (a) The direction-finder aerial system referred to in the Second Schedule of these Rules shall be mounted in such a manner that the efficient determination of radio bearings by means of the direction-finder shall be hindered as little as possible by the proximity of aerials, derricks, wire halyards and other large metal objects.

(b) Unless the feeder cables connecting the direction-finder aerial system with the receiver forming part of the direction-finder, consist of solid dielectric screened cable, they shall be protected by metal tubes which are bonded to earth and the joints of the feeder cables shall be watertight.

#### **7. Interference with reception**

(1) At no time when a ship to which these Rules apply is at sea shall interference or mechanical noise produced by the direction-finder required by these Rules or by other equipment in the ship, be such as would prevent the efficient determination of radio bearings by means of the direction-finder.



(2) Any ship to which these Rules apply which is provided with a direction-finder not being an existing installation, shall also be provided with a communal aerial system for

all broadcast receivers in respect of which it is impracticable to erect efficient and properly installed aerials which-

- (a) are outside a radius of 50 feet from the direction-finder aerial; or
- (b) do not rise above the base of the direction-finder aerial; or
- (c) can be lowered quickly and stored easily when the direction-finder is in use.

### **8. Means of communication**

(1) In every ship to which these Rules apply an efficient two-way means of calling and voice communication shall be provided between the receiver forming part of the direction-finder and the bridge from which the ship is normally navigated.

(2) In every such ship an efficient means of signalling shall be provided between the receiver forming part of the direction-finder and the ship's standard compass or gyro compass repeater, if any.

### **9. Restriction on use of direction-finder**

The direction-finder required by these Rules shall not be used-

- (a) for any purpose other than the business of the ship; or
- (b) for keeping the radio required under the provision of radio rules made under the Act.

### **10. High voltage parts**

(1) All parts and wiring of the equipment specified in these Rules in which the direct and alternating voltages (other than radio frequency voltages) combine at any time to give an instantaneous voltage greater than 50 volts, shall be protected from accidental access.

(2) All parts and wiring of the equipment specified in these Rules (other than the parts and wiring of a rotating machine) in which the direct and alternating voltages (other than radio frequency voltages) combine at any time to give an instantaneous voltage greater than 250 volts, shall be isolated automatically from all sources of electrical energy when the means of protection are removed.

### **11. Supply of electrical energy**

There shall be available in every ship to which these Rules apply at all times while at sea and at all reasonable times when in port, a supply of electrical energy sufficient for the operation of the direction-finder in accordance with these Rules, and for testing purposes, and for the charging of any batteries which are a source of electrical energy for the direction-finder.

### **12. Charging of batteries**

Where batteries are provided as a source of energy for the direction-finder, means shall be provided on board the ship for the charging of the batteries from the ship's main source of electrical energy and the master of the ship shall cause the batteries to be tested once a day by voltmeter, and once a month by hydrometer, and shall cause any battery which is found not to be fully charged to be fully charged as soon as possible.

### 13. Calibration

(1) The master of every ship to which these Rules apply shall cause the direction-finder to be calibrated in accordance with the provisions of this rule as soon as practicable after it has been installed in the ship, and whenever any change is made in the position of the direction-finder aerial system.

(2) The direction-finder shall be calibrated by two persons, one being experienced in the taking of radio bearings and the other being experienced in the taking of visual bearings. The calibration shall be carried out by taking simultaneous radio and visual bearings of a calibrating transmitter and such bearings shall be taken at intervals of not greater than 5 degrees throughout 360 degrees on a frequency between 285 kc/s and 315 kc/s.

(3) Calibration tables and curves shall be prepared on the basis of the bearings taken in accordance with the provisions of paragraph (2) of this rule.

(4) The master of the ship shall cause the calibration tables and curves prepared in accordance with the foregoing provisions of this rule to be verified by means of check bearings-

- (a) at intervals not exceeding twelve months; and
- (b) whenever any change is made in any structure or fitting on deck which is likely to affect the accuracy of the direction-finder,

and if such verification shows that the calibration tables or curves are materially inaccurate, the master of the ship shall cause the direction-finder to be re-calibrated as soon as practicable in the manner specified in paragraphs (2) and (3) of this rule.

### 14. Records of calibration and verification

The master of every ship to which these Rules apply shall cause the records to be kept on board in a place accessible to any person operating the direction-finder, and to be available for inspection at any reasonable time by a surveyor of ships, that is to say, records of or comprising-

- (a) a list or diagram indicating the condition and position, on the most recent occasion on which the direction-finder was calibrated, of-
  - (i) the aerials; and
  - (ii) all movable structures,on board the ship which might affect the accuracy of the direction-finder;
- (b) the calibration tables and curves prepared on the most recent occasion on which the direction-finder was calibrated;
- (c) a certificate of calibration in the form specified in the Fourth Schedule of these Rules relating to the most recent occasion on which the direction-finder was calibrated and signed by the persons making the calibration; and  
[Fourth Schedule.]
- (d) in the form specified in the Fifth Schedule of these Rules, check bearings taken for the verification of calibration, the bearings being numbered in the order in which they were taken.

[Fifth Schedule.]

## **15. Wiring diagrams and instructions**

A schematic wiring diagram of the direction-finder and a book containing adequate instructions as to the use of the direction-finder shall be provided and shall be available at all times for use by any person operating or testing the direction-finder.

### SCHEDULES

#### FIRST SCHEDULE

[Rule 2 (2).]

##### *Transitional provisions*

1. Rules 4 and 5 of these Rules shall not apply to any ship fitted with a direction-finder which is an existing installation, or which is installed before 28 February 1968 if it complies with the requirements of the Twelfth and Thirteenth Schedules of the Merchant Shipping (Radio and Direction-Finders) Rules which would have been applicable to it if the Rules of 1964 had not been revoked.

2. Rules 4 and 5 of these Rules shall not apply to any ship which before 1 August 1966 was fitted with a direction-finder which is an existing installation not complying with the requirements of the Twelfth and Thirteenth Schedules of the Merchant Shipping (Radio and Direction-Finders) Rules as aforesaid if the direction-finder is capable of-

- (i) receiving Class A 1, A2 and B emissions on all frequencies from 255 kc/s to 525 kc/s; and
- (ii) taking radio bearings when the field strength at the direction-finder aerial system is as low as 50 microvolts per metre.

#### SECOND SCHEDULE [Rule 4.]

##### *Direction-finder*

### **1. General**

The direction-finder shall include a receiver and a direction-finder aerial system. The mechanical parts of the direction-finder aerial system, other than ball, bearings, hose clips, set screws and other similar small parts, shall consist of non-magnetic material.

### **2. Frequency ranges and classes of emission**

The receiver shall be capable of receiving Class AI, A2 and B emissions of any frequency within the range of 255 kc/s to 525 kc/s.

### 3. Sensitivity

In the absence of interference the direction-finder shall have sufficient sensitivity to permit accurate bearings being taken on a signal having a field strength as low as 50 microvolts per metre.

### 4. Accuracy of bearings

When the direction-finder is tested, and after due allowance has been made for any site errors, the bearing as indicated by the scale of the direction-finder shall be within one degree of the correct bearing. This requirement shall be met at all frequencies in the range of frequencies specified in paragraph 2 of this Schedule and throughout the whole 360 degrees of azimuth regardless of the previous setting of the bearing indicator.

### 5. Radiation

The receiver when in use shall not produce a field exceeding 0.1 microvolt per metre at a distance of one mile from the receiver.

## THIRD SCHEDULE

### *Climatic and durability tests*

#### 1. In this Schedule-

- (1) references to Class B equipment shall be construed as references to each part of the direction-finder other than the direction-finder aerial system;
- (2) references to Class X equipment shall be construed as references to the direction-finder aerial system.

2. Class B and Class X equipment shall be subjected to tests conducted in the order in which they appear in the following Table-

TABLE

<i>Nature of Test</i>	<i>Classes of equipment which the test shall be applied</i>
Visual Inspection and Performance Test	B and X
Inspection under Vibration	B and X
Bump Test	B and x
Dry Heat Cycle	B and X
Damp Heat Cycle	B and X
Low Temperature Cycle	B and X
Rain Test	X
Immersion Test	X
Corrosion Test	B and X
Mould Growth Test	X
Visual Inspection and Performance Test	B and X

3. The Tests referred to in paragraph 2 of this Schedule shall be conducted respectively in the manner described in the Performance Specification for the Climatic and Durability Testing of Marine Radio Equipment issued by the Ministry of Communications or in the Performance Specification for Climatic and Durability Testing of Marine Radio Equipment issued by the Postmaster-General of the United Kingdom.

FOURTH  
SCHEDULE  
[Rule 14 (c).]

*Certificate of calibration of direction-finder*

We, the undersigned, hereby certify that we have this day-

- (a) calibrated in accordance with the Merchant Shipping (Direction-Finders) Rules  
the direction-finder installed in the

s.s

\_\_\_\_\_  
m.v.

- (b) handed to the master of that ship tables of calibration corrections;
- (c) adjusted the said direction-finder so that the readings taken thereby, when corrected with such tables, differed from the correct bearings by no more than plus or minus two degrees.

We hereby further certify that the master of the said ship has been furnished with a list or diagram indicating the condition and position, at the time of such calibration, of the aerials and of all moveable structures on board the ship which might affect the accuracy of the direction-finder.

..... Radio Observer  
..... Visual Observer  
..... Date

	(1) Serial Number of bearings
	(2) Date
	(3) Times (O.M.T.)
	(4) Latitude
	(5) Longitude
	(6) Distance from Transmitter
	(7) Direction-Finder Bearing of (Name)
	(8) Direction-Finder Relative Bearing For Q.E.
	(9) Ship's Head by Compass 0/360"
	(10) Total Compass Error
	(11) Half Convergency Applied
	(12) Ship's Head Corrected (True)
	(13) True Bearing by Direction- and Col. (12)
	(14) True Bearing by visual check or (whether visual or calculation to be by calculation, the method to be stated
	(15) Correction required to make Col. Col. (14) (indicating whether - or +)
	(16) Signature of Observer or Observers

# MERCHANT SHIPPING (TIMBER CARGO) RULES

## ARRANGEMENT OF RULES

### PART I

#### RULE

1. Short title, commencement and application.
2. Interpretation.

### PARTII

#### *Rules for the carriage of timber deck cargoes on all ships*

3. Deck openings covered by timber deck cargo.
4. Stowage.
5. Protection of crew access to machinery spaces, etc.
6. Steering arrangements.
7. Lashings.
8. Uprights.

### PARTIV

#### *Additional rules applying to steamers using timber load lines*

9. Application.
10. Stowage
11. Lashings
12. Means of securing uprights.

### SCHEDULE

## MERCHANT SHIPPING (TIMBER CARGO) RULES

[L.N.10 of 1965.]

under section 408

### PART I

#### **1. Short title, commencement and application**

(1) These Rules may be cited as the Merchant Shipping (Timber Cargo) Rules, and shall come into operation on a date to be notified in the Federal *Gazette*.

(2) These Rules shall apply to all ships carrying a timber deck cargo.

#### **2. Interpretation**

In these Rules, unless the context otherwise requires-

"**freeboard deck**" has the same meaning as in the Load Line Rules;

"Load Line Rules" means the rules made by the Minister under section 185 of the Act;

[L.N. 108 of 1964.]



**"superstructure deck"** means the deck forming the top of a superstructure as defined in the Load Line Rules;

**"timber deck cargo"** means a cargo of timber carried on an uncovered part of a freeboard or superstructure deck, but does not include a cargo of wood pulp or similar substance;

**"timber load line"** means a special load line to be used only when a ship carrying a timber deck cargo complies with these Rules and the Load Line Rules.

## PART II

### *Rules for the carriage of timber deck cargoes on all ships*

#### **3. Deck openings covered by timber deck cargo**

Openings to spaces below the freeboard deck shall be securely closed and all fittings such as hatchway beams, fore-and-afters and covers, shall be in place. Where hold ventilation is needed, the ventilators shall be sufficiently protected.

#### **4. Stowage**

(1) The timber deck cargo shall be compactly stowed, lashed and secured. It shall not interfere in any way with the navigation and necessary work of the ship, or with the provision of a safe margin of stability at all stages of the voyage, regard being given to additions of weight such as those due to absorption of water, and to losses of weight such as those due to consumption of fuel and stores.

(2) In the case of a ship within any of the areas set out in the second column of the Schedule to these Rules, during the periods set out respectively opposite to such areas in the third column of the said Schedule, the height of the timber deck cargo above the freeboard deck shall not exceed one third of the extreme breadth of the ship.

#### **5. Protection of crew access to machinery spaces, etc.**

Safe and satisfactory access to the quarters of the crew, to the machinery space and to all other parts used in the necessary work of the ship shall be available at all times. Deck cargo in way of openings which give access to such parts shall be so stowed that the openings can be properly closed and secured against the admission of water. Efficient protection for the crews in the form of guard rails or life lines, spaced not more than twelve inches apart vertically, shall be provided on each side of the timber deck cargo to a height of at least four feet above the cargo. The timber deck cargo shall be so stowed as to be sufficiently level for gangway purposes.

## **6. Steering arrangements**

Steering arrangements shall be effectively protected from damage by cargo, and, as far as practicable, shall be accessible. Efficient provisions shall be made for steering in the event of a breakdown in the main steering arrangements.

## **7. Lashings**

A complete system of overall lashings of ample strength and in good condition, fitted with releasing arrangements, shall be provided so as to give effective security throughout the length of the timber deck cargo. The releasing arrangements shall be accessible at all times. All fittings required for securing lashings shall be of strength corresponding to the strength of the lashings.

## **8. Uprights**

When uprights are required by the nature of the timber-

- (a) the uprights shall be of adequate strength and may be of wood or metal;
- (b) the spacing shall be suitable for the length and character of timber carried, but shall not exceed ten feet; and
- (c) efficient means shall be provided for securing the uprights.

### **PART III**

#### *Additional rules applying to steamers using timber load lines*

## **9. Application**

The following additional rules apply to steamers marked with timber load lines when loaded beyond the maximum depth to which they would, for the time being, be entitled under the Load Line Rules to be loaded if they were not marked with timber load lines.

## **10. Stowage**

The wells on the freeboard deck shall be filled with timber stowed as solidly as possible, to a height of at least-

- (a) 6 feet for ships up to and including 250 feet in length;
- (b) 7 feet 6 inches for ships 400 feet in length and above; and
- (c) a proportionate intermediate height for ships above 250 feet but less than 400 feet.

## **11. Lashings**

The timber deck cargo shall be efficiently secured throughout its length by independent overall lashings spaced not more than ten feet apart. Overall lashings shall be in good condition and shall consist of close-link chain of not less than  $\frac{3}{4}$  inch, or flexible wire rope of equivalent strength, fitted with sliphooks and stretching screws, which shall be accessible at all times. Wire-rope lashings shall have a short length of long-link chain to permit the length of lashings to be regulated.

When the timber is in lengths of less than twelve feet, the spacing of the lashings shall be reduced to suit the length of timber, or other suitable provision made.

When the spacing of the lashings is five feet or less, the size of the lashings may be reduced; not less than  $\frac{1}{2}$  inch chain or equivalent wire rope shall be used.

## **12. Means of securing uprights**

- (1) For the purpose of securing the uprights when these are required by the nature of the

cargo, strong angles or metal sockets efficiently secured to the stringer plate or equally efficient means, shall be provided.

(2) On superstructure decks, uprights, where fitted, shall be secured by athwartship lashings of ample strength.

## SCHEDULE

[Rule 4.]

<i>No.</i>	<i>Area Description</i>	<i>Winter Period</i>
1.	The area within and to the northwards of the following line-  A line drawn south from the coast of Greenland at long. 50°W. lat. 45°N.; thence along the parallel of 45°N. to long. 15°W.; thence North lat. 60°N.; thence along the parallel of 60°N. to the west coast of Norway. Bergen is considered as being on the boundary between this area and area 2 below.	16 October to 15 April
2.	The area north of a line drawn from the east coast of America the parallel of 36°N. to Tarifa in Spain excluding area 1 above, but including the Baltic Sea.	1 November to 31 March
3.	The Mediterranean and the Black Seas.	16 December to 15 March
4.	The Sea of Japan between the parallels of 35°N. and 50°N.	1 December to 28/29 February
5.	The area north of a line drawn from the east coast of Honshiu in Japan along the parallel of 35°N. to long. 15° W. and thence along a rhumb line to the west coast of British Columbia at lat. 55°N; but excluding area 4 above	16 October to 15 April

SCHEDULE--  
continued

<i>No.</i>	<i>Area Description</i>	<i>Winter Period</i>
6.	The area south of a line drawn from the east coast of along the parallel of 40°S. to long. 56°W. thence along a line to the point lat. 34°S., long. 50°W., thence along the of 34°S, to the west coast of South Africa; from the east South Africa at lat. 30°S., along a rhumb line to the point 30°S. long. 118°E. off the southern coast of Australia, along a rhumb line to Cape Grim, Tasmania, thence along north coast of Tasmania to Eddystone Point thence along line to the west coast of South Island New Zealand, at 170°E., thence along the west south and east coasts of land to Cape Saunders thence along a rhumb line to the 33°S. long. 170°W.; and thence along the parallel of west coast of South America.	16th April to October

**MERCHANT SHIPPING (PILOT LADDERS)  
RULES**

ARRANGEMENT OF  
RULES

RULE

1. Short title, application and revocation.
2. Classification of ships.
3. Provision of pilot ladders.
4. Requirements and use of pilot ladders.
5. Supervision of rigging.
6. Equivalentents and exemptions.

SCHEDULE  
E

*Inland tidal waters areas*

**MERCHANT SHIPPING (PILOT LADDERS)  
RULES**

[L.N. 74 of 1967.]

under section 408

[28th February, 1966]

[Commenceme.]

**1. Short title, application and revocation**

- (1) These Rules may be cited as the Merchant Shipping (Pilot Ladders) Rules.

(2) These Rules shall apply-

- (a) to Nigerian ships;
- (b) to ships of any other nationality while in port in Nigeria for reasons unconnected with stress of weather or other circumstance which the master, owner, or charterer (if any), as the case may be, could have prevented or forestalled.

(3) The Merchant Shipping (Pilot Ladders) Rules 1952 of the United Kingdom, to the extent to which they are deemed to have been made under the Merchant Shipping Act and in force, shall cease to have effect in Nigeria; and the reference thereto in the Fourth Schedule to the Act shall be deleted.

[S.1. 1952/1952.]

## **2. Classification of ships**

(1) For the purposes of these Rules, the ships to which these Rules apply shall be arranged in the following classes-

- (a) passenger ships-
  - (i) Class I-Passenger ships engaged on voyages (not being short international voyages) any of which are long international voyages;
  - (ii) Class II-Passenger ships engaged on voyages (not being long international voyages) any of which are short international voyages;
  - (iii) Class III-Passenger ships in respect of which there is or should be in force a certificate entitled "Passenger Certificate Class III" being a certificate for ships engaged on voyages of any kind other than international voyages and during the course of which the vessel does not proceed more than 50 miles from the coast of Nigeria;
  - (iv) Class IV-Ships plying only on inland tidal waters and carrying any number of passengers;
  - (v) Class IV(A)-Ships plying only on inland non-tidal waters and carrying any number of passengers;
- (b) ships other than passenger ships-
  - (i) Class V-Ships (other than ships of Classes I, YeA), IX and X) engaged on voyages any of which are long international voyages;
  - (ii) Class V(A)-Ships employed as fish processing or canning factory ships, and ships engaged in the carriage of personnel employed in the fish processing or canning industries;
  - (iii) Class VI-Ships (other than ships of Classes II, VII(A), IX and X) engaged on voyages (not being long international voyages) any of which are short international voyages;
  - (iv) Class VII-Ships (other than ships of Classes III to IV(A) inclusive, VII(A), VIII, IX and X) engaged only on voyages which are not international voyages;
  - (v) Class VII (A)- Tugs and tenders, dredgers, cable-ship buoyage vessels, hopper barges, lighthouse and survey vessels (other than ships of Classes II, III, IV and IV(A) which proceed to sea but are not engaged on long international voyages;

- (vi) Class VIII-Ships plying only on any inland waters;
- (vii) Class IX-Fishing boats (other than ships of Classes I to IV(A) inclusive);
- (viii) Class X-Pleasure yachts (other than ships of Classes I to IV(A) inclusive) of 45 feet in length or over.

(2) In this rule-

**"long international voyage"** means an international voyage which is not a short international voyage within the meaning of the Act;

**"inland tidal waters"** means those inland waters as specified in the Schedules to these Rules;

**"inland non-tidal waters"** means inland waters other than inland tidal waters and includes the river Niger and its effluents;

**"sea"** does not include any inland waters;

**"voyage"** includes an excursion.

### **3. Provision of pilot ladders**

(1) Every ship of Classes I, II, V, V(A), VI and VII shall be provided with a pilot ladder which shall comply with the requirements of rule 4 of these Rules.

(2) Ships of Classes III to IV(A) inclusive, and VII(A) to X inclusive, shall not be required to be provided with pilot ladders.

### **4. Requirements and use of pilot ladders**

(1) Every pilot ladder shall be efficient for the purpose of enabling a pilot to embark and disembark safely; and any such ladder shall be used only by pilots, and persons (including officials) authorised by the captain or on his behalf, while a ship is arriving at, or leaving a port.

(2) Every pilot ladder shall be positioned and secured in such a manner-

[L.N.1030f1971.]

- (a) that it is clear of any possible discharges from the ship;
- (b) that so far as reasonably practicable it is clear of the finer lines of the ship;
- (c) that each step rests firmly against the ship's side;
- (d) that the pilot can gain safe and convenient access to the ship after climbing not less than five feet and not more than thirty feet.

(3) A single length of ladder shall be used capable of reaching the water from the point of access to the ship when the ship is in an unloaded condition and in normal trim with no list.

(4) Whenever the distance from the water to the point of access to the ship exceeds thirty feet, access from the pilot ladder to the ship shall be by means of an accommodation ladder or other equally safe and convenient means.

(5) The treads of the pilot ladder shall be of hard wood not less than nineteen inches long, four and a half inches wide and one inch in depth spaced not less than twelve inches nor more than fifteen inches apart and secured in such a manner that they will remain horizontal.

(6) The side ropes of the pilot ladder shall consist of two Manilla ropes, two and a quarter inches in circumference, on each side.

(7) Two man-ropes of not less than two and a half inches in circumference, properly secured to the ship, and a safety line, shall be kept ready for use if required.

(8) Hard-wood battens about six feet long shall be provided at such intervals as will prevent the pilot ladder from twisting, so however that the lowest batten shall not be lower than the fifth step from the bottom of the ladder and that the interval between any batten and the one directly next to it shall not exceed nine steps.

[L.N. 103 of 1971.]

(9) Provision shall be made to ensure safe and convenient passage for the pilot into or off the ship, or to the ship's deck-

(a) in between the head of the pilot ladder, or any accommodation ladder or any other appliance provided in accordance with paragraph (4) of these Rules;

[L.N. 103 of 1971.]

(b) where the passage is by means of a gateway in rails or bulwark, adequate hand holds shall be provided;

(c) where the passage is by means of a bulwark ladder, two handhold stanchions shall be fitted at the point of boarding or leaving the ship and shall be rigidly secured to the ship's structure.

(10) A light shall be provided at night so that the pilot ladder overside, as well as the position where the pilot boards the ship, shall be adequately lit.

(11) Provision shall be made to enable the pilot ladder to be used in accordance with the requirements of these Rules on either side of the ship.

## **5. Supervision of rigging**

The rigging of pilot ladders and the embarkation and disembarkation of pilots thereby shall be supervised by a responsible officer of the ship.

## **6. Equivalent and exemptions**

(1) Where these Rules require that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular provision shall be made, the President or any person to whom authority is delegated may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that ship if he is satisfied by trial thereof, that such other fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by these Rules.

(2) The President or any person to whom authority is delegated may exempt any ship of Class VII from the requirements of these Rules.

## SCHEDULE

### *Inland tidal waters areas*

1. All those inland waters in the area bounded by the border with Republic of Benin in the west, the meridian of 5 degrees East longitude in the east, and the parallel of 7 degrees North latitude in the north.
2. All those inland waters in the area bounded by the meridian of 5 degrees East longitude in the west, the meridian of 6 degrees East longitude in the east, and the parallel of 6 degrees 5 minutes latitude in the north.
3. All those inland waters in the area bounded by the meridian of 6 degrees East longitude in the west, the border with the Camerouns in the east, and the parallel of 5 degrees North latitude in the north.

## **MERCHANT SHIPPING (LIFE-SAVING APPLIANCES) RULES**

### ARRANGEMENT OF RULES

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SCHEDULE

*Inland tidal waters areas*

SECOND  
SCHEDULE

*Table showing minimum number of sets of davits to be provided and the minimum cubic -capacity of lifeboats in ships of Classes II/ and III*

THIRD  
SCHEDULE

*General requirements for  
lifeboats*

FOURTH  
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*Calculation of cubic capacity of lifeboats*

FIFTH  
SCHEDULE

*Machinery of motor lifeboats*

SIXTH  
SCHEDULE

*Machinery of mechanically propelled lifeboats*

SEVENTH  
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TENTH  
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ELEVENTH  
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- Part 4.-Hand-held distress flare signals for lifeboats and liferafts.
- Part 5.-Buoyant smoke signals for lifeboats.
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- Part I.-General.
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## FIFTEENTH SCHEDULE

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## **MERCHANT SHIPPING (LIFE-SAVING APPLIANCES) RULES**

under section 140

*[8th May, 1967]*

[Commencement.]

### PART I

#### *General*

#### **1. Short title**

These Rules may be cited as the Merchant Shipping (Life-Saving Appliances) Rules.

#### **2. Interpretation**

(1) In these Rules, unless the context otherwise requires-

**"Act"** means the Merchant Shipping Act;  
[Cap. M11.]

**"appropriate authority"** in relation to a power or function conferred by or under the Act or these Rules, means the President or such other authority or public officer upon whom such power or function is vested or delegated according to law;

**"buoyant apparatus"** means flotation equipment (other than lifebuoys and lifejackets) designed to support persons who are in the water;

**"certificated lifeboatsman"**, in relation to a ship, means any member of the crew who holds a certificate issued by or under the authority of the appropriate authority in accordance with the conditions laid down in rule 39 (2), or any member of the crew who holds a certificate issued by or under the authority of any government outside Nigeria which is accepted by the appropriate authority as being the equivalent of any certificate issued by or under the authority of the appropriate authority;

**"certified"** means certified by a certificate issued under Chapter 31 of the Act;

**"class C boat"** means a boat complying with the provisions of rule 22;

**"fishing boat"** means any power-driven fishing boat to which the Merchant Shipping (Fishing Boat) Regulations apply in accordance with regulation 1 of those Regulations; [L.N. 72 of 1967.]

**"launching appliance"** means an appliance complying with the provision of rule 36 (2);

**"length"** in relation to a registered ship, means registered length and, in relation to an unregistered ship, means the length from the fore part of the stem to the aft side of the head of the stern post or, if no stern post is fitted to take the rudder, to the fore side of the rudder stock at the point where the rudder passes out the hull;

**"lifeboat"** means a boat complying with the provisions of rule 18;

**"liferaft"** means a liferaft complying with the provisions of rule 23;

**"mechanically-propelled lifeboat"** means a lifeboat (other than a motor lifeboat) complying with the provisions of rule 21;

**"motor lifeboat"** means a lifeboat complying with the requirements of rule 20;

**"passenger ship"** means a ship carrying more than 12 passengers; **"passenger ship's certificate"** means a passenger ship's certificate issued by the appropriate authority pursuant to Chapter 31 of the Act;

**"person"** means a person over the age of one year;

**"power-driven small craft"** has the meaning assigned by rule 3 of the Merchant Shipping (Power-Driven Small Craft) Rules;  
[L.N. 64 of 1963.]

**"ship"** has the meaning assigned by section 2 of the Act;

**"tanker"** means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature;

**"tons"**, in relation to the tonnage of a ship, means gross tons.

(2) In these Rules, any reference to a Part, rule or Schedule not otherwise identified is a reference to that Part, rule or Schedule to these Rules.

### **3. Ships to which the Rules**

apply

These Rules apply to-

- (a) Nigerian ships; and
- (b) other ships while they are within any port in Nigeria:

Provided that these Rules shall not apply to-

- (i) a ship by reason of her being within a port in Nigeria if she would not have been in any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled;
- (ii) pleasure yachts which are not passenger ships and are less than 45 feet in length;
- (iii) power-driven small craft.

### **4. Classification of ships**

(1) For the purposes of these Rules, the ships to which these Rules apply shall be arranged in the following classes

(a) *Passenger Ships:*

- (i) Class I-Passenger ships engaged on voyages (not being short international voyages) any of which are long international voyages;
- (ii) Class II-Passenger ships engaged on voyages (not being long international voyages) any of which are short international voyages;
- (iii) Class III-Passenger ships in respect of which there is or should be in force a certificate entitled "Passenger Certificate Class III" being a certificate for ships engaged on voyages of any kind other than international voyages and during the course of which the vessels do not proceed more than 50 miles from the coast of Nigeria;
- (iv) Class IV-Ships plying only on inland tidal waters and carrying any number of passengers;
- (v) Class IV(A)-Ships plying only on inland non-tidal waters and carrying any number of passengers;

(b) *Ships other than Passenger Ships:*

- (i) Class V-Ships (other than ships of Classes I, YeA), IX and X) engaged on voyages any of which are long international voyages;
- (ii) Class V(A)-Ships employed as fish processing or canning factory ships, and ships engaged in the carriage of persons employed on the fish processing or canning industries;
- (iii) Class VI-Ships (other than ships of Classes III to IV(A), IX and X) engaged on voyages (not being long international voyages) any of which are short international voyages;
- (iv) Class VII-Ships (other than ships of Classes III to IV(A), VII(A), VIII, IX and X) engaged on voyages which are not international voyages;
- (v) Class VII(A)-Tugs and tenders, dredgers, cable-ships, buoyage vessels, hopper barges, lighthouse and survey vessels (other than ships of Classes II and III) which proceed to sea but are not engaged on long international voyages;
- (vi) Class VIII-Ships plying only on any inland waters;
- (vii) Class IX-Fishing boats other than ships of Classes I to IV (A),
- (viii) Class X-Pleasure yachts (other than ships of Classes I to IV(A)) of 45 feet or over in length.

(2) In this rule-

**"long international voyage"** means an international voyage within the meaning of Part IV of the Act which is not a short international voyage within the meaning of that part of the Act;

**"inland tidal waters"** means inland waters within any of the areas described in the First Schedule;

**"inland non-tidal waters"** means inland waters other than inland tidal waters and includes the river Niger and its affluents;

**"sea"** does not include any inland waters;

**"voyage"** includes an excursion.

## PART II

### *Passenger ships*

#### 5. **Ships of Class I**

(1) This rule applies to ships of Class I.

(2) Every ship to which this rule applies shall carry-

- (a) on each side of the ship lifeboats of sufficient aggregate capacity to accommodate one half of the total number of persons which the ship is entitled to carry; or
- (b) lifeboats and liferafts together providing sufficient aggregate capacity to accommodate the total number of persons which the ship is certified to carry:

Provided that-

- (i) there shall never be less than sufficient lifeboats on each side of the ship to accommodate 37<sup>1</sup>/<sub>2</sub> per cent of the total number of persons which the ship is certified to carry; and
- (ii) in the case of any ship, the keel of which was laid before the commencement of these rules, paragraph (b) of this rule shall apply only if the total number of persons on board is not to be increased as a result of the provision of liferafts.

(3) On every ship to which this rule applies two of the lifeboats required by paragraph (2) of this rule shall be kept ready, one on each side of the ship, for immediate use in an emergency while the ship is at sea. These

lifeboats shall be not more than 28 feet in length and each of them may be a motor lifeboat and may be counted for the purposes of paragraph (4) of this rule.

Notwithstanding the provisions of rule 35 (13), skates or other suitable appliances are not required to be fitted to these lifeboats.

(4) Every ship to which this rule applies shall carry on each side of the ship at least one motor lifeboat:

Provided that in ships which are certified to carry not more than 30 persons, only one such motor lifeboat shall be required.

(5) In every ship to which this rule applies which is certified to carry 1,500 persons or more each of the motor lifeboats carried in compliance with paragraph (4) shall be provided with the equipment specified in rule 31 (1) and in every ship which is certified to carry more than 199 but less than 1,500 persons at least one of the motor lifeboats carried in compliance with paragraph (4) of this rule shall be so provided.

(6) Every motor lifeboat carried in compliance with this rule shall be provided with the equipment specified in rule 31 (2).

(7) Every ship to which this rule applies which does not carry on each side of the ship a motor lifeboat provided with the equipment specified in rule 31 (1) shall carry portable radio equipment which shall comply with the requirements of rule 40.

(8) The lifeboats carried in compliance with this rule shall be not less than 24 feet in length.

(9) In every ship to which this rule applies each lifeboat shall be attached to a separate set of davits which shall be of the gravity type, except that luffing type davits may be fitted for operating lifeboats weighing not more than 21,4 tons in their turning out condition.

(10) The life rafts carried in compliance with paragraph (2) (b) of this rule shall be served by launching appliances. There shall never be less than one such appliance on each side of the ship and the difference in the number of appliances fitted on each side shall not exceed one.

(11) Every ship to which this rule applies shall carry liferafts, which need not be served by launching appliances of sufficient capacity to accommodate 25 percent of the total number of persons the ship is certified to carry, together with buoyant apparatus for 3 per cent of that number:

Provided that-

- (a) if liferafts are also carried in compliance with paragraph (2) (b) of this rule, all liferafts carried shall be of a type capable of being launched by the appliances fitted in compliance with paragraph (10) of this rule; and
- (b) ships which have a factor of subdivision of 0.33 or less may carry, in lieu of liferafts for 25 per cent of the total number of persons which the ship is certified to carry and buoyant apparatus for 3 per cent of that number, buoyant apparatus for 25 per cent of that number.

(12) Every ship to which this rule applies shall carry at least the number of lifebuoys determined in accordance with the following table-

<i>Length of ship in feet</i>	<i>Minimum number Of lifebuoys</i>
Less than 200 .....	8
200 and less than 400 .....	12
400 and less than 600 .....	18
600 and less than 800 .....	24



(13) Every ship to which this rule applies shall carry for every person on board weighing 70 pounds or more a lifejacket which shall comply with the requirements of Part I of the Eleventh Schedule to these Rules and for every person on board weighing less than 70 pounds a lifejacket which shall comply with the requirements of Part II of the said Schedule.

(14) In addition to lifejackets carried in compliance with paragraph (13) of this rule, every ship shall carry lifejackets for at least 5 per cent of the number of persons which the ship is certified to carry and such lifejackets shall comply with the requirements of Part I of the Eleventh Schedule and shall be stowed on deck in a suitable place which shall be conspicuously marked.

(15) Every ship to which this rule applies shall carry a line-throwing appliance.

## **6. Ships of Class II**

(1) This rule applies to ships of Class II.

(2) Every ship to which this rule applies shall, subject to the provisions of paragraph (8) of this rule and of rule 44 of these Rules, be fitted, in accordance with its length, with the number of sets of davits specified in Column A of the table set out in the Second Schedule:

Provided that no ship shall be required to be fitted with a number of sets of davits greater than the number of lifeboats required to accommodate the total number of persons which the ship is certified to carry.

(3) A lifeboat shall be attached to every such set of davits and the lifeboats so attached shall, subject to the provisions of paragraph (8) of this rule, together provide at least the capacity specified in Column C of the table set out in the Second Schedule or the capacity required to accommodate the total number of persons which the ship is certified to carry if this is less.

(4) On every ship to which this rule applies two of the lifeboats required by paragraph (3) of this rule shall be kept ready, one on each side of the ship for immediate use in an emergency while the ship is at sea. These lifeboats shall be not more than 28 feet in length and each of them may be a motor lifeboat and may be counted for the purpose of compliance with paragraph (5) of this rule.

Notwithstanding the provisions of rule 35 (13) of these Rules, skates or other suitable appliances are not required to be fitted to these lifeboats.

(5) Every ship to which this rule applies shall carry on each side of the ship at least one motor lifeboat which shall be provided with the equipment specified in rule 31 (2):

Provided that in ships which are certified to carry not more than 30 persons, only one such motor lifeboat shall be required.

(6) Subject to the provisions of paragraphs (7) and (8) of this rule, when the lifeboats carried in compliance with the foregoing provisions of this rule will not accommodate the total number of persons which the ship is certified to carry, additional sets of davits with a lifeboat attached to each shall be fitted to make up the deficiency in such accommodation.

(7) If, in the opinion of the appropriate authority, the volume of traffic so requires, the appropriate authority may permit any ship to which this rule applies, being a ship which is subdivided in accordance with the requirements of construction rules under the Act, to carry persons in excess of the lifeboat capacity provided on board that ship in compliance with paragraph (3) of this rule:

Provided that-

- (a) if such a ship is permitted by the appropriate authority, in pursuance of section 151 (2) of the Act, to proceed to sea from a port in Nigeria on a long international voyage, such a ship shall carry lifeboats attached to davits affording accommodation for at least 75 per cent of the persons on board;

- (b) in all cases liferafts shall be carried so that the total number of lifeboats together with such liferafts shall be sufficient to accommodate the total number of persons which the ship is certified to carry; and
- (c) in any such ship in which a two-compartment standard of sub-division is not achieved throughout by virtue of the application of the provisions of paragraph (9) of the Second Schedule, there shall be provided liferafts of sufficient aggregate capacity to accommodate 10 per cent of the total number of persons which the ship is certified to carry, such liferafts being additional to those required to be provided in compliance with the sub-paragraph (b) of this paragraph or with sub-paragraph (b) of paragraph (8) and with paragraph (12) of this rule.

(8) Where it is shown to the satisfaction of the appropriate authority that it is impracticable in a ship engaged on a voyage which is not a long international voyage to stow satisfactorily the liferafts carried in that ship in pursuance of paragraph (7) of this rule without reducing the number of lifeboats, the appropriate authority may permit the number of sets of davits required to be fitted under paragraph (2) of this rule and rule 44 (2) of these Rules and the number of lifeboats attached to davits required under paragraph (3) of this rule to be reduced:

Provided that-

- (a) the number of lifeboats shall, in the case of ships of 190 feet or over in length, never be less than four, two of which shall be carried on each side of the ship, and in the case of ships of less than 190 feet in length, shall never be less than two, one of which shall be carried on each side of the ship;
- (b) the number of lifeboats and liferafts shall always be sufficient to accommodate the total number of persons which the ship is certified to carry; and
- (c) where the capacity of the lifeboats together provide less than that specified in Column C of the table set out in the Second Schedule, there shall be provided liferafts of a type being capable of being launched by the appliances referred to in rule 36 (2) of these Rules. The total carrying capacity of such liferafts shall be at least the number obtained by dividing by 10 the difference between the aggregate cubic capacity of the lifeboats and that specified in the said Column C, provided that such liferafts shall together be sufficient for at least forty persons and that at least one launching appliance shall be provided on each side of the ship and the difference in the number of such appliances fitted on each side shall not exceed one.

(9) The lifeboats carried in compliance with this rule shall not be less than 24 feet in length.

(10) In every ship to which this rule applies the lifeboat davits required to be carried in compliance with this rule shall be of the gravity type, except that luffing type davits may be fitted for operating lifeboats weighing not more than 21,4 tons in their turning out condition.

(11) Every ship to which this rule applies which does not carry on each side of the ship a motor lifeboat provided with the equipment specified in rule 31 (1) of these Rules shall carry portable radio equipment which shall comply with the requirements of rule 40 of these Rules:

Provided that in the case of any ship engaged on voyages of such duration that, in the opinion of the appropriate authority, portable radio equipment is unnecessary, he may permit such equipment to be dispensed with.

(12) Every ship to which this rule applies shall carry in addition to any liferafts that may be carried in pursuance of paragraphs (7) and (8) of this rule, liferafts sufficient to accommodate 10 per cent of the total number of persons for whom there is accommodation in lifeboats.

(13) Every ship to which this rule applies shall carry buoyant apparatus sufficient to support 5 per cent of the total number of persons which the ship is certified to carry.

(14) Every ship to which this rule applies shall carry at least the number of lifebuoys determined in accordance with the following table-

<i>Length of ship in feet</i>	<i>Minimum number of Wlifebuoys</i>
Less than 200 .....	8
200 and less than 400 .....	12
400 and less than 600 .....	18
600 and less than 800 .....	24
800 or over .....	30

(15) (a) Every ship to which this rule applies shall carry for every person on board weighing 70 pounds or more a lifejacket which shall comply with the requirements of Part I of the Eleventh Schedule to these Rules and for every person on board weighing less than 70 pounds a lifejacket which shall comply with the requirements of Part II of the Schedule.

(b) In addition to lifejackets carried in compliance with sub-paragraph (a) of this Rule, every ship shall carry lifejackets for at least 5 per cent of the number of persons which the ship is certified to carry and such lifejackets shall comply with the requirements of Part I of the Eleventh Schedule and shall be stowed on deck in a suitable place which shall be conspicuously marked.

(16) Every ship to which this rule applies shall carry a line-throwing appliance.

### **7. Ships of Class III**

(1) This rule applies to ships of Class III.

(2) Every ship to which this rule applies shall, subject to the provisions of rule 44, be fitted with the number of sets of davits specified in the table set out in the Second Schedule:

Provided that no ship shall be required to be fitted with a number of sets of davits greater than the number of lifeboats required to accommodate the total number of persons which the ship is certified to carry.

(3) A lifeboat shall be attached to every such set of davits.

(4) Such additional lifeboats, liferafts or buoyant apparatus shall be carried as shall be sufficient, together with the lifeboats required by paragraph (3) of this rule for the total number of persons which the ship is certified to carry:

Provided that lifeboats and liferafts shall be carried to accommodate not less than 25 per cent of that number.

(5) The lifeboats carried in compliance with this rule shall, where reasonable and practicable, be not less than 20 feet in length.

(6) Lifeboat davits required to be carried in compliance with this rule shall be of the gravity type, except that luffing type davits may be fitted for operating lifeboats weighing not more than  $2\frac{1}{4}$  tons in their turning out condition.

(7) Every ship to which this rule applies shall carry at least eight lifebuoys, two of which shall have self-activating smoke signals attached capable of producing smoke of a highly visible colour for at least 15 minutes.

(8) Every ship to which this rule applies shall carry for every person on board weighing 70 pounds or more a lifejacket which shall comply with the requirements of Part I of the Eleventh Schedule and for every person on board weighing less than 70 pounds a lifejacket which shall comply with the requirements of Part II of the said Schedule.

(9) Every ship to which this rule applies shall carry a line-throwing appliance.

### **8. Ships of Class IV**

(1) This rule applies to ships of Class IV.

(2) Every ship to which this rule applies of 70 feet or over in length shall carry or tow at least one boat:

Provided that a ship which is designed and operated as a ferry and is used as such on voyages not exceeding one hour, shall not be required to carry or tow a boat.

(3) Every ship to which this rule applies of 70 feet or over in length shall carry or tow at least six lifebuoys.

(4) Every ship to which this rule applies of 70 feet or over in length shall carry subject to the requirements of paragraphs (2) and (3) of this rule, such boats, liferafts, buoyant apparatus and lifebuoys as shall be sufficient for the total number of persons which the ship is certified to carry, provided that lifebuoys in excess of 60 per cent of this number shall be discounted.

(5) Every ship to which this rule applies of less than 70 feet in length and plying more than three nautical miles from its starting point in any direction, shall be provided with liferafts or buoyant apparatus sufficient for at least 60 per cent of the total number of persons which the ship is certified to carry, together with lifebuoys not less in number than is specified in paragraph (7) of this rule, so, however, that the liferafts or buoyant apparatus, together with the lifebuoys, shall in all cases be sufficient for the total number of persons which the ship is certified to carry.

(6) Every ship to which this rule applies of less than 70 feet in length and plying not more than three nautical miles from its starting point in any direction, shall be provided with liferafts or buoyant apparatus sufficient for at least 40 per cent of the total number of persons which the ship is certified to carry, together with lifebuoys not less in number than is specified in paragraph (7) of this rule, so, however, that the liferafts or buoyant apparatus, together with the lifebuoys, shall in all cases be sufficient for at least 70 per cent of the total number of persons which the ship is certified to carry.

(7) Every ship to which this rule applies shall carry at least the number of lifebuoys determined by the following table-

<i>Length of ship in feet</i>	<i>Minimum number Of lifebuoys</i>
Not over 30 .....	2
Over 30 and not over 35 .....	4
Over 35 and not over 40 .....	6
Over 40 and not over 50 ..	8
Over 50 and not over 70 .....	10

(8) In the case of ships to which this rule applies not exceeding 30 feet in length the appropriate authority may permit lifebuoys to be carried in lieu of part or all of the life-rafts or buoyant apparatus required to be carried in compliance with paragraphs (5) and (6) of this rule.

(9) For the purposes of this rule a lifebuoy shall be deemed sufficient to support two persons.

## **9. Ships of Class IV(A)**

(1) This rule applies to ships of Class IV (A).

(2) Rule 8 shall apply to ships of Class IV(A), being ships of 70 feet or over in length, as it applies to ships of Class IV.

(3) Every ship to which this rule applies of less than 70 feet in length shall carry such liferaft or buoyant apparatus as shall be sufficient for at least 60 per cent of the total number of persons which the ship is certified to carry, together with lifebuoys not less in number than is specified in rule 8 (7) so however that the liferafts or buoyant apparatus, together with the lifebuoys, shall at all times be sufficient for the total number of persons which the ship is certified to carry.

## PART III

### *Ships other than passenger ships*

#### **10. Ships of Class V**

This rule applies to ships of Class V.

(2) Every ship to which this rule applies of 500 tons or over shall carry on each side of the ship one or more lifeboats of sufficient aggregate capacity to accommodate all persons on board.

(3) In every ship to which this rule applies of 1,600 tons or over the lifeboats shall be not less than 24 feet in length.

(4) Every ship to which this rule applies of 500 tons or over, other than a tanker of 1,600 tons or over, shall carry life rafts of sufficient aggregate capacity to accommodate at least half the total number of persons on board.

(5) Every ship to which this rule applies of under 500 tons shall carry either-

- (a) the lifeboats prescribe paragraph (2) of this rule for ships of 500 tons or over and life rafts of sufficient aggregate capacity to accommodate all persons on board. Such ships with 16 persons or more on board shall carry at least two life rafts; or
- (b) a lifeboat or Class C boat which shall be capable of being launched on one side of the ship and at least two life rafts of sufficient aggregate capacity to accommodate twice the total number of persons on board.

(6) Every ship to which this rule applies being a tanker of 3,000 tons or over shall carry on each side of the ship at least two lifeboats of sufficient aggregate capacity to accommodate the total number of persons on board. Two lifeboats shall be carried aft and two amidships, except that in tankers which have no amidships superstructure all lifeboats shall be carried out:

Provided that, if in case of tankers with no amidships superstructure it is impracticable to carry four lifeboats aft, the appropriate authority may permit instead the carriage aft of one lifeboat on each side of the ship. In such a case the following provisions shall apply-

- (a) each lifeboat shall not exceed 26 feet in length;
- (b) each lifeboat shall be stowed as far forward as practicable and at least so far forward that the after end of the lifeboat is one-and-a-half times the length of the lifeboat forward of the ship's propeller;
- (c) each lifeboat shall be stowed as near the sea level as is safe and practicable; and
- (d) there shall be carried in addition life rafts sufficient to accommodate at least one half of the total number of persons on board.

(7) Life rafts carried under this rule shall be so stowed that they can be readily transferred to the water on either side of the ship.

(8) In every ship to which paragraph (2) or (6) of this rule applies each lifeboat shall be attached to a separate set of davits which shall be of the gravity type except that, in ships other than tankers of 1,600 tons or over, luffing davits may be fitted for operating lifeboats weighing not more than 2<sup>1</sup>/<sub>4</sub> tons in their turning out conditions.

(9) In every ship to which this rule applies of 1,600 tons or over, other than a tanker, one of the lifeboats carried in compliance with paragraph (2) of this rule shall be a motor lifeboat.

(10) In every ship to which this rule applies being a tanker of 1,600 tons or over at least one of the lifeboats carried on each side of the ship in compliance with paragraph (2) or paragraph (6) of this rule shall be a motor lifeboat.

(11) Every ship to which this rule applies shall carry portable radio equipment, which shall comply with the requirements of rule 40 of these Rules:

Provided that in the case of any ship engaged on voyages of such duration that, in the opinion of the appropriate authority, portable radio equipment is unnecessary, the appropriate authority may permit such equipment to be dispensed with.

(12) Every ship to which this rule applies of 500 tons or over shall carry at least eight lifebuoys.

(13) Every ship to which this rule applies of 500 tons or over shall carry at least eight lifebuoys.

(14) Every ship to which this rule applies shall carry for every person on board weighing 70 pounds or more a life jacket which shall comply with the requirements of Part I of the Eleventh Schedule and for every person on board weighing less than 70 pounds a life jacket which shall comply with the requirements of Part II of the said Schedule.

(15) Every ship to which this rule applies shall carry a line-throwing appliance.

## **11. Ships of Class V(A)**

(1) Rule 16 of these Rules shall apply to ships of Class V (A), other than those ships specified in a paragraph (2) of this rule, as it applies to ships of Class IX.

(2) Every ship employed as a fish processing or canning factory ship or in the carriage of persons employed in the fish processing or canning industries being a ship of 500 tons or over shall carry-

- (a) lifeboats on each side of the ship of sufficient aggregate capacity to accommodate one half of the total number of persons on board; or
- (b) lifeboats and liferafts together providing sufficient aggregate capacity to accommodate the total number of persons on board, provided that there shall never be less than sufficient lifeboats on each side of the ship to accommodate 37<sup>1</sup>/<sub>2</sub> per cent of the total number of persons on board.

(3) On every ship to which paragraph (2) of this rule applies two of the lifeboats shall be kept ready, one on each side of the ship, for immediate use in an emergency while the ship is at sea. These lifeboats shall not be more than 28 feet in length and each of them may be a motor lifeboat and may be counted for the purpose of compliance with paragraph (4) of this rule.

Notwithstanding the provisions of rule 35 (13), skates or other suitable appliances are not required to be fitted to these lifeboats.

(4) Every ship to which paragraph (2) of this rule applies shall carry on each side of the ship at least one motor lifeboat.

(5) In every ship to which paragraph (2) of this rule applies which is certified to carry 1,500 persons or more, each of the motor lifeboats carried in compliance with paragraph (4) of this rule shall be provided with the equipment specified in rule 31 (1), and in every such ship which is certified to carry more than 199 but less than 1,500 persons at least one of the motor lifeboats carried in compliance with paragraph (4) of this rule shall be so provided.

(6) Every motor lifeboat carried in compliance with paragraph (4) of this rule shall be provided with the equipment specified in rule 31 (2).

(7) Every ship to which paragraph (2) of this rule applies which does not carry on each side of the ship a motor lifeboat provided with the equipment specified in rule 31 (1) shall carry portable radio equipment which shall comply with the requirement of rule 40.

(8) In every ship to which paragraph (2) of this rule applies of 1,600 tons or over the lifeboats shall be not less than 24 feet in length.

(9) In every ship to which paragraph (2) of this rule applies each lifeboat shall be attached to a separate set of davits which shall be of the gravity type.

(10) The liferafts carried in compliance with subparagraph (b) of paragraph (2) of this rule shall be served by launching appliances. There shall never be less than one such appliance on each side of the ship and the difference in the number of appliances fitted on each side shall not exceed one.

(11) Every ship to which paragraph (2) of this rule applies shall carry liferafts, which shall not be required to be served by launching devices, of sufficient aggregate capacity to accommodate at least half the total number of persons on board:

Provided that if liferafts in addition to those carried in compliance with this paragraph are carried in compliance with sub-paragraph (b) of paragraph (2) of this rule, all liferafts carried shall be of a type capable of being launched by the appliances fitted in compliance with paragraph (9) of this rule.

(12) Every ship to which paragraph (2) of this rule applies shall carry at least eight lifebuoys.

(13) Every ship to which paragraph (2) of this rule applies shall carry for every person on board weighing 70 pounds or more a lifejacket which shall comply with the requirements of Part II of the Eleventh Schedule and for every person on board weighing less than 70 pounds a lifejacket which shall comply with the requirements of Part II of the said Schedule.

(14) Every ship to which paragraph (2) of this rule applies shall carry a line-throwing appliance.

## **12. Ships of Class VI**

Rule 10 shall apply to ships of Class VI as it applies to ships of Class V.

## **13. Ships of Class VII**

(1) Paragraphs (2), (3), (4), (6) and (7) of rule 10 shall apply to ships of Class VII of 1,600 tons or over as they apply to ships of Class V of 500 tons or over.

(2) Paragraphs (5) and (7) of rule 10 shall apply to ships of Class VII of under 1,600 tons as they apply to ships of Class V of under 500 tons except that ships of 500 tons or over which carry lifeboats as prescribed by paragraph (2) of rule 10 shall carry liferafts of sufficient aggregate capacity to accommodate at least half the total number of persons on board.

(3) Paragraphs (11), (12), (13) and (14) of rule 10 shall apply to ships of Class VII as they apply to ships of Class V and paragraph (8) of rule 10 shall apply to such ships which carry lifeboats as prescribed by paragraph (2) thereof.

## **14. Ships of Class VII(A)**

(1) This rule applies to ships of Class VII(A).

(2) Paragraphs (2), (3), (4), (8), (9) and (11) of rule 10 shall apply to ships to which this rule applies of 500 tons or over engaged on an international voyage, as they apply to ships of Class V of 500 tons or over.

(3) Every ship to which this rule applies, other than a ship of 500 tons or over engaged on an international voyage, shall carry-

(a) a lifeboat or Class C boat which shall be capable of being launched on one side of the ship;

(b) one or more liferafts of sufficient aggregate capacity to accommodate the total number of persons on board any ship with 16 or more persons on board shall carry at least two liferafts;

(c) buoyant apparatus sufficient to support the total number of persons on board.

(4) In every ship to which this rule applies liferafts shall be so stowed that they can be readily transferred to the water on either side of the ship.

(5) Paragraphs (12), (13), (14) and (15) of rule 10 shall apply to every ship to which this rule applies as they apply to ships of Class V.

## **15. Ships of Class VIII**

(1) This rule applies to ships of Class VIII.

(2) Every ship to which this rule applies shall carry the following equipment-

- (a) boat or liferaft or buoyant apparatus in each case sufficient to accommodate the total number of persons on board; and
- (b) in the case of ships of 70 feet or over in length, at least four lifebuoys and in the case of ships of less than 70 feet in length, at least two lifebuoys.

(3) Every tug and tender, etc., to which this rule applies shall carry in addition to the equipment required by paragraph (2) of this rule buoyant apparatus sufficient to support the total number of persons on board.

(4) Liferafts carried in accordance with this rule shall be so stowed that they can be readily transferred to the water on either side of the ship.

## **16. Ships of Class IX**

(1) This rule applies to ships of Class IX.

(2) Every ship to which this rule applies of 150 feet or over in length shall carry either-

- (a) at least two lifeboats attached to davits, so arranged that there is at least one lifeboat on each side of the ship, the lifeboats on each side of the ship being of sufficient aggregate capacity to accommodate half the total number of persons on board the ship; and at least two liferafts of sufficient aggregate capacity to accommodate not less than one-and-a-half times the total number of persons on board; or
- (b) a lifeboat or Class C boat which shall be capable of being launched on one side of the ship and at least two liferafts of sufficient aggregate capacity to accommodate twice the total number of persons on board:

Provided that any ship of 250 feet in length or over to which this rule applies shall comply with sub-paragraph (a) of this paragraph except that at least one of the lifeboats carried shall be a motor lifeboat.

(3) Every ship to which this rule applies of less than 150 feet in length but of not less than 85 feet in length shall carry either-

- (a) a lifeboat, attached to a davit, of sufficient capacity to accommodate the total number of persons on board the ship and liferafts on the following scale-
  - (i) ships with 16 or more persons on board-at least two liferafts;
  - (ii) ships with fewer than 16 persons on board-at least one liferaft of sufficient aggregate capacity to accommodate the total number of persons on board; or
- (b) a lifeboat or Class C boat which shall be capable of being launched on one side of the ship and at least two liferafts of sufficient aggregate capacity to accommodate twice the total number of persons on board;

(4) In every ship to which this rule applies of 150 feet or over in length which carries lifeboats in compliance with sub-paragraph (a) of paragraph (2), the lifeboat davits shall be of the gravity type except that davits which serve a lifeboat weighing not more than 21A tons in the turning out condition may be of the luffing type.

(5) In every ship to which this rule applies which carries a lifeboat in compliance with sub-paragraph (a) of paragraph (3), the lifeboat davit to which the lifeboat shall be attached shall be of the mechanically controlled single-arm type.



(6) Every ship to which this rule applies of less than 85 feet in length but of not less than 55 feet in length, shall carry at least two liferafts of sufficient aggregate capacity to accommodate twice the total number of persons on board.

(7) Every ship to which this rule applies of less than 55 feet in length but of not less than 40 feet in length, shall carry one or more liferafts of sufficient aggregate capacity to accommodate the total number of persons on board.

(8) Liferafts carried in accordance with this rule shall be so stowed that they can be readily transferred to the water on either side of the ship.

(9) Every ship to which this rule applies of 60 feet or over in length shall carry portable radio equipment which shall comply with the requirements of radio rules under the Act, or with the Performance Specification for a Voluntarily-Fitted Radio-telephone Equipment for use solely for Distress, Urgency and Safety Purposes 1964, issued by the Postmaster General, United Kingdom:

Provided that-

(i) any such ship of 140 feet or over in length, unless it carries portable radio equipment complying with the requirements of the said rule 26, shall carry two sets of equipment which complies with the said Performance Specification; and

(ii) any equipment which complies with the said Performance Specification shall be provided with a device for generating the radio-telephone alarm signal within the meaning of the said radio rules and shall be suitable for use in a liferaft and, if it is operated by batteries, shall be provided with new batteries annually.

(10) The equipment referred to in sub-paragraph (a) of paragraph (8) of this rule shall be kept in a suitable place ready to be moved into a lifeboat or a liferaft in case of emergency and in ships where the disposition of superstructures or deckhouse is such as to involve substantial fore and aft separation of the main transmitter and lifeboats, such equipment shall be kept in the vicinity of those lifeboats or liferafts which are furthest away from the main transmitter.

(11) Every ship to which this rule applies of 70 feet or over in length shall carry at least four lifebuoys.

(12) Every such ship of less than 70 feet but of not less than 40 feet in length shall carry at least two lifebuoys.

(13) Every ship to which this rule applies of less than 40 feet in length shall carry lifebuoys at least equal in number to half the total number of persons on board and in no case less than two lifebuoys.

(14) Every ship to which this rule applies of 40 feet in length or over shall carry for every person on board weighing 70 pounds or more a lifejacket which shall comply with the requirements of Part I of the Eleventh Schedule and for every person on board weighing less than 70 pounds a lifejacket which shall comply with the requirements of Part II of the said Schedule.

(15) Every ship to which this rule applies of 50 feet or over in length shall carry a line-throwing appliance.

## **17. Ships of Class X**

(1) This rule applies to ships of Class X.

(2) Every ship to which this rule applies of 70 feet or over in length shall carry-

(a) at least two liferafts of sufficient aggregate capacity to accommodate twice the total number of persons on board;

(b) at least four lifebuoys; and

(c) a line-throwing appliance,

and any ship to which this rule applies of 85 feet or over in length shall carry in addition a lifeboat or Class C boat which shall be capable of being launched on one side of the ship.

(3) Every ship to which this rule applies of less than 70 feet in length which is engaged on either a voyage to sea in the course of which it is more than 3 miles from the coast of Nigeria or a voyage to sea during the months of June to October, inclusive, shall carry-

(a) one or more liferafts of sufficient aggregate capacity to accommodate the total number of persons on board; and

(b) at least two lifebuoys.

(4) Every ship to which this rule applies of less than 70 feet in length which does not proceed to sea or which only proceeds to sea during the months of November to May, inclusive of voyages in the course of which it is not more than 3 miles from the coast of Nigeria, shall carry lifebuoys at least equal in number to half the total number of persons on board, provided that such ships shall carry at least two lifebuoys and that any such ship which operates only in inland waters shall not be required to carry more than two lifebuoys.

(5) Every ship to which this rule applies of less than 70 feet in length shall be provided with a buoyant line of at least 10 fathoms in length.

(6) Liferafts carried in accordance with this rule shall be so stowed that they can be readily transferred to the water on either side of the ship .

(7) Every ship to which this rule applies shall carry for every person on board weighing 70 pounds or more a lifejacket which shall comply with the requirements of Part I of the Eleventh Schedule to these Rules and for every person on board weighing less than 70 pounds a lifejacket which shall comply with the requirements of Part II of the said Schedule or alternatively shall carry for every person on board, a lifejacket which shall comply with British Standards Specification No. BS 3595: 1963, provided it does not depend wholly upon oral inflation.

#### PART IV

##### *Supplemental requirements for life-saving appliances*

#### **18. General requirements for lifeboats**

Lifeboats shall comply with the requirements specified in the Third Schedule to these Rules.

[Third Schedule.]

#### **19. Carrying capacity of lifeboats**

(1) Subject to the provisions of paragraphs (2), (3), (4) and (5) of this rule, the number of persons which a lifeboat shall be deemed fit to accommodate shall be equal to the greatest whole number obtained by the formula

$V$

$x$

where  $V$  is the cubic capacity of the lifeboat in cubic feet determined in accordance with the provisions of the Fourth Schedule, and  $X$  is the volume in cubic feet for each person and which shall be 10 for a lifeboat of 24 feet in length or over and 16 for a lifeboat of 12 feet in length. For intermediate lengths of lifeboats, the value of  $X$  shall be determined by interpolation.

(2) The number of persons which a lifeboat is deemed fit to accommodate shall not exceed the number of adult persons wearing lifejackets for which there is proper seating accommodation arranged

in such a way that the persons when seated do not interfere in any way with the use of the oars or the operation of other propulsion equipment.

(3) No lifeboat shall be deemed fit to accommodate more than 150 persons.

(4) No lifeboat shall be deemed fit to accommodate more than 100 persons unless it is a motor lifeboat.

(5) No lifeboat shall be deemed fit to accommodate more than 60 persons unless it is a motor lifeboat or a mechanically propelled lifeboat.

## **20. Motor lifeboats**

Every motor lifeboat shall in addition to complying with the requirements of the Third Schedule, comply with the following requirements-

- (a) it shall be fitted with a compression ignition engine and such engine and its accessories shall comply with the requirements of the Fifth Schedule and shall be kept so as to be at all times ready for use;
- (b) it shall be provided with sufficient fuel for 24 hours' continuous operation at the speed specified in subparagraph (el) or (e) of this rule;
- (c) it shall be capable of going astern;
- (d) if it is a lifeboat provided in accordance with rules 5 (4), 6 (5), 10 (9) (b) or rule 11 (4), it shall be capable of going ahead in smooth water when loaded with its full complement of persons and equipment at a speed of 6 knots;
- (e) if it is a lifeboat other than a lifeboat provided in accordance with the rules referred to in the preceding sub-paragraph, it shall be capable of going ahead under the conditions specified in the preceding sub-paragraph at a speed of 4 knots.

## **21. Mechanically propelled lifeboats**

Mechanically propelled lifeboats shall, in addition to complying with the requirements of the Third Schedule to these Rules, be fitted with machinery which shall comply with the requirements of the Sixth Schedule.

[Third Schedule. Sixth Schedule.]

## **22. Class C boats**

Class C boats shall comply with the requirements of the Seventh Schedule.

[Seventh Schedule.]

## **23. Liferafts**

(1) Liferafts shall comply with the requirements of either Part I or Part II of the Eighth Schedule.

[Eighth Schedule.]

(2) Liferafts which are required to comply with Part I of the Eighth Schedule shall be surveyed at a servicing station approved by the appropriate authority or at the works of the manufacturers at intervals of not more than twelve months, provided that in any case where this is impracticable, such interval may be extended by a period not exceeding three months.

## **24. Buoyant apparatus**

(1) Buoyant apparatus shall comply with the requirements of the Ninth Schedule.

[Ninth Schedule.]

(2) The number of persons which buoyant apparatus shall be deemed fit to support shall be equal to-

- (a) the greatest whole number obtained by dividing by 32 the number of pounds of iron which the apparatus is capable of supporting from its grab lines in fresh water; or
- (b) the greatest whole number of feet in the perimeter of the apparatus, whichever number shall be the less.

## **25. Marking of lifeboats, Class C boats, life rafts and buoyant apparatus**

(1) The dimensions of a lifeboat or Class C boat and the number of persons which each is deemed fit to accommodate shall be clearly marked on it in permanent characters. The name and port of registry of the ship to which the lifeboat or Class C boat belongs shall be painted on each side of the bow.

(2) The number of persons which a liferaft which complies with Part I of the Eighth Schedule is deemed fit to accommodate shall be clearly marked in permanent characters on the liferaft and on the valise or other container in which the liferaft is contained when not in use. Every such liferaft shall also bear a serial number and the manufacturer's name.

[Eighth Schedule. Part 1)

(3) Every liferaft which complies with Part II of the Eighth Schedule shall be marked with the name and port of registry of the ship in which it is carried, and with the number of persons it is deemed fit to accommodate.

(4) The number of persons which buoyant apparatus is deemed to fit to support shall be clearly marked on it in permanent characters.

## **26. Lifebuoys**

Lifebuoys shall comply with the requirements of the Tenth Schedule to these Rules.

[Tenth Schedule.)

## **27. Lifebuoy lights, smoke signals and lines**

(1) Lifebuoys carried in ships (except ships of Classes IV and IV(A) and VIII and ships of Class IX of less than 40 feet in length) in accordance with these Rules shall have attached to them self-igniting lights on the following scale-

- (a) in ships of Classes I and II, on at least half the lifebuoys and in no case on less than six;
- (b) in ships of Classes V, VI, VII and VIIA and in ships of Class V(A) of 70 feet in length or over, on at least half the lifebuoys and in no case on less than two;
- (c) in ships of Classes IX and X of 70 feet in length or over, on two lifebuoys;

(d) in ships of Classes V(A), IX and X of less than 70 feet in length, on one lifebuoy.

(2) The self-igniting lights shall be such that they cannot be extinguished in water. They shall be capable of burning for not less than 45 minutes and shall have a luminosity of not less than 3.5 lumens.

(3) The self-igniting lights attached to lifebuoys carried in tankers shall be of an electric battery type.

(4) In every ship to which these Rules apply (except ships of Classes YeA), IX and X of less than 70 feet in length) one lifebuoy on each side of the ship shall have attached to it a buoyant line of at least 15 fathoms in length.

(5) In ships of Classes yeA) and IX of less than 70 feet in length, one lifebuoy shall have attached to it a buoyant line of at least 10 fathoms in length.

(6) The lifebuoys having lines attached to them in compliance with this rule shall not have self-igniting lights attached.

(7) Not less than two of the lifebuoys to which self-igniting lights are attached in accordance with subparagraphs (a), (b), (c) of paragraph (1) of this rule and the lifebuoy to which a self-igniting light is attached in accordance with sub-paragraph (d) of paragraph (1) of this rule, shall be provided with a self-activating smoke signal capable of producing smoke of highly visible colour for at least fifteen minutes.

(8) Two of the lifebuoys provided with self-igniting lights in accordance with subparagraphs (a), (b) and (c) of paragraph (1) of this rule and self-activating smoke signals in accordance with paragraph (7) of this rule shall be carried one on each side of the navigating bridge, if any, and so fitted as to be capable of quick release. The lifebuoys so carried and other lifebuoys in positions where the release of a self-igniting light depends upon the weight of the lifebuoy, shall each weigh not less than 9Y2 pounds.

## **28. Line-throwing appliances**

Line-throwing appliances shall comply with the requirements of the Twelfth Schedule to these Rules.

[Twelfth Schedule.]

*Provision of equipment and rations in lifeboats, boats and liferafts*

## **29. Equipment for lifeboats, Class C boats and other boats**

(1) Subject to the provisions of paragraphs (2), (3), (4), (5) and (6) of this rule, the equipment of every lifeboat shall be as follows-

- (a) a single banked complement of buoyant oars, two spare buoyant oars, and a buoyant steering oar; one set and a half of crutches attached to the lifeboat by lanyard or chain; a boat hook;
- (b) two plugs for each plug hole (except where proper automatic valves are fitted) attached to the lifeboat by lanyards or chains; a bailer and two buckets;
- (c) a rudder attached to the lifeboat and a tiller;
- (d) a lifeline bucketed round the outside of the lifeboat; means to enable persons to cling to the lifeboat if upturned in the form of bilge keels or keel rails together with grab lines secured from gunwale to gunwale under the keel;
- (e) a locker conspicuously marked as such, suitable for the stowage of small items of equipment;
- (f) two hatchets, one at each end of the lifeboat;
  
- (g) a lamp with oil sufficient for 12 hours;
- (h) a water containing two box of matches not readily extinguished by wind;
- (i) a mast or masts, with galvanised wire stays together with orange coloured sails which shall be marked for identification purposes with the first and last letter of the name of the ship to which the lifeboat belongs;
- (j) a compass in binnacle complying with the requirements of Part I of the Thirteenth Schedule;  
[Thirteenth Schedule. Part I.]
- (k) a sea anchor complying with the requirements of Part II of the Thirteenth Schedule;  
[Thirteenth Schedule. Part II.]
- (l) two painters of sufficient length and size. One shall be secured to the forward end of the lifeboat with strop and toggle so that it can be released and the other shall be firmly secured to the stem of the lifeboat and be ready for use;
- (m) a vessel containing one gallon of vegetable, fish or animal oil. A means shall be provided to enable the oil to be easily distributed on the water, and shall be so arranged that it can be attached to the sea anchor;

- (n) four parachute distress rocket signals complying with the requirements of Part III of the Thirteenth Schedule, and six hand-held distress flare signals complying with the provisions of Part IV of the Thirteenth Schedule;

[Thirteenth Schedule. Part 111.]

- (o) two buoyant smoke signals complying with the requirements of Part V of the Thirteenth Schedule;

- (P) a first-aid outfit complying with the requirements of Part VI of the Thirteenth Schedule;

[Thirteenth Schedule. Part VI.]

- (q) a waterproof electric torch suitable for morse signalling together with one spare set of batteries and one spare bulb in a waterproof container;

- (r) a daylight-signalling mirror;

- (s) a jack-knife fitted with a tin opener to be kept attached to the lifeboat with a lanyard;

- (t) two light buoyant heaving lines;

- (u) a manual pump complying with the requirements of Part VII of the Thirteenth Schedule to these Rules;

[Thirteenth Schedule. Pall VII.]

- (v) a whistle;

- (w) fishing line and six hooks;

- (x) a cover of a highly visible colour capable of protecting the occupants against injury by exposure;

- (y) a copy of the Ministry of Transport Rescue Signal Table; and

- (z) means to enable persons in the water to climb into the lifeboat:

Provided that-

- (i) in ships of Classes II, VI, VII and VII(A), such lifeboats shall not be required to carry the equipment in sub-paragraphs (i), (r) and (w), and
- (ii) in ships of Class III such lifeboats shall not be required to carry the equipment specified in subparagraphs (i), (J), (m), (O), (r), (v), (w), (x) and (y) nor the parachute distress rocket signals specified in sub-paragraph (n) of this paragraph.

(2) No motor lifeboat or mechanically propelled lifeboat shall be required to carry a mast or sails nor more than half the complement of oars. Every such lifeboat shall carry two boat hooks.

(3) Every motor lifeboat shall carry at least two portable fire extinguishers capable of discharging foam or other substance suitable for extinguishing oil fires; a receptacle containing a sufficient quantity of sand and a scoop for distributing the sand.

Such portable fire extinguishers shall be of a type complying with the requirements of rule 57 of the Merchant Shipping (Fire Appliances) Rules, except that the capacity of each extinguisher shall not be required to exceed one gallon of fluid or its equivalent.

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(4) The equipment of every boat carried in a ship of Class IV, IV(A) or VIII shall be as follows-

- (a) at least four oars or paddles;
- (b) two plugs for each plug hole;
- (c) a bailer;

- (d) a painter of sufficient length and size;
- (e) a hatchet or matchet.

(5) Every lifeboat of Class C boat which is carried in compliance with sub-paragraph (b) of rule 10 (5), sub-paragraph (a) of rule 14 (3), sub-paragraph (b) of rule 16 (2), sub-paragraph (b) of rule 16 (3) and rule 21 (2) shall be equipped as follows-

- (a) a single complement of buoyant oars and one spare buoyant oar provided that there shall never be less than three oars; one set of crutches attached to the boat by lanyard or chain; a boat hook;
- (b) two plugs for each plug hole (except where proper automatic valves are fitted) attached to the boat by lanyards or chains; a bailer and a bucket;
- (c) a rudder attached to the boat and a tiller;
- (d) a lifeline becketed round the outside of the boat;
- (e) a locker conspicuously marked as such, suitable for the stowage of small items of equipment;
- (f) a painter of sufficient length and size secured to the forward end of the boat with strop and toggle so that it can be released;
- (g) means to enable persons to cling to the boat if upturned in the form of bilge keels or keel rails;
- (h) a waterproof electric torch suitable for morse signalling together with one spare set of batteries and one spare bulb in a waterproof container; and
- (i) two light buoyant heaving lines.

### 30. Rations for lifeboats

(1) Every lifeboat carried in a ship of Class I, every lifeboat carried in a ship of Class V in compliance with rule 10 (2), and every lifeboat carried in a ship of Class V(A) in compliance with rule 11 (2), shall be provided with at least the rations specified in the following scale for each person it is deemed fit to accommodate-

- (a) 16 ounces of biscuits;
- (b) 16 ounces of barley sugar; and
- (c) 16 ounces of sweetened condensed milk of first quality.

(2) All the foods specified in paragraph (1) of this rule shall be packed in suitable watertight containers and labelled to indicate the contents.

(3) Every lifeboat carried in a ship of Class I, II, III, V, YeA), VI, VIJ, VII(A) and IX shall be provided with at least 6 pints (or 3 litres) of fresh water for each person whom it is deemed fit to accommodate, or at least 4 pints (or 2 litres) of fresh water for each such person together with a desalting apparatus capable of providing at least 2 pints (or 1 litre) of drinking water for each person and in either case the total quantity of water shall be increased as far as is practicable:

Provided that this paragraph shall not apply to any lifeboat which is carried as an alternative to a Class C boat in a ship of Class V, V (A), VI, VII, VII(A), or IX.

(4) The water shall be kept in the lifeboat in suitable containers and there shall be provided at least one dipper, which shall be attached to the containers by a lanyard, and three rustproof drinking vessels (one graduated in  $\frac{1}{2}$  and 2 ounces):

Provided that a container of not more than 4 pints (or 2 litres) capacity shall not be required to be provided with a dipper. The water shall be frequently changed so as to ensure that it is always clean and fit for drinking.

### 31. Special equipment for certain motor lifeboats

(1) In every ship of Classes I and yeA) the motor lifeboats which are required to comply with rule 5 (5) (a) or rule 11 (5) (a) shall be provided with the following equipment-

- (a) radio equipment which shall comply with the requirements of the Merchant Shipping (Radio) Rules and in addition the following provisions shall apply thereto--
  - (i) it shall be installed in a cabin large enough to accommodate both the apparatus and the person using it;
  - (ii) the arrangements shall be such that the efficient operation of the transmitter and receiver shall not be impaired through interference from the engine of the motor lifeboat whether a battery is on charge or not; and
  - (iii) the radio battery shall not be used to supply power to any engine starting motor or ignition system;
  
- (b) a dynamo fitted to the engine of the motor lifeboat and capable of recharging all batteries in the lifeboat.

(2) In every ship of Classes I, II and V(a), the motor lifeboats which are required to comply with rule 5 (5) (b), rule 6 (5) and rule II (5) (b), shall be provided with a searchlight which shall include a lamp of at least 80 watts, an efficient reflector and a source of power which will give effective illumination of a light-coloured object having a width of about 60 feet at a distance of 200 yards for a total period of six hours. The searchlight shall be capable of working for at least three hours continuously.

### **32. Security of equipment and rations in lifeboats, Class C boats and other boats**

(1) All items of equipment provided in a lifeboat, Class C boat or other boat, with the exception of the boat hook, which shall be kept free for fending off purposes, shall be suitably secured within the lifeboat or boat. Any lashing shall be carried out in such a manner as to ensure the security of the equipment and so as not to interfere with the lifting hooks, if fitted, or to prevent ready embarkation. All items of such equipment shall be as small and as light in weight as possible and shall be packed in suitable and compact form.

(2) All the rations provided in a lifeboat shall be stowed in watertight tanks, which shall be firmly secured to the lifeboat.

(3) The tanks for the food and water ration shall be conspicuously marked "food" or "**water**", whichever is appropriate.

### **33. Equipment and rations for liferafts**

(1) Subject to the provisions of paragraphs (2), (3) and (4) of this rule, the equipment and rations provided in every liferaft shall be as follows-

- (a) one buoyant rescue quoit, attached to at least 100 feet of buoyant line;
- (b) four liferafts which are fit to accommodate not more than 12 persons, one safety knife and one bailer; for liferafts which are fit to accommodate 13 persons or more, two safety knives and two bailers;
- (c) two sponges;
- (d) two sea anchors, one permanently attached to the liferaft and one spare with line;
- (e) two paddles;
- (F) one repair outfit capable of repairing punctures in buoyancy compartments unless the liferaft complies with the requirements of Part II of the Eighth Schedule;



- (g) one topping-up pump or bellows, unless the liferaft complies with Part II of the Eighth Schedule;
- (h) three safety-tin openers;
- (i) a first-aid outfit complying with the requirements of Part VIII of the Thirteenth Schedule;
- (j) one rustproof drinking vessel, graduated in  $\frac{1}{2}$ , 1 and 2 ounces;
- (k) one waterproof electric torch suitable for morse signalling together with one spare set of batteries and one spare bulb in a waterp
- (l) one daylight signalling mirror and one signalling whistle;
- (m) two parachute distress rocket signals complying with the requirements of Part III of the Thirteenth Schedule;  
[Thirteenth Schedule.)
- (n) six hand-held distress flare signals complying with the requirements of Part IV of the Thirteenth Schedule;
- (o) one fishing line and six hooks;
- (p) 12 ounces of suitable non-thirst provoking food providing at least 2,200 calories per pound weight and 6 ounces of barley sugar or other equally suitable sweets for each person the liferaft is deemed fit to accommodate;
- (q) watertight receptacles containing 3 pints (or  $1\frac{1}{2}$  litres) of fresh water for each person the liferaft is deemed fit to accommodate, of which I pint (or  $\frac{1}{2}$  litre) per person may be replaced by a suitable de-salting apparatus capable of producing an equal amount of fresh water;
- (r) six anti-seasickness tablets for each person which the liferaft is deemed fit to accommodate;
- (s) instructions printed in the English language on how to survive in the liferaft;  
and
- (t) one copy of the Ministry of Transport Rescue Signal Table.

(2) In ships of Class II one or more liferafts, not being less than one sixth of the number of liferafts carried in any such ship, shall be provided with the equipment specified in sub-paragraphs (a) to (g) inclusive (k), (s) and (t) of paragraph (1) of this rule, and with one half of the equipment specified in sub-paragraphs (m) and (n) of the said paragraph, and the remainder of the liferafts carried, shall be provided with the equipment specified in paragraphs (a) to (g) inclusive and (s) and (t) of the said paragraph.

(3) In ships of Classes III, IV, IV(A) and VIII, liferafts shall be provided with the equipment specified in subparagraphs (a), (b), (c), (e), (j), (g), (s) and (t) of paragraph (1) of this rule together with one sea-anchor which shall be permanently attached to the liferafts.

(4) In ships of Class X of less than 70 feet in length, liferafts shall be provided with the equipment specified in sub-paragraphs (a), (b), (c), (e), (j), (g), (i), (j), (k), (m), (r), (s) and (t) of paragraph (1) of this rule together with the following equipment-

- (a) one sea-anchor which shall be permanently attached to the liferaft;
- (b) two safety tin-openers;
- (c) three hand-held distress flare signals complying with the requirements of Part IV of the Thirteenth Schedule; and  
[Thirteenth Schedule.)
- (e) watertight receptacles containing I pint (or  $\frac{1}{2}$  litre) of fresh water for each person which the liferaft is deemed fit to accommodate.

*Stowage and handling of life-saving appliances*

**34. General provisions relating to the stowage and handling of life-saving appliances**

(1) The arrangement of each lifeboat, Class C boat or other boat, liferaft and article of buoyant apparatus shall be such that it will not interfere with the operation of other life-saving appliances or impede in any way their prompt handling or the marshalling of persons at the launch-stations or their embarkation.

(2) Lifeboats, Class C boats or other boats, liferafts and buoyant apparatus shall be so stowed that they can all be launched safely in the shortest possible time and the overall launching period shall not exceed 30 minutes in the case of-

(a) ships of Classes I and II; and

(b) ships of Class V(A) which carry liferafts under launching appliances.

**35. Stowage and handling of lifeboats, Class C boats and other boats**

(1) Subject to the provisions of paragraphs (2), (3) and (4) of this rule, every lifeboat attached to a set of davits, other than a lifeboat which is carried as an alternative to a Class C boat or other boat, shall be so arranged that even under unfavourable conditions of trim and of up to 15 degrees of list either way it can be put into the water when loaded with its full complement of persons and equipment required by these Rules.

(2) Any lifeboat which is carried as an alternative to a Class C boat or other boat, and any Class C boat or other boat, which is attached to a davit or set of davits other than a mechanically controlled single-arm davit, shall be so arranged that when loaded with its equipment required by these Rules and a launching crew of two persons it can be put into the water on one side of the ship when the ship is upright or is listed to 15 degrees towards that side.

(3) Every lifeboat, Class C boat or other boat attached to a mechanically controlled single-arm davit shall be so arranged that when loaded with its equipment required by these Rules and a launching crew of two persons, it can be put into the water on one side of the ship when the ship is upright or is listed up to 15 degrees towards that side, except that in ships of Class IX which carry a lifeboat in compliance with sub-paragraph (a) of rule 16 (3), the lifeboat shall be so arranged that when loaded with its required equipment and a launching crew of two persons it can be put into the water on either side of the ship, or, if the ship has a list, on the side to which the ship is listed.

(4) Every lifeboat or Class C boat carried in compliance with rules II (5) (b), 13 (2), 14 (3) (a), 16 (2) (b), 16 (3) (b), and 17 (2), if not attached to a davit or set of davits, shall be attached to a device which shall be provided primarily for the purpose of launching the boat and which shall be capable of putting the boat into the water on one side of the ship when it is loaded with its equipment required by these Rules and a launching crew of two persons and when the ship is upright or is listed up to 15 degrees towards that side.

(5) Not more than one lifeboat, Class C boat or other boat shall be attached to any set of davits, davit or other means of launching.

(6) Lifeboats shall only be stowed on more than one deck on condition that proper measures are taken to prevent lifeboats on a lower deck being fouled by those stowed on a deck above.

(7) Lifeboats shall not be placed in the bows of the ship, and they shall be situated in such position as to ensure safe launching, having particular regard to clearance from the propeller and steeply overhanging portions of the hull aft, and to ensure so far as is practicable that they can be launched down the straight side of the ship.

(8) Davits shall be suitably placed in the ship.

(9) Davits winches, falls, blocks and all other launching gear provided in accordance with these Rules shall comply with the requirements of the Fourteenth Schedule.

[Fourteenth Schedule.]

(10) All lifeboats, Class C boats or other boats attached to davits shall be served by wire rope falls and winches in the following cases-

- (a) when they are attached to gravity davits; or
- (b) when they are attached to mechanically controlled single arm davits; or
- (c) when they are fitted in any ship of Classes I or II, or in any ship of Class V (A) in compliance with rule 11 (2); or
- (d) when they are fitted in any ship of Classes V, VI or VII(A) in compliance with rule 10 (2) or sub-paragraph (a) of rule 10 (5); or
- (e) when the weight of the attached lifeboat, Class C boat or other boat in the lowering condition exceeds 214 tons:

Provided that the appropriate authority may permit other types of falls to be fitted with or without winches in cases other than emergency lifeboats where it is satisfied that such falls are adequate.

(11) In every ship to which these Rules apply in which lifeboats, Class C boats or other boats are served by wire rope falls, winches shall be provided for handling such falls.

(12) Emergency lifeboats carried in compliance with rule 5 (3), rule 6 (4) or rule 11 (3) shall be served by winches which are capable of recovering them at a speed of not less than 60 feet per minute when the lifeboat is loaded with its equipment required by these Rules and a distributed load equal to 2,240 pounds.

(13) Efficient hand gear shall be provided for the recovery of all lifeboats, Class C boats or other boats which are served by winches.

(14) Where davits are recovered by action of the falls by power, safety devices shall be fitted which will automatically cut off the power before the davits come against the stops and ensure that the wire rope falls or davits are not overstressed.

(15) To facilitate the launching of lifeboats against a list of 15 degrees, skates or other suitable means shall be provided for any lifeboat stowed under davits which are of such strength that the lifeboat can be lowered with its full complement of persons and its equipment required by these Rules.

(16) Means shall be provided for bringing the lifeboats, which are required to be capable of being lowered in the fully loaded condition, against the ship's side and for holding them there for the safe embarkation of persons.

(17) In ships other than ships in which the lifeboat, Class C boat or other boat is attached to a mechanically controlled single-arm davit, the davits shall be fitted with a wire rope span so positioned that when the boat is in the lowering position the span is as near as practicable over the centre line of the boat. There shall be at least two lifelines fitted to the span and the lifelines

shall be long enough to reach the water with the ship at her lightest seagoing draught and listed to 15 degrees either way.

(18) Lifeboats, Class C boats and other boats attached to davits shall have the falls ready for service and the falls shall be at least long enough to reach the water with the ship at her lightest sea-going draught and listed to 15 degrees either way. Means shall be provided for detaching the lifeboats, Class C boats or other boats from the falls. Lower fall blocks shall be fitted with a suitable ring or long link for attaching to the sling hooks, unless disengaging gear complying with the requirements of the Fifteenth Schedule is fitted. The points of attachment of the lifeboats, Class C boats and other boats to the falls shall be at such height above the gunwale as to ensure stability when lowering the lifeboats, Class C boats or other boats.

(19) Every emergency lifeboat carried in compliance with rule 5 (3), rule 6 (4) and rule II (3) shall be provided with means for facilitating the attachment of the lower fall blocks to the lifting arrangements of the boat when the boat is recovered from the sea in adverse weather conditions. For this purpose, a pendant of adequate strength and suitable length shall be provided for each davit, and the one end of the pendant shall be attached to the lower fall block and the other end to the lifting arrangement on the boat. Means shall, in addition, be provided for hanging off the boat after hoisting to enable the lower fall block to be attached directly to the lifting hook.

(20) In any ship to which these Rules apply when a lifeboat is attached to any set of davits, davit, or other means of launching not of sufficient strength that the lifeboat can be safely lowered into the water when loaded with its full complement of persons and equipment required by these Rules under the conditions of trim and of list specified in these Rules for the class of ship, or when any Class C boat or other boat not of sufficient strength that it can be safely lowered into the water when loaded with its full complement of persons and equipment required by these Rules is attached to any set of davits, davit, or other means of launching, each davit or other means of launching shall be conspicuously marked with a red band 6 inches wide painted on a white background.

### **36. Stowage and handling of life rafts, buoyant apparatus, lifebuoys and lifejackets**

(1) Liferrafts and buoyant apparatus shall be so stowed that they can be put into the water safely even under unfavourable conditions of trim and of up to 15 degrees of list either way.

(2) In every ship of Classes I, II and yea) which carry liferafts in accordance with rule 5 (2) (b), 6 (8) (c) or 11 (2) (b), there shall be provided for such liferafts launching appliances complying with the requirements of the Sixteenth Schedule.

(3) Every liferaft launching appliance shall be so arranged that even under unfavourable conditions of trim and of up to 15 degrees of list, either way, each liferaft which is

designed for use with such an appliance can be launched when loaded with its full complement of persons and equipment.

(4) Liferrafts for which launching appliances are provided, and such launching appliances, shall not be placed in the bows of the ship and shall be so placed as to ensure safe launching having particular regard to clearance from the propeller and steeply overhanging portions of the hull aft, and to ensure so far as it is practicable that they can be launched down the straight side of the ship.

(5) Means shall be provided for bringing liferafts for which launching appliances are provided against the ship's side and for holding them there for the safe embarkation of persons.

(6) Lifebuoys shall be so stowed as to be readily accessible to all persons on board, and in such a way that they can be rapidly cast loose.

(7) Lifejackets shall be so stowed as to be readily accessible to all persons on board. Their position shall be clearly and permanently indicated.

## PART V

### *Miscellaneous provisions*

#### **37. Embarkation into lifeboats, Class C boats other boats and life rafts**

(1) Arrangements shall be made to ensure that it is possible to effect embarkation into the lifeboats, Class C boats and other boats, and liferafts rapidly and in good order.

(2) In every ship arrangements shall be made for warning the passengers and crew when the ship is about to be abandoned.

(3) In ships of Classes V, VI, VII and VII(A), in ships of Class IX of 150 feet or over in length and in ships of Class X, one ladder shall be carried at each set of lifeboat davits where the davits are capable of lowering the lifeboat when loaded with its full complement of persons and its equipment required by these Rules. Such provision shall also be made for ships of Classes I, II and III and for those ships of Class YeA) to which rule (2) refers, except that in such ships the appropriate authority may permit such ladders to be replaced by suitable mechanical devices, provided that there shall not be less than one ladder on each side of the ship.

(4) In ships of Class V, YeA), VI, VII, VII(A), IX and X which carry a Class C boat or a lifeboat which is not capable of being lowered into the water when loaded with its full complement of persons and its equipment required by these Rules, suitable means shall be provided for embarking persons into the boat.

(5) In ships of Class I, II and III, in ships of Class V (A) to which rule 11 (2) refers and in ships of Classes V, VI and VII(A) of 500 tons or over, sufficient ladders shall be provided to facilitate embarkation into the liferafts when waterborne except that in such ships the appropriate authority may permit the replacement of some or all of such ladders by suitable mechanical devices.

(6) The ladders provided in compliance with this paragraph of this rule shall be of sufficient length to reach the water line with the ship at her lightest sea-going draught and listed to 15 degrees either way.

(7) Ships of Classes I, II, III, V, V(A), VI, VII, VII(A) and IX shall be provided with means situated outside the engine room whereby any discharge of water into the lifeboats or into life rafts at fixed launching positions, including those under launching appliances, can be prevented.

#### **38. Manning of lifeboats and liferafts**

(1) In ships of Classes I, II and III, a deck officer or certificated lifeboatsman shall be placed in charge of each lifeboat and a second in command shall also be nominated. The person in charge shall have a list of the lifeboat's crew and shall see that the persons placed under his orders are acquainted with their several duties.

(2) In ships of Class I, a person trained in the handling and operation of liferafts shall be assigned to each liferaft.

(3) In ships of Class II and III carrying liferafts served by launching appliances, two persons trained in the handling and operation of liferafts shall be assigned to each launching appliance.

(4) In ships of Classes II and III carrying liferafts not served by launching appliances which are stowed in groups at fixed launching positions, a person trained in the handling and operation of liferafts shall be assigned to each such position.

(5) In ships of Classes I and II, a person capable of working the radio equipment and searchlight equipment shall be assigned to each lifeboat carrying such equipment.

(6) In every ship in which motor lifeboats are carried, a person capable of working the motor shall be assigned to each motor lifeboat.

**39. Certificated lifeboatmen**

(1) The crew of every ship of Class I, II and III shall include, for each lifeboat carried in compliance with these Rules, a number of certificated lifeboatmen not less than that specified in the following table-

<i>Prescribed complement of lifeboat</i>	<i>Minimum number of certificated lifeboatmen</i>
Less than 41 persons .....	2
From 41 to 61 persons .....	3
From 62 to 85 persons .....	4
More than 85 persons .....	5

(2) An applicant for a lifeboatman's certificate shall be at least 18 years of age and shall submit himself for examination at such time and place as may be directed by the appropriate authority who, on being satisfied that he has had sufficient service at sea and has been trained in all the operations connected with the launching and practical handling of lifeboats and other life-saving equipment and in the use of oars and propelling gear and, further, that he is capable of understanding and answering any orders relative to all kinds of life-saving appliances, may issue a certificate to him.

(3) In this rule, "**prescribed complement**" means the number of persons which the lifeboat is deemed fit to accommodate under these Rules.

**40. Portable radio equipment**

(1) The portable radio equipment required to be carried in compliance with rule 5 (6), rule 6 (II), rule 10 (10) and rule II (6) shall comply with such of the requirements of radio rules under the Act as apply thereto and shall be kept in a suitable place ready to be moved into a lifeboat or a liferaft in case of emergency.

(2) In ships where the disposition of superstructures or deck houses is such as to involve substantial fore and aft separation of the main transmitter and lifeboats, such equipment shall be kept in vicinity of those lifeboats or liferafts which are furthest away from the main transmitter.

**41. Electrically operated signals**

Every ship of Class I shall be provided throughout the ship with electrically operated signals controlled from the bridge for summoning passengers to muster stations.

**42. Electric lighting**

(1) In every ship of Class I, II or III, an electric lighting system shall be provided throughout the ship and in particular upon the decks from which lifeboats and liferafts are embarked. Provision shall also be made in every such ship for the electric lighting of the launching gear and of the lifeboats, and of the liferaft launching appliances where provided and the liferafts which they serve, during the preparation for and process of

launching and also for illuminating the water into which the lifeboats and liferafts served by launching appliances are launched until the process of launching is completed, and for lighting the stowage position of liferafts for which launching appliances are not provided. The lighting shall be operated from the ship's main generating plants and shall be so arranged that power may be supplied from the emergency source of power referred to in the Construction Rules made under the Act.

(2) In every ship of Class I and II, the exit from every main compartment occupied by passengers or crew shall be continuously lighted by an emergency electric lamp, operated from the ship's main generating plant and so arranged that power may be supplied from the emergency source of power referred to in the Construction Rules made under the Act.

(3) In every ship of Classes V, V (A) and VI of 500 tons or over and in every ship of Class VII(A) of such tonnage engaged on international voyages, provision shall be made for the electric lighting of the launching gear and of the lifeboats and of the liferafts launching appliances, where provided, and of the liferafts which they serve, during the preparation for and process of launching and also for lighting the water into which the lifeboats, and the liferafts served by launching appliances, are launched, until the process of launching is completed and for the lighting of the stowage position of liferafts for which launching appliances are not provided.

(4) In every ship of Classes V, V(A) and VI of 1,600 tons or over and in every ship of Class VII(A) of such tonnage engaged on international voyages, provision shall be made for the electric lighting of the alleyways, stairways and exits so as to ensure that access of all persons on board to the launching stations and stowage positions of lifeboats and liferafts is not impeded.

(5) The lighting required by paragraphs (3) and (4) of this rule shall be operated from the ship's main electric generating plant and in addition shall be capable of being operated-

- (a) in every such ship of 5,000 tons or over, from an emergency source of electric power which shall be provided for such lighting or in the case of any ship to which rule 6 of the Merchant Shipping (Cargo Ship Construction and Survey) Rules applies, from the emergency source of electric power required by that rule;
- (b) in every such ship of 1,600 tons or over but of under 5,000 tons, from an emergency source of electric power which shall be provided for such lighting or in the case of any ship to which rule 7 of the said rules applies, from the emergency source of electric power required by that rule.

(6) In every ship of 500 tons or over but of under 1,600 tons the lighting required by paragraph (3) of this rule shall be operated from the ship's main electric generating plant and in addition shall be capable of being operated from an emergency source of electric power which shall be provided for such lighting or where, in the case of any cargo ship, emergency source of electric power is required under any Construction Rules under the Act from that emergency source of electric power or, if the appropriate authority so permits, from the reserve source of electrical energy required by the Radio Rules under the Act on condition that the lighting circuit can be readily disconnected and the said reserve source is capable of supplying the additional load or loads without falling below the capacity required by the Radio Rules.

(7) In every ship of Classes V, V(A), VI and VII(A) to which paragraph (3) of this rule does not apply and in every ship of Classes VII and IX, means shall be provided for the electric lighting of the launching gear and lifeboats or boats during the preparations for and process of launching and also for the lighting of the stowage position of the life-rafts.

#### **43. Ship's distress signals**

(1) Every ship to which these Rules apply, except ships of Classes IV, IV(A), and VIII, ships of Class IX of less than 40 feet in length and ships of Class X, shall carry not less than twelve parachute distress rocket signals which shall comply with the requirements of the Seventeenth Schedule.

[Seventeenth Schedule.]

(2) Ships of Class IX of less than 40 feet in length shall carry not less than six red star distress signals which shall comply with the requirements of paragraph (4) of this rule.

(3) Ships of Class X which proceed to sea shall carry not less than six pyrotechnic distress signals which shall be either parachute distress rocket signals of a type which complies with the requirements of the Seventeenth Schedule or red star distress signals which shall comply with the requirements of paragraph (4) of this rule.

[Seventeenth Schedule.]

(4) Any red star distress signals required by this rule shall be capable of emitting two or more red stars either together or separately at or to a height of not more than 150 feet. Each of these stars shall burn with a minimum luminosity of 5,000-candle power for not less than five seconds.

(5) All pyrotechnic distress signals shall be packed in a water-tight container and shall be clearly and indelibly labelled to indicate their purpose.

#### **44. Equivalents and exemptions**

(1) Where these Rules require that a particular fitting, material, appliances or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular provision shall be made, the appropriate authority may permit any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried or any other provision to be made in that ship if the appropriate authority is satisfied by trial thereof that such other fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by these Rules.

(2) If it appears to the appropriate authority, on the application of the owner of any ship, that it is not practicable or reasonable to fit in that ship the number of sets of davits required by these Rules the appropriate authority may permit one or more sets of davits to be dispensed with in that ship subject to such conditions, if any, as the appropriate authority thinks fit:

Provided that, in the case of ships of Classes II and III the number of sets of davits fitted shall, subject to the provisions of rules 6 (2) and 6 (8), in no case be less than the minimum number determined by Column 8 of the table set out in the Second Schedule.

[Second Schedule.]

(3) If a ship of Class I is permitted by the terms of her passenger steamer's certificate to carry, between specified ports or places abroad, a number of passengers in addition to the number allowed when the ship is proceeding to sea from Nigeria, the appropriate authority may, subject to such conditions as it thinks fit, permit as regards the part of the voyage between such specified ports or places, modifications of the provisions of rules 5 (2) and 5 (II) (which relate to lifeboats, liferafts and buoyant apparatus):



Provided that where such modifications are allowed the total number of lifeboats together with such liferafts as are carried shall be always sufficient for the total number of persons which the ship is certified to carry and in addition liferafts shall be carried sufficient to support ten per cent of that number of persons.

(4) The appropriate authority may exempt any ship not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage from any of the requirements of these Rules:

Provided that the ship complies with safety requirements which in the opinion of the appropriate authority are adequate for the voyage which is to be undertaken by the ship.

(5) If it is impracticable or unreasonable for a ship to carry a lifeboat or boat of the minimum length prescribed by these Rules, the appropriate authority may permit a smaller lifeboat or boat to be carried by that ship.

(6) The appropriate authority may, either absolutely or subject to such conditions as it thinks fit, exempt any ship of which the keel was laid before the coming into operation of these Rules, from any requirement of these Rules, if it is satisfied that compliance with a requirement is either impracticable or unreasonable in the case of that ship.

## SCHEDULES

### FIRST SCHEDULE

[Rule 4.]

#### *Inland tidal waters areas*

**1.** All those inland waters in the area bounded by the border with the Republic of Benin the West, the meridian of 5 degrees East longitude in the East, and the parallel of 7 degrees North latitude in the North.

**2.** All those inland waters in the area bounded by the meridian of 5 degrees East longitude in the West, the meridian of 6 East longitude in the East, and the parallel of 6 degrees 5 minutes North latitude in the North.

**3.** All those inland waters in the area bounded by the meridian of 6 degrees East longitude in the West, the border with the Camerouns in the East, and the parallel of 5 degrees North latitude in the North.

### SECOND SCHEDULE

*Table showing the minimum number of sets of davits to be provided and the minimum cubic capacity of lifeboats in ships of Class II and 11.*

	(A)	(B)	(C)
Length of ship (in feet)	Minimum number of sets of davits	Smaller number of sets of davits authorized exceptionally	Minimum capacity of lifeboats in cubic feet
Under 120	2	2	400
120 and under 140	2	2	650
140 and under 160	2	2	900
160 and under 175	3	3	1,150
175 and under 190	3	3	1,350
190 and under 205	4	4	1,550
205 and under 220	4	4	1,750
220 and under 230	5	4	1,850
230 and under 245	5	4	2,150
245 and under 225	6	5	2,400
225 and under 270	6	5	2,700
270 and under 285	7	5	3,000

*SECOND SCHEDULE - continued*

	A)	(B)	(C)
Length of ship (in feet)	Minimum number of sets of davits	Smaller number of sets of davits authorized exceptionally	Minimum capacity of lifeboats in cubic feet
285 and under 300	7	5	3,300
300 and under 315	8	6	3,600
315 and under 330	8	6	3,900
330 and under 350	9	7	4,300
350 and under 370	9	7	4,750
370 and under 390	10	7	5,150
390 and under 410	10	7	5,550
410 and under 435	12	9	7,150
435 and under 460	12	9	7,800
460 and under 490	14	10	8,400
490 and under 520	14	10	—
520 and under 550	16	12	—
550 and under 580	16	12	—
580 and under 610	18	13	—
610 and under 640	18	13	—
640 and under 670	20	14	—
670 and under 700	20	14	—

700 and under 730	22	15	—
730 and under 760	22	15	—
760 and under 790	24	17	—
790 and under 820	24	17	—
820 and under 885	26	18	—
885 and under 890	26	18	—
890 and under 925	28	19	—
925 and under 960	28	19	—
960 and under 995	30	20	—
995 and under 1, 030	30	20	—

SECOND SCHEDULE- *continued*

<i>Length of ship feet</i>	<i>Minimum number of sets of davits</i>
Under 200.....	2
200 and under 240 .....	3
240 and under 280.....	4
280 and under 320.....	5
320 and over.....	6

THIRD SCHEDULE

[Rule 18.]

*General requirements for lifeboats*

1. Every lifeboat shall be constructed with rigid sides.
2. In any lifeboat fitted with a rigid shelter, the shelter shall be capable of being readily opened from both inside and outside and shall not impede rapid embarkation and disembarkation or the launching and handling of the lifeboat. Such a shelter where fitted may be accepted as complying with the requirements of sub-paragraph (x) of rule 27 (1).
3. Every lifeboat, except wooden lifeboats made of planks, shall have a block coefficient of the cubic capacity as determined in accordance with the Fourth Schedule of not less than 0.64.

4. Every lifeboat shall be of such form and proportions that it shall have ample stability in a seaway, and sufficient freeboard when loaded with its full complement of persons and equipment.
5. Every lifeboat shall be so constructed that it shall be capable of maintaining positive stability when open to the sea and loaded with its full complement of persons and equipment.
6. Every lifeboat shall be properly constructed for the purpose for which it is intended and shall be of sufficient strength to permit its being safely lowered into the water when loaded with its full complement of persons and equipment. It shall be of such strength that it will not suffer residual deflection if subjected to an overload of at least 25 per cent.
7. No lifeboat shall be less than sixteen feet in length except that where these Rules permit a lifeboat to be carried as an alternative to a Class C boat, the length of such lifeboat shall not be less than that of the Class C boat as determined in accordance with paragraph (3) of the Seventh Schedule.

[Seventh Schedule.]

8. No lifeboat when laden with its full complement of persons (calculated at 165 pounds per person) and equipment shall weigh more than twenty tons.
9. In every lifeboat all thwart and side seats shall be fitted as low in the lifeboat as practicable and bottom boards shall be fitted.
10. Every lifeboat shall have a mean sheer at least equal to four per cent of its length. The sheer shall be approximately parabolic in form.
11. Every lifeboat shall be filled with internal buoyancy appliances which shall consist either of air cases or buoyant material which shall not be adversely affected by oil or oil products and which shall not adversely affect the boat.
12. In every lifeboat the total volume of the internal buoyancy appliances shall be such that it will be at least equal to the sum of the volume of-
  - (a) that required to float the lifeboat and its full equipment when the lifeboat is flooded and open to the sea so that the top of the gunwale amidships is not submerged; and
  - (b) that equal to ten per cent of the cubic capacity of the lifeboat.
13. In the case of lifeboats which accommodate 100 or more persons, the volume of the buoyancy appliances required by sub-paragraph (b) of the preceding paragraph of this Schedule shall be increased as follows-
  - (a) in lifeboats which accommodate from 100 to 130 persons, by an amount determined by interpolating between nil at 100 persons and 1.5 per cent of the cubic capacity of the lifeboat at 130 persons;
  - (b) in lifeboats which accommodate over 130 persons, by an amount equal to 1.5 per cent of the cubic capacity of the lifeboat.

#### FOURTH SCHEDULE

[Rule 19.]

##### *Calculation of cubic capacity of lifeboats*

1. Subject to the provisions of paragraph 4 of this Schedule, the cubic capacity of a lifeboat for the purposes of these Rules shall be measured in cubic feet and shall be determined by Stirling's (Simpson's) Rule, which may be considered as given by the following formula-

(a) Cubic Capacity

$$= \frac{L}{12} (4A + 2B + 4C)$$

where L denotes the length of the lifeboat in feet from the inside of the shell at the top of the stem to the corresponding point at the top of the stern post; in the case of a lifeboat with a square stern the length is measured to the inside of the top of the transom;

(b) A, E, C, denote respectively the areas of the cross-sections at the quarter length forward, amidships and the quarter length aft which correspond to the three points obtained by dividing L into four equal parts (the areas corresponding to the two ends of the lifeboat shall be considered negligible);

(c) the areas A, B, C shall be deemed to be given in square feet by the successive application of the following formula to each of the three cross-sections-

(i) Area

$$= \frac{h}{12}(a + 4b + 2c + 4d + e),$$

where h denotes the depth measured in feet inside the shell from the keel to the level of the gunwale or, in certain cases, to a lower level as determined hereafter; and

(ii) a, b, c, d, e denote the horizontal breadths of the lifeboat measured in feet inside the shell at the upper and lower points of the depth and at the three points obtained by dividing h into four equal parts (a and e being the breadths at the extreme points and c at the middle point of h);

(d) the capacity of a square-sterned lifeboat shall be calculated as if the lifeboat had a pointed stem.

**2.** If the sheer of the gunwale, measured at the two points situated at a quarter of the length of the lifeboat from the ends, exceeds one per cent of the length of the lifeboat, the depth employed in calculating the area of the cross-section A or C shall be deemed to be the depth amidships plus one per cent of the length of the lifeboat.

**3.** If the depth of the lifeboat amidships exceeds 45 per cent of the breadth, the depth employed in calculating the area of the amidship cross-section B shall be deemed to be equal to 45 per cent of the breadth, and the depth employed in calculating the areas of the quarter-length sections A and C is obtained by increasing this last figure by an amount equal to one per cent of the length of the lifeboat:

Provided that in no case shall the depths employed in the calculation exceed the actual depths at these points.

**4.** Unless the owner of the lifeboat requires the cubic capacity to be determined by exact measurement, the cubic capacity of a lifeboat constructed of wooden planks may be assumed to be the product of the length, the breadth and the depth multiplied by 0.6 if this formula does not give a greater capacity than that obtained by the formula set out in paragraph 1 of this Schedule. The dimensions shall be measured in the following manner-

(a) Length-From the intersection of the outside of the planking with the top of the stem to the corresponding point at the stern post, or in the case of a squaresterned lifeboat, to the after side of the top of the transom;

(b) Breadth-From the outside of the planking at the point where the breadth of the lifeboat is greatest;

(c) Depth-Amidships inside the planking from the keel to the level of the top of the gunwale, but the depth used in calculating the cubic capacity may not in any case exceed 45 per cent of the breadth.

**5.** The cubic capacity of a motor lifeboat or a lifeboat fitted with other propelling gear shall be obtained from the gross capacity by deducting a volume equal to that occupied by the motor and its accessories or the gearbox of the other propelling gear, and any equipment with which the lifeboat may be provided in compliance with rule 29.

## FIFTH SCHEDULE

[Rule 20 (a).]

### *Machinery of motor lifeboats*

1. The engine shall be capable of being readily started in cold weather and of running reliably under conditions of extremes of temperature.
2. The engine shall operate properly under conditions of at least 10 degrees list and 10 degrees trim. Circulating water pumps, where fitted, shall be self-priming.
3. The engine and its accessories, including the fuel tank, pipes and fittings, shall be adequately protected to ensure reliable operation under conditions likely to arise at sea during adverse weather. The engine casing shall additionally be fire-resisting, and in the case of aircooled diesel engines shall be so designed that the supply of cooling air is not restricted.
4. Means shall be provided in all lifeboats to prevent the spread of oil. In a wooden lifeboat a metal tray shall be fitted under the engine.
5. The fuel tank shall be substantially constructed, securely fixed in position with a metal tray underneath and fitted with suitable filling, vapour venting and relief arrangements. No part of the tank or its connections nor any part of the fuel piping or fittings shall depend on soft solder for tightness, and tanks made of steel shall be protected externally against corrosion by sea water by metal spraying or similar means. The tank and its connections shall be capable of withstanding hydraulic pressure corresponding to a head of at least 15 feet. A cock shall be fitted at each end of the fuel pipe.
6. The engine and fuel tank spaces shall be efficiently ventilated.
7. The shafting and other moving parts shall be fenced where necessary to protect the persons in the lifeboat from injury.

### SIXTH SCHEDULE

[Rule 21.]

#### *Machinery of mechanically propelled lifeboats*

1. The propelling gear shall be so arranged that it can be rapidly and easily made ready for service and will not interfere with the rapid embarkation of persons into the lifeboat.
2. If the propelling gear is manually operated it shall be capable of being operated by persons untrained in its use and shall be capable of being operated when the lifeboat is flooded.
3. The propelling gear shall not require adjustment to enable it to be worked by persons of different stature. It shall be effective in propelling the lifeboat partially or fully loaded.
4. The propelling gear shall be substantially constructed and fitted to the lifeboat in an efficient manner. The metal part of any operating handle shall be suitably sheathed by material other than wood to ensure that the hands of the operators are protected in conditions of extreme cold.
5. The propelling gear shall be of sufficient power to enable the lifeboat when loaded with its equipment required by these Rules and a distributed weight equal to the full number of persons which it is fit to carry, to be propelled at a speed ahead of at least 3.5 knots in smooth water over a distance of 1,4 mile.
6. The propelling gear shall be capable of propelling the lifeboat ahead or astern and a device shall be fitted by means of which the helmsman can cause the lifeboat to go astern or ahead at any time when the propelling gear is in operation.

SEVENTH SCHEDULE

[Rule 22.]

*Requirements for Class C boats*

1. Every Class C boat shall be an open boat constructed with rigid sides.
2. The boat shall be of such form and proportions that it shall have ample stability in a seaway and sufficient freeboard when loaded with its equipment and the number of persons specified in Column (3) of paragraph 3 of this Schedule.
3. The length of the boat and the number of persons for whom seating shall be provided in the boat shall be determined in accordance with the following table-

(1) <i>Number the ship</i>	(2) <i>Minimum length of boat in Jeet</i>	(3) <i>Minimum seating capacity Of boat (persons)</i>
More	16	9
8	15	8
6 or 7	14	7
5	13	5
4	12	4

4. All thwart and side seats in the boat shall be fitted as low in the boat as practicable and bottom boards shall be fitted.
5. The boat shall be square-sterned and shall have a mean sheer at least equal to five per cent of its length.
6. The boat shall be fitted with internal buoyancy appliances which shall be so placed as to secure stability when the boat is fully laden under adverse weather conditions.
7. Every boat shall be fitted with internal buoyancy appliances which shall consist either of aircases or buoyant material which shall not be adversely affected by oil or oil products and which shall not adversely affect the boat.
8. The total volume of the internal buoyancy appliances shall be such that it will be at least equal to the sum of the volume of-
  - (a) that required to float the boat and its full equipment when the boat is flooded and open to the sea so that the top of the gunwale amidships is not submerged; and
  - (b) that equal to 7.5 per cent of the cubic capacity of the boat which shall be determined in the same manner as that prescribed for lifeboats in the Fourth Schedule.

[Fourth Schedule.]

EIGHTH SCHEDULE

[Rule 23.]

*Requirements for life rafts*

PART I

*Inflatable life rafts*

1. Subject to the provisions of paragraphs 2 and 3 of this Part of this Schedule every inflatable liferaft shall comply with the following requirements-
  - (a) the liferaft shall be so constructed that, when fully inflated and floating with the cover uppermost, it shall be stable in a seaway;
  - (b) the liferaft shall be so constructed that if it is dropped into the water from a height of 60 Feet, neither the liferaft nor its equipment will be damaged;

- (c) the construction of the liferaft shall include a cover of a highly visible colour which shall automatically be set in place when the liferaft is inflated. The cover shall be capable of protecting the occupants against injury from exposure, and means shall be provided for collecting rain water. The top of the cover shall be filled with a lamp which derives its luminosity from a sea-activated cell and a similar lamp shall also be fitted inside the liferaft;
- (d) the liferaft shall be fitted with a painter and shall have a lifeline becketed round the outside. A lifeline shall also be fitted round the inside of the liferaft;
- (e) the liferaft shall be capable of being readily righted by one person if it inflates in an inverted position;
- (f) the liferaft shall be fitted at each opening with efficient means to enable persons in the water to climb on board;
- (g) the liferaft shall be contained in a valise or other container so constructed as to be capable of withstanding hard wear under conditions encountered at sea. The liferaft in its valise or other container shall be inherently buoyant;
- (h) the buoyancy of the liferaft shall be so arranged as to ensure by a division into an even number of separate compartments, half of which shall be capable of supporting out of the water the number of persons which the liferaft is fit to accommodate, or by some other equally efficient means, that there is a reasonable margin of buoyancy if the raft is damaged or partially fails to inflate;
- (i) the total weight of the liferaft, its valise or other container and its equipment shall not exceed 400 pounds;
- (j) the number of persons which a liferaft shall be deemed fit to accommodate shall be equal to-
  - (i) the greatest whole number obtained by dividing by 3.4 the volume measured in cubic feet, of the main buoyancy tubes (which for this purpose shall include neither the arches nor the thwart or thwarts if fitted) when inflated; or
  - (ii) the greatest whole number obtained by dividing by 4 the area, measured in square feet, of the floor (which for this purpose may include the thwart or thwarts if fitted) of the liferaft when inflated, whichever number shall be less;
- (k) the floor of the liferaft shall be waterproof and shall be capable of being sufficiently insulated against cold; either-
  - (i) by means of one or more compartments which the occupants can inflate if they so desire, or which inflate automatically and can be deflated and re-inflated by the occupants; or
  - (ii) by other equally efficient means not dependent on inflation;
- (l) the liferaft shall be inflated by a gas which is not injurious to the occupants the inflation shall take place automatically either on the pulling of a line or by some other equally simple and efficient method. Means shall be provided whereby a topping-up pump or bellows may be used to maintain pressure;
- (m) the liferaft shall be of suitable material and construction, and shall be so constructed as to be capable of withstanding exposure for 30 days afloat in all sea conditions;
- (n) every liferaft which is designed for use with a launching appliance shall be properly constructed for the purpose for which it is intended and shall be of sufficient strength to permit it to be safely lowered into the water when loaded with its full complement of persons and equipment;
- (o) the liferaft shall have a carrying capacity calculated in accordance with subparagraph (j) of this paragraph of not less than six persons or more than twenty-five persons;
- (p) the liferaft shall be capable of operating throughout a temperature range of 150 °F. to minus 22 °F, (or 66°C. to minus 30 °C.);



- (q) the liferaft shall be fitted with arrangements enabling it to be readily towed;
- (r) every liferaft carried on a ship which is provided with portable radio equipment which complies with the specification set forth in Part II of the Fifth Schedule of the Merchant Shipping (Radio) Rules or in the Eleventh Schedule of the Merchant Shipping (Radio) (Fishing Boats) Rules shall be provided with arrangements for accommodating properly in the operating position the aerial referred to in those Schedules of the said Rules.

[L.N. 131 of 1967.]

**2.** In ships of Classes IV, IV(A) and VIII and in ships of Class X of less than 70 feet in length the requirements of sub-paragraphs (b), (c), (k), (o), (P) and (q) of paragraph 1 of this Part of this Schedule may be modified as follows-

- (a) the height of 60 feet referred to in the said sub-paragraph (b) may be the height equivalent to that of the deck on which the liferaft is stowed above the ship's light water line, but in no case less than 20 feet;
- (b) means for collecting rain water referred to in the said sub-paragraph (c) shall not be required to be provided;
- (c) the method for insulating the floor of the liferaft against cold as referred to in the said sub-paragraph (k) shall not be required to be complied with;
- (d) the minimum carrying capacity of liferafts required by the said sub-paragraph (o) as six persons may be four persons, provided that liferafts which are deemed fit to accommodate less than six persons shall only be carried on such ships on which the total number of persons on board is less than six;
- (e) the temperature of minus 22 OF. (minus 30°C.) referred to in the said sub-paragraph (P) may be 32°F (0 °C.);
- (f) the arrangements for towing in the said sub-paragraph (q) shall not be required to be provided.

**3.** In ships of Classes VII and IX, and in ships of Class VII(A) not being ships of 500 tons or over engaged on an international voyage and in ships of Class X of 70 feet in length or over the requirements of sub-paragraph (o) of paragraph (1) of this Part of this Schedule may be modified as specified in sub-paragraph (d) of paragraph (2) of this Part of the Schedule.

## PART II

### *Rigid liferafts*

1. Every rigid liferaft shall comply with the following requirements-

- (a) the liferaft shall be so constructed that if it is dropped into the water from its stowed position neither the liferaft nor its equipment will be damaged;
- (b) any liferaft which is designed for use with a launching appliance shall be properly constructed for the purpose for which it is intended and shall be of sufficient strength to permit it to be safely lowered into the water when loaded with its full complement of persons and equipment;
- (c) the liferaft shall be so constructed that its air cases or buoyant material are placed as near as possible to its sides;
- (d) the deck area of the liferaft shall be situated within that part of the liferaft which affords protection to its occupants. The nature of the deck shall be such as to prevent so far as practicable the ingress of water and it shall effectively support the occupants out of the water;
- (e) the liferaft shall be fitted with a cover or equivalent arrangement of a highly visible colour, which shall be capable of protecting the occupants against injury whichever way up the liferaft is floating;
- (f) the equipment of the liferaft shall be so stowed as to be readily available whichever way up the liferaft is floating;

- (g) the total weight of any liferaft and its equipment carried in passenger ships shall not exceed 400 pounds. Liferafts in cargo ships may exceed 400 pounds in weight if they are capable of being launched from both sides of the ship or if means are provided for putting into the water mechanically on either side of the ship;
- (h) the liferaft shall at all times be effective and stable when floating either way up;
- (i) the number of persons which the liferaft shall be deemed fit to accommodate shall be equal to-
  - (i) the greatest whole number obtained by dividing by 3.4 the volume, measured in cubic feet, of the air cases or buoyant material; or
  - (ii) the greatest whole number obtained by dividing by 4 the deck area of the liferaft measured in square feet, whichever number shall be the less;
- (j) the liferaft shall have a painter attached and a lifeline securely becketed round the outside. A lifeline shall also be filled round the inside of the liferaft;
- (k) the liferaft shall be fitted at each opening with efficient means to enable persons in the water to climb on board;
- (l) the liferaft shall be so constructed as not to be affected by oil or oil products;
- (m) a buoyant light of the electric battery type shall be attached to the liferaft by a lanyard;
- (n) the liferaft shall be fitted with arrangements enabling it to be readily towed;
- (o) liferafts shall be so stowed as to float free in the event of the ship sinking;
- (p) every liferaft carried on a ship which is provided with portable radio equipment which complies with the specification set forth in Radio Rules under the Act shall be provided with arrangements for accommodating properly in the operating position the aerial referred to in any such Rules.

## NINTH SCHEDULE

[Rule 24.]

### *Requirements for buoyant apparatus*

1. Buoyant apparatus shall be of such construction that it retains its shape and properties when exposed to the weather on board ship and when in the water. It shall be constructed so as not to require adjustment prior to use.
2. Buoyant apparatus shall be capable of withstanding a drop test, the height of which shall be equivalent to that of the deck on which it is stowed above the ship's light water line, but in no case less than 60 feet in ships of Class I.
3. Buoyant apparatus shall be effective and stable when floating either way up. It shall be capable of supporting a weight of iron, suspended in fresh water from the grab lines, of 15 pounds per foot of length along any edge (subject to a minimum of 64 pounds) without immersing any part of the upper surface of the apparatus.
4. The air cases or equivalent buoyancy shall be placed as near as possible to the sides of the apparatus, and such buoyancy shall not be dependent upon inflation. Buoyant material shall not be adversely affected by oil or oil products nor shall it adversely affect the buoyant apparatus.
5. Grab lines shall be fitted all round the apparatus in such a manner as to provide a number of equal loops corresponding to the number of persons which the apparatus is fit to support. Each loop shall have a cork or light wood float and the depth of the loop when wet shall not be less than 6 inches and not more than 8 inches.
6. On apparatus exceeding 12 inches in overall depth two rows of grab lines shall be fitted, one having its points of attachment a little below the top of the air cases and the other a little above the bottom of the air cases and as close

to the sides of the air cases as is practicable. On apparatus of 12 inches or less in overall depth one row of grab lines may be attached along the line of the middle of the depth.

7. The grab lines shall be of rope of not less than  $1\frac{3}{4}$  inches in circumference. They may be attached to the apparatus by being passed through holes in the framing and being interlaced to prevent movement, or they may be attached to the apparatus by means of wrought iron or steel fastenings. Whichever method is adopted the attachment shall be strong enough to permit the apparatus being lifted by the grab lines.

8. Buoyant apparatus shall be fitted with a painter.

9. Buoyant apparatus shall not exceed 400 pounds in weight unless suitable means are provided to enable it to be launched without lifting by hand. If the weight of the apparatus exceeds 300 pounds, suitable handles or rungs shall be fitted for this purpose.

10. Buoyant apparatus carried in ships of Class I shall not be less than 3 feet 6 inches in breadth.

#### TENTH SCHEDULE

[Rule 26.]

##### *Requirements for lifebuoys*

1. Every lifebuoy shall be constructed of cork, evenly formed and securely plugged, or of other equally efficient buoyant material which shall not be adversely affected by oil or oil products, and shall be capable of floating in fresh water for the least 24 hours with 32 pounds of iron suspended from it.

2. Every lifebuoy made of plastic or other synthetic compounds shall be capable of retaining its buoyant properties and durability in contact with sea water or oil products, or under variation of temperature or climatic changes prevailing in open sea voyages.

3. A lifebuoy shall not be filled with rushes, cork shavings, granulated cork or any other loose granulated material, and its buoyancy shall not depend upon air compartments which require to be inflated.

4. The inside diameter of a lifebuoy shall be 18 inches and the outside diameter 30 inches. The major axis of the section shall be 6 inches. The minor axis of the section shall be 4 inches.

5. Every lifebuoy shall be of a highly visible colour.

6. Every lifebuoy shall be marked in block letters with the name and, except in the case of ships of Classes IV(A), vnr and X, the port of registry of the ship in which it is carried. Lifebuoy constructed of materials other than cork shall be permanently marked with the manufacturer's trade name for that product.

7. Every lifebuoy shall be fitted with grab lines which shall be of good quality unkinkable line and well secured at four equivalent points, providing four loops of line each not less than 2 feet 4 inches long.

8. The weight of a lifebuoy shall not exceed 13 pounds 8 ounces when newly constructed.

#### ELEVENTH SCHEDULE

[Rules 5 (13), 6 (15), 10 (13), II (12), 16 (II) and 17 (7).1

##### *Requirements for lifejackets*

#### PART I

1. Subject to the provisions of paragraph (7) of this Part of this Schedule, every lifejacket for use by a person weighing 70 pounds or more shall provide a minimum of 35 pounds buoyancy in fresh water for 24 hours.

2. Every such lifejacket shall be marked indelibly on both sides in letters not less than half an inch in size with the words "PERSON OF 70lb. OR MORE" and on one side only with the maker's name or other identification mark.

3. Every such lifejacket shall also comply with the following requirements-

- (a) it shall be so constructed as to eliminate as far as possible all risk of its being put on incorrectly and it shall be capable of being worn inside out;
- (b) it shall turn the wearer on entering still water to a safe floating position within five seconds with the body inclined backwards from its vertical floating position and shall support the head of the conscious or unconscious wearer so that the mouth shall not be less than 6 inches above water;
- (c) it shall not be adversely affected by oil or oil products;
- (d) it shall be of a highly visible colour;
- (e) it shall be fitted with a ring or loop or similar device of adequate strength to facilitate rescue;
- (f) it shall be made of materials of low flammability and the fabric with which it is covered and its tapes shall be rot proof;
- (g) it shall be fitted with an approved whistle firmly attached by a lanyard;
- (h) it shall have fastening tapes securely attached to the lifejacket cover and capable of taking a load of 200 pounds. The method of fastening the tapes shall be such as to be easily understood and capable of being readily carried out. Metal fastenings when used shall be of a size and strength consistent with the fastening tapes and of corrosion resistant material; and
- (i) it shall allow the wearer to jump a vertical distance of 20 feet into the water without injury and without dislodgment of the lifejackets.

4. The buoyancy of every such lifejacket shall be provided by kapok or other equally effective buoyant material.

5. Every such kapok lifejacket shall in addition to complying with the requirements of paragraphs (1) to (4) of this Part of this Schedule comply with the following requirements-

- (a) it shall contain not less than 35 ounces of kapok;
- (b) the kapok shall be of good flotation quality, well teased, evenly packed and free from seeds and other foreign matter;
- (c) the kapok shall be protected from the effects of oil or oil products so that the loss of buoyancy in the lifejacket, after floating in disturbed water containing a layer of not less than 3 millimetres in depth of a mixture of gas oil for a period of 48 hours, shall not exceed 2 per cent of the initial buoyancy and for the purpose of this test the lifejacket shall be loaded with weights equal to half its initial buoyancy; and
- (d) the covering shall be of pre-shrunk cotton material, the weight of which in loomstate per linear yard shall be not less than 6 ounces for a width of 27 inches and in proportion for other widths. The fabric shall be free from admixture of sizing or other foreign matter. The threads per inch in loomstate shall be warp 44 two-fold threads and weft 34 two-fold threads. The sewing shall be carried out with linen thread of not less quality than No. 25a fine cord Whittemore Cord.

6. Every such lifejacket using a buoyant material other than kapok shall in addition to complying with the requirements of paragraphs 1 to 4 and 5 (d) of this Part of this Schedule, comply with the following requirements-

- (a) the material shall not weigh more than 12 pounds per cubic foot, and shall be of good quality and clean. If the material is in pieces the size of each piece shall be not less than 10 cubic inches, unless such pieces are in layer form and are fastened together with an approved adhesive; and
- (b) the material shall be chemically stable.

7. Every lifejacket the buoyancy of which depends on inflation, which may be carried for use by members of the crews of ships, other than tankers, of Classes V, VI, VII, VII(A) and IX, shall comply with the requirements of paragraph (3) of this Part of this Schedule and in addition shall comply with the following requirements-

- (a) it shall have two separate buoyancy compartments in either or the following forms-
  - (i) one compartment of inherent buoyancy equal to at least 20 pounds and one air compartment of at least 15 pounds; or
  - (ii) two separate air compartments each of at least 20 pounds buoyancy;
- (b) it shall be marked indelibly on both sides in letters not less than one inch in size with the words "CREW ONLY" and on one side only with the maker's name or other identification mark in smaller letters; and
- (c) it shall be capable of being inflated both mechanically and by mouth.

#### PART 11

1. Every lifejacket for use by a person weighing less than 70 pounds shall provide a minimum buoyancy of 15 pounds in fresh water for 24 hours.
2. Every such lifejacket shall be marked indelibly on both sides in letters not less than half an inch in size with the words "FOR PERSON UNDER 70 lb." and on one side only with the maker's name or other identification mark.
3. Every such lifejacket shall comply with the requirements of paragraph (3) and (4) of Part I of this Schedule.
4. Every such kapok lifejacket shall contain not less than 15 ounces of kapok and shall in addition to complying with the requirements of paragraphs 1 to 3 of this Part of this Schedule comply with the requirements of sub-paragraphs (b), (c) and (d) of paragraph 5 of Part I of this Schedule.
5. Every such lifejacket using a buoyant material other than kapok shall in addition to complying with the requirements of paragraphs 1 to 3 of this Part of this Schedule comply with sub-paragraph (d) of paragraph 5 and sub-paragraphs (a) and (b) of paragraph 6 of Part I of this Schedule.

#### TWELFTH SCHEDULE

[Rule 28.]

##### *Requirements for line-throwing appliance*

1. Every line-throwing appliance shall include 4 rockets and 4 lines, each line being  $\frac{1}{2}$  inch in circumference and of suitable length, and having a breaking strain of not less than 250 pounds.
2. Every line-throwing appliance shall be capable of throwing the line in such manner that the lateral deflection of the line on either side of the direction of firing does not exceed 10 per cent of the length of flight of the rocket.
3. The lines and the rockets, with the means of igniting them, shall be kept in a watertight case.
4. Every line-throwing appliance carried in ships of 75 feet in length or over, shall be capable of throwing a line  $\frac{1}{2}$  inch in circumference a minimum distance of 250 yards in calm weather.
5. Every line-throwing appliance carried in ships of less than 75 feet in length, but not less than 50 feet in length, shall be capable of throwing a line half an inch in circumference a minimum distance of 200 yards in calm weather.
6. All components, compositions and ingredients of the rockets and the means of igniting them shall be of such a character and of such quality as to enable them to maintain their serviceability under good average storage conditions for a period of at least two years. The date on which the rocket is filled shall be stamped indelibly on the rocket and its container and the date of packing shall be similarly stamped on the cartridge containers.

THIRTEENTH SCHEDULE

[Rule 29 (1)(j).]

*Specifications of equipment for lifeboats, boats and life rafts*

PART I

*Compasses for lifeboats*

1. Every compass shall be of the liquid type. The liquid used shall be a mixture of industrial methylated spirit and water, specific gravity 0.93 at 60 °F. It shall be clear, free from sediment, cloudiness, and dirt defects. The compass shall function efficiently over a temperature range of -10 °F, to + 120 °F,
2. The magnet shall have ample directive force. In the United Kingdom a period of 18 to 22 seconds after a deflection of 40 degrees at a temperature of about 60 °F. shall be deemed to comply with this requirement. For the purposes of this paragraph a "period" is the time taken by a complete oscillation of the card after a deflection of 40 degrees, a swing past the position of rest, and back again the completion of its swing on the side to which it was originally deflected.
3. Over a range of -10 °F, to 120 °F. the card system when immersed in the compass liquid shall rest on the pivot with a weight between 4 and 10 grammes.
4. The card shall be not less than 4 inches in diameter and shall have a clearance from the bowl of at least ¼ inch. It shall be marked to half points, the eight principal points being distinctively marked. The card shall be luminised or fitted with a suitable means of illumination.
5. The centre of the card shall be of sapphire or equally hard jewel and shall be removable from the float.
6. The pivot of the card shall be of iridium or equally suitable hard material.
7. The arrangements made to allow for the expansion and contraction of the liquid shall enable the compass to withstand a temperature range of -10 °F. to + 120 °F, without leakage, formation of bubbles or other defects.
8. The bowl shall be adequately weighted and properly poised in the gimbals which shall give fore and aft and thwartship action. The gimbaling shall be in a same horizontal plane as the point of suspension of the card and the outer gimbal pins shall be placed fore and aft. The bowl shall be placed in a binnacle or box of non-magnetic material and the lubber line or point shall be luminised or fitted with suitable means of illumination. The card system shall remain free when the bowl is tilted by 10 degrees.
9. The direction of the lubber line or point from the centre of the card shall lie in the same vertical plane as the outer gimbal axis or other fore and aft datum lines. The cumulative effect of card, pivot, directional and other similar errors, and of inaccurate positioning of the lubber's point, shall be such that in the undisturbed earth's field the direction as read on the card against the lubber's point shall not differ by more than 3 degrees from the magnetic direction of the outer gimbal axis or other fore and aft datum line for any direction of the latter.
10. The minimum thickness of the metal used in the construction of the compass shall be as follows-
  - (a) Compass bowl .....21 S.W.G.
  - (b) Binnacle .....24 S.W.G.
  - (c) Lamp .....24 S.W.G.
11. The compass bowl shall be efficiently stiffened to take gimbal pins. The binnacle shell shall be swaged or spun into the base ring and soldered all round.
12. The gimbal ring shall be of naval brass or other grid non-magnetic metal  $\frac{5}{8}$  inch by  $\frac{1}{8}$  inch. Gimbal pins shall be of naval brass or other hard non-magnetic material of  $\frac{1}{4}$  inch diameter; both they and the bearings in which they engage shall be perfectly smooth.
13. The paint inside the bowl shall show no sign of blistering.
14. The materials and workmanship shall be good throughout and the compass shall be such as will remain efficient under sea-going conditions.
15. The bowl of the compass shall be engraved or stamped with the maker's name or other identification.

PART II  
[Rule 29 (I) (j), (k).]

*Sea anchors for lifeboats and other boats other than Class C boats*

1. Every sea anchor shall comply with the following requirements-
  - (a) it shall be constructed of No. I best flax canvas, or other suitable material;
  - (b) the canvas part shall be strongly sewn together and be roped at the seams with 1 1/2 inches bolt rope; the ropes then being formed into a bridle with a thimble seized in the connecting end, and the ropes extended and seized into a parcelled loop to form the attachment for the tripping line;
  - (c) a hawser shall be attached to the sea anchor by means of a shackle of suitable size to take the thimble;
  - (d) the length of the hawser shall be three times the length of the lifeboat or boat;
  - (e) a tripping line two fathoms longer than the hawser shall be provided.
2. A circular sea anchor shall be fitted at the mouth with a galvanised iron hoop. Any other type of sea anchor shall be fitted with galvanised iron spreaders across the mouth and with an ash spreader at the upper edge.
3. The size of a sea anchor shall be as follows-
  - (a) For lifeboats over 30 feet in length-  
Non-circular folding sea anchors-  
Mouth 30 inches upper edge.  
27 inches lower edge,  
27 inches each side.  
Area of mouth 770 square inches.  
Length of canvas bag--4 feet 6 inches.  
Hawser-3 inches in circumference.  
Tripping line-2 inches in circumference.
  - (b) For lifeboats over 22 feet in length but not over 30 feet in length-  
Circular sea anchors-Mouth 27 inches diameter.  
Non-circular folding sea anchors-Mouth 24 inches each side.  
Length of canvas bag--4 feet.  
Hawser-3 inches in circumference.  
Tripping line-2 inches in circumference.
  - (c) For lifeboats not over 22 feet in length and other boats (other than Class C boats)-  
Circular sea anchors-Mouth 24 inches diameter.  
Non-circular folding sea anchors-Mouth 21 1/2 inches each side. Length of canvas bag-3 feet 6 inches.  
Hawser-2 1/2 inches in circumference.  
Tripping line-1 1/2 inches in circumference.

PART III  
[Rule 29 (1) (I), rule 33 (I) (m).]

*Parachute distress rocket signals for lifeboats and life rafts*

1. Every parachute distress rocket signal shall consist of a single bright red star which is projected to the required height by means of a rocket and which burns while falling, its rate of fall being controlled by means of a small parachute to an average rate of 15 feet per second. It shall be fitted with a self-contained means of ignition so designed as to operate from the hand-held position without external aid, and as to enable the rocket to be discharged from a lifeboat, boat or liferaft without harm to the occupants.
2. When the rocket is fired approximately vertically, the star and parachute shall be ejected at or before the top of the trajectory at a minimum height of 600 feet. The rocket shall also be capable of functioning when fired at an angle of 45 degrees to the horizontal.

3. The star shall burn with a minimum luminosity of 15,000 candlepower for not less than 30 seconds. It shall burn out at a height of not less than 150 feet from the sea level.
4. The parachute shall be of such a size as to provide the required control of the rate of fall of the burning star. It shall be attached to the star by means of a flexible fireproof harness.
5. The rocket shall be waterproofed and capable of satisfactory functioning after immersion in water for one minute.
6. All components, compositions and ingredients shall be of such a character and of such a quality as to enable the rocket to maintain its serviceability under good average storage conditions for a period of at least two years.
7. The rocket shall be packed in a container which shall be effectively sealed. If made of metal, the container shall be well tinned and lacquered or otherwise adequately protected against corrosion.
8. The date of which the rocket is filled shall be stamped indelibly on the rocket and on the container.
9. Clear and concise directions for use in the English language shall be printed indelibly on the rocket.

#### PART IV

[Rule 29 (1) (n), 33 (1) (n) and (4) (c).]

##### *Hand-held distress flare signals for lifeboats and liferafts*

1. Every hand-held distress flare signal shall be filled with a self-contained means of ignition so designed as to operate from a hand-held position without external aid and as to enable the flare to be displayed from a lifeboat, boat or liferaft without harm to the occupants.
2. Where the flare is carried in a liferaft it shall be so constructed that, when the flare is fired, no burning composition will fall from the flare which might cause damage to the liferaft,
3. The flare shall be capable of emitting a red light of a minimum luminosity of 15,000 candle power for not less than 55 seconds.
4. The flare shall be waterproofed and capable of satisfactory functioning after immersion in water for one minute.
5. All components, composition and ingredients shall be of such a character and of such a quality as to burn evenly and as to enable the flare to maintain its serviceability under good average storage conditions for a period of at least two years.
6. The flare shall be stamped indelibly with the date on which it is filled.
7. Clear and concise directions for use in the English language shall be printed indelibly on the flare.

#### PART V

[Rule 29 (1) (o).]

##### *Buoyant smoke signals for lifeboats*

1. Every buoyant smoke signal shall be filled with a self-contained means of ignition.
2. The signals shall be capable, while floating on the water, of emitting a dense volume of orange-colored smoke for a period of not less than two minutes and not more than four minutes.
3. The signal shall be waterproofed and capable of satisfactory functioning after immersion in water for one minute.
4. All components, composition and ingredients shall be of such a character and of such a quality as to burn evenly and as to enable the signal to maintain its serviceability under good average storage conditions for a period of at least two years.
5. The signal shall be stamped indelibly with the date on which it is filled.



6. Clear and concise directions for use in the English language shall be printed indelibly on the signal.

THIRTEENTH SCHEDULE – PART VI

[Rule 29 (1) (P).]

*First-aid outfits for lifeboats*

1. The contents of every first-aid outfit provided in a lifeboat shall comply with the standards and requirements of the current issue of the British Pharmacopoeia, the British Pharmaceutical Codex or the National Drug Formulary, where such standards are applicable, and shall include the following-

[Thirteenth Schedule.]

*Article*

	<i>Quantity</i>
(a) Collapse revivers (6 capsules of fragrant ammonia).....	1 Tin
(b) Compound codeine tablets (tab. Codein. Co) .....	25 Tablets
(c) Six morphine ampoule syringes containing a solution of either a morphine salt equivalent to anhydrous morphine 1,4 gr. 1 c.c. or Papaveretum B.P.C. ½ gr. in 1 c.c. in screw-capped metal drum with directions for use .....	1
Drum	
(d) Standard dressings No. 14, medium B.P.C. 6" x 4" .....	2 Drums
(e) Standard dressings No. 15 large B.P.C. 8" x 6" .....	2 Drums
(f) Elastic adhesive dressings, 2" x 3", packets of three .....	2 Packets
(g) Bandages, triangular, illustrated, not less than 38" side, 54" base	5
(h) Gauze, white, absorbent, compressed, 36" x 2 ½ yds .....	3
(i) Roller bandages, compressed, 2 ½ " x 4 yds .....	4
(j) Bandage, unbleached calico 6" x 6 yds .....	
(k) Cotton wool, compressed 4 oz. packet .....	1 Packet
(l) Safety pins, brass plated 2" .....	6
(m) Soft paraffin, 1 oz. tube .....	1 Tube
(n) Scissors 4", 1 sharp, 1 blunt point, of rustless and stainless steel ..	
(o) Energy tablets (to mg. amphetamine sulphate) .....	60 Tablets
(p) Silica gel .....	1 Capsule
(q) Instructions in the English language printed on linen or waterproof paper.	

2. The first-aid outfit shall be packed in a container which shall comply with the following requirements-

- (a) it shall be durable, damp-proof, and effectively sealed. It shall also be sealed with a device to indicate that the contents are intact;
- (b) it shall be packed in a room from which atmospheric moisture has been removed as far as possible;

- (c) where the container is made of metal, it shall be well tinned and lacquered, and a handle shall be fitted to the lid.
- (d) an itemised list of contents shall be given on the outside of the container.

THIRTEENTH SCHEDULE - *continued*

PART VII

[Rule 29 (1) (u).]

*Manual pumps for lifeboats*

Every lifeboat-manual pump shall comply with the following requirements-

1. The capacity when operated at not more than 60 double strokes per minute at 4 feet suction head, shall be not less than-
  - (a) 7 gallons per minute in lifeboats of 24 feet in length or over; or
  - (b) 5 gallons per minute in lifeboats of less than 24 feet in length.
2. In its normal dry state (excluding internal grease or other assistance) the pump shall be readily self-priming when operated at a suction head of not less than 4 feet.
3. All parts of the pump shall be of material unaffected by the corrosive effects of sea water.
4. The interior of the pump, including valves, shall be readily accessible for emergency cleaning, and the cover for access shall be capable of being easily removed without the use of a spanner or other special tool.
5. The pump branches shall be suitable for use with rubber hose connections of at least 1<sup>1</sup>/<sub>4</sub> inches bore. The metal part of the operating handle shall be suitably sheathed by material other than wood to ensure that the hands of the operator are protected when the pump is used in extreme cold. The spindle gland shall be of the spring-loaded syringe type.

PART VIII

[Rule 33 (1) (i).]

*First-aid outfits for liferafts*

1. Subject to the provisions of paragraph (2) of this Part of this Schedule the contents of every first-aid outfit provided in a liferaft shall comply with the standards and requirements of the current issue of the British Pharmacopoeia, the British Pharmaceutical Codex, or the National Drug Formulary, where such standards are applicable, and shall include the following-

<i>Article</i>	<i>Quantity</i>
(a) Standard dressings No. 14, Medium B.P.C., 6" x 4" .....	4
(b) Standard dressings, No. 15, Large B.P.C., 8" x 6" .....	4
(c) Bandages, triangular, illustrated, not less than 38" side, 54" base	4
(d) Open wove bandages, B.P.C., 3"x 4 yds .....	10
(e) Antiseptic burn or wound cream, Cetrimide B.P., 0.5 per cent w/w/ 50 gm. tube .....	2
(f) Scissors 4", 1 sharp, 1 blunt point, of rustless and stainless steel	1
(g) Six morphine ampoule syringes containing a solution of either mor- phine salt equivalent to anhydrous morphine ¼ gr. In 1 c.c. or Pa- paveretum B.P.C. ½ gr. in 1 c.c. in screw capped metal drum with di- rections for use .....	1 drum
(h) Instructions in the English language printed on linen or waterproof paper.	

THIRTEENTH SCHEDULE - *continued*

2. In ships of Class X of less than 70 feet in length the contents of the first-aid outfit provided in every liferaft shall be one half of the quantities specified in sub-paragraphs (a) to (e) inclusive of the preceding paragraph together with the items specified in sub-paragraphs (f) and (h) of the said paragraph.

3. The first-aid outfit shall be packed in a container which shall be durable, damp-proof, and effectively sealed. An itemised list of contents shall be given on the outside of the container.

FOURTEENTH SCHEDULE

[Rule 35 (9).]

*Davit and lifeboat Launching gear*

PART I

*General*

1. In this Schedule the expression "**working load**" means-

- (a) in relation to davits to which sub-paragraph (a) 01" paragraph (1) of Part II of this Schedule applies, the sum of the weight of the lifeboat, its full equipment, the blocks and Falls, and the maximum number of persons which the lifeboat is deemed fit to carry, the weight of each person being taken to be 165 pounds;
- (b) in relation to davits and other means of launching to which subparagraph (b) or (c) of paragraph (1) of Part II of this Schedule applies, the sum of the weight of the lifeboat, Class C boat or other boat, its full equipment, the blocks and falls, and a launching crew consisting of two persons, the weight of each person being taken to be 165 pounds;
- (c) in relation to winches the maximum pull exerted by the fall or falls at the winch drum during lowering, hoisting or stowing which in any case is to be taken as not less than the working load on the davit or davits divided by the velocity ratio of the lowering tackle.

PART IX

*Construction*

**1. Strength**

(1) Every davit serving a lifeboat which is required by rule 37 (1) to be put into the water when loaded with its full complement of persons shall, together with its winch, falls, blocks and all other associated lowering gear, be of such strength that the lifeboat with its full equipment and manned by a launching crew of not less than two persons can be turned out and then safely lowered into the water from the embarking position with its full complement of persons, when the ship has a trim of up to 10 degrees and is listed up to 15 degrees either way.

(2) Every mechanically controlled single-arm davit shall together with its winch, falls, blocks and all other associated lowering gear be of such strength and the operating gear shall be of such power that the lifeboat when fully equipped and manned with a launching crew of two members can be turned out and then safely lowered into the water with the ship listed to 25 degrees.

(3) Every set of davits, davit or other means of launching to which a lifeboat, Class C boat or other boat is attached, other than a davit the strength of which is specified in subparagraph (a) or (b) of this paragraph, shall together with its winch, falls, blocks and all other associated lowering gear be of such strength that the lifeboat, Class C boats or other boat with

its full equipment and manned by a launching crew of two members, can be turned out and then safely lowered into the water when the ship has a trim of 10 degrees and is listed up to 15 degrees either way.

(4) Every set of davits, davit or other means of launching to which a lifeboat, Class C boats or other boat is attached, together with its winch and all associated hoisting gear shall be of such strength that the boat can be safely hoisted and stowed when loaded with its full equipment and at least two persons, and in addition in the case of an emergency lifeboat that it can be safely hoisted from the water to the embarkation deck at a speed of not less than 60 feet per minute when loaded with its full equipment and a distributed load of 2,240 pounds.

## **2. Gravity davits**

(1) All gravity davits shall be so designed that there is a positive turning out moment during the whole of the davit travel from the inboard to the outboard position when the vessel is upright and also when the vessel is listed at any angle up to and including 25 degrees either way from upright.

(2) In the case of gravity type davits comprising arms mounted on rollers, which engage with, and travel down fixed inclined trackways, the trackways shall be inclined at an angle of not less than 30 degrees to the horizontal when the vessel is upright.

## **3. Luffing davits**

The operating gear of all luffing type davits shall be of sufficient power to ensure that the lifeboats, Class C boats or other boats fully equipped and manned with the launching crew, but not loaded with other persons, can be turned out against a list of at least 15 degrees.

## **4. Mechanically controlled single-arms davits**

The working load of any mechanically controlled single-arm davit shall not exceed 1.5 tons.

## **5. Stresses**

(1) In the case of davits other than mechanically controlled single-arm davits the designed stress on the davit arms, when operating under maximum load and conditions of trim and of list, shall afford an adequate factor of safety having regard to the quality of the material used, the method of construction, and the live nature of the load to which the davits are subjected.

(2) In the case of mechanically controlled single-arm davits the designed stress on the davit when operating under maximum load and conditions of favourable list shall afford an adequate factor of safety having regard to the quality of the material used, the method of construction, and the live nature of the load to which the davit is subjected.

## **6. Static load test**

Each davit with its arm at full out-reach shall be capable of withstanding a static load test of not less than 2.2 times that part of the working load supported by the arm.

## **7. Attachments at the davit head**

The attachments at the davit head from which the blocks are suspended shall be capable of withstanding a proof load test of not less than 2 ½ times the maximum load on the attachments.

## **8. Blocks**

(1) All blocks used in the operation of hoisting and lowering of lifeboats, Class C boats or other boats, shall be of a design that affords an adequate factor of safety. Lower blocks, when fitted, shall be non-toppling and in the case of emergency lifeboats provision shall be

made to prevent the falls from cabling. The size of blocks shall be commensurate with the size of the falls.

(2) A metal block shall be capable of withstanding a proof load test of not less than  $2\frac{1}{2}$  times the maximum load it is intended to carry in service. The clearance between the sheaves and the block cheeks of metal blocks in which wire rope is used, shall be kept to a practical minimum that will prevent the rope from overriding the rim of the sheave of any block or lead sheave. Component parts of blocks other than their sheaves shall be of ductile material.

(3) A wood block shall be capable of withstanding a proof load of not less than  $2\frac{1}{2}$  times the load on the block. The width between the cheeks shall be half an inch greater than the diameter of new cordage ropes when those ropes are  $3\frac{3}{4}$  inches in circumference, and less in proportion to the circumference of the ropes when they are smaller.

## **9. Wire ropes**

(1) The breaking tensile load of each wire rope used for lowering lifeboats, Class C boats or other boats, shall be not less than six times the maximum load on the wire rope when lowering, hoisting or stowing.

(2) Wire ropes shall be securely attached to the drum of the winch, and the end attachments of the wires and other parts from which the lifeboat, Class C boat or other boat is to be suspended, shall be capable of withstanding a proof load of not less than  $2\frac{1}{2}$  times the load on such attachments and other parts.

(3) Where wire rope splices or ferrule-secured eye terminals are used they shall be capable of withstanding a proof test of not less than  $2\frac{1}{2}$  times the load imposed on them in service unless samples representing each size of wire on which they are used, show a factor of safety of at least five when tested to destruction.

## **10. Winches**

(1) In the case of davits other than mechanically controlled single-arm davits, winch drums shall be arranged to keep the two falls separate and to enable them to payout at the same rate. The leads of the wire ropes shall be such that they will wind evenly on the drums and lead blocks shall be arranged to give a fleet angle or angle of lead of not more than five degrees for grooved drums and three degrees for ungrooved drums. In the case of mechanically controlled single-arm davits, the lead of the wire rope falls shall be such that the fall winds evenly on the drum.

(2) Winch brakes shall be of robust construction and afford complete control and limitation of speed in the operation of lowering. The hand brake shall be so arranged that it is normally in the "ON" position and returns to the "ON" position when the control handle is not being operated. The weight on the brake lever shall be sufficient to operate the brake effectively without additional pressure. The brake gear shall include means for automatically controlling the speed of lowering to ensure that the lifeboat, Class C boat or other boat is lowered expeditiously without exceeding a rate of lowering consistent with safety. For this purpose, the automatic brake shall be set to give a speed of lowering of the lifeboat of between 60 and 120 feet per minute. Ratchet gear shall be incorporated in the hand brake mechanism of lifeboat winches. Where practicable the brake gear shall be so situated as to enable the man operating the winch to have the lifeboat, Class C boat or other boat under observation during the whole process of its being launched into the water, provided that winches serving emergency lifeboats shall in any case be so placed.

(3) Each winch shall be capable of lowering and holding a test load of 1.5 times the working load as defined in paragraph (c) of Part 1 of this Schedule.

(4) Winches shall be so constructed that the crank handle or handles are not rotated by moving parts of the winch when the lifeboat, Class C boat or other boat is being lowered or

when it is being hoisted by power and provision shall be made to allow the falls to be manually unwound.

### **11. Cordage rope falls**

Cordage rope falls shall be of manilla or some other suitable material and shall be durable, unkinkable, firm laid and pliable. They shall be able to pass freely under any conditions through a hole  $\frac{1}{8}$  inch larger than the nominal diameter of the rope. The breaking load of each rope used for lowering lifeboats, Class C boats or other boats shall be not less than six times the maximum load on the rope when lowering or hoisting. Rope of less than  $\frac{1}{2}$  inches in circumference shall not be used for lifeboat falls. Winding reels or flaking boxes for the manilla rope falls shall be provided.

### **12. Bollards**

Suitable bollards or other equally effective appliances for lowering any lifeboat, Class C boat or other boat shall be provided in all cases where cordage rope falls are used. Such bollards or other appliances shall be sited so as to ensure that the lifeboat, Class C boat or other boat served by them can be safely lowered, and fairleads or lead sheaves shall be fitted so as ensure that it shall not be fitted during the process of turning out or swinging out.

## **PART III**

### *Tests after installation on board*

#### **1. General**

Tests shall be made to ensure that all lifeboats, Class C boats or other boats attached to davits can be re-stowed from the embarkation position safely and with facility when so loaded with the required equipment and that when so loaded the lifeboat, Class C boat or other boat can, when released, be lowered by gravity into the water against the frictional resistance of the winch, falls, blocks and other associated gear.

#### **2. Lowering tests**

Each pair of davits to which sub-paragraph (1) of paragraph (1) of Part II of this Schedule applies and any associated lifeboat winches and their brakes shall be capable of withstanding the following test-

- (a) the lifeboat at each set of davits shall be lowered from the embarkation deck into the water loaded with the equipment required by these Rules and a distributed weight equal to the full number of persons which it is deemed fit to accommodate plus ten per cent of the working load. Winch brakes exposed to the weather shall be capable of withstanding the foregoing test with the braking surface wetted;
- (b) in the case of davits to which sub-paragraph (2) or (3) of paragraph (1) of Part II of this Schedule applies, the lifeboat, Class C boat or other boat shall be lowered into the water with the equipment required by these Rules and a distributed weight equal to the weight of a launching crew of two persons plus ten per cent of the working load;
- (c) for the purpose of the tests required under sub-paragraphs (a) and (b) of this paragraph the weight of a person shall be taken to be 165 pounds.

#### **3. Hoisting tests for emergency lifeboats**

Emergency lifeboats which are required by these Rules to be served by winches for recovery shall in addition to the tests required by paragraphs (1) and (2) of this Part of this Schedule be tested by hoisting the emergency lifeboat with the equipment required by these Rules and a distributed load of 2,240 pounds plus ten per cent of the total hoisting load, in-

cluding blocks and falls, from the water to the embarkation deck, at the maximum hoisting speed.

## FIFTEENTH SCHEDULE

[Rule 35 (16).]

### *Lifeboat disengaging gears*

1. Lifeboat disengaging gears shall be so arranged as to ensure simultaneous release of both ends of the lifeboat.
2. The means of effecting release shall be placed aft.
3. The gear shall be of a type which will permit the release of the lifeboat only when it is waterborne.
4. The gear shall be of a type which will permit release should there be a towing strain on the link or falls.
5. The hooks shall be suitable for instant unhooking by hand.
6. The point of attachment of the hook to the eye, ring or link of the block shall not be lower than when ordinary fixed hooks are fitted.
7. The gear and mechanism for effecting release shall be so constructed and arranged as to ensure the safety of the lifeboat independently of any safety pins.
8. The means of effecting release shall be by hauling on or letting go a line or by using a lever. If release is effected by a pull on a line the line shall be properly cased in. Rods or other connections between hooks shall also be cased in whenever this is necessary for the safety or the efficient action of the gear or for the protection of persons from injury.
9. The fairleads shall be properly arranged to prevent the lines from jamming or nipping, and shall be strongly attached to permanent parts of the lifeboat. The lines shall be fitted with chains where necessary for efficiency.
10. Such parts of the gear as would otherwise be likely to be set fast by rust or corrosion shall be made of non-corrodible metal.
11. No part of the gear taking the weight of the lifeboat shall be made of cast metal.

[Rule 36 (2).]

12. The scantlings and proportions of all parts which support the weight of the lifeboat shall be designed to provide breaking strength proportionate to a load of at least 2 ½ times the weight of the heaviest loaded lifeboat in which the gear is intended to be fitted.

## SIXTEENTH SCHEDULE

[Rule 36 (2).]

### *Liferaft launching appliances*

1. In this Schedule the expression "**working load**" means the sum of the weight of the liferaft and its equipment, all other associated gear that is supported by the launching appliance during the launching operation and the maximum number of persons which the liferaft is deemed fit to carry, the weight of each person being taken to be 165 pounds.

#### **2. Strength**

Every liferaft launching appliance and all associated gear which during the launching operation is subjected to the working load or to a load imposed due to the working load shall be of such strength that the liferaft when loaded with its full complement of persons and

equipment can be safely lowered when the ship has a trim of up to ten degrees and is listed up to fifteen degrees either way.

### **3. Construction**

Each part of every liferaft launching appliance shall be such that when the appliance is operating under the working load and unfavourable conditions of list and trim it shall have an adequate factor of safety having regard to the material used, the method of construction and the nature of its duty. Except for lead sheaves and block sheaves, all parts of the appliance and its associated gear which are subjected to the working load or on which the safety of the appliance or the liferaft while in the process of launching depends shall be constructed of ductile material and no part, other than lead sheaves and block sheaves, shall be constructed of cast metal unless the appropriate authority shall so permit.

### **4. Static load test**

Every liferaft launching appliance shall be capable of withstanding a static load test of not less than 2.2 times the working load.

### **5. Operation**

- (a) every liferaft launching appliance shall be so designed that the liferaft when loaded with its full complement of persons and equipment can be safely lowered into the water;
- (b) the speed of lowering of the liferaft shall be automatically controlled at not less than 60 feet per minute nor more than 120 feet per minute and the descent of the liferaft shall be at all times under the manual control of the operator;
- (c) operation of the launching appliance shall not be solely dependent on the use of means other than manual effort or gravity. The arrangements shall be such that the liferaft can be lowered by gravity;
- (d) arrangements shall be such that on becoming waterborne the liferaft shall be automatically released from the launching appliance, and there shall be provision for the manual release of the liferaft by a person on board the liferaft;
- (e) when liferaft launching appliances incorporate winches, the winches shall be constructed in accordance with paragraph (10) of Part II of the Fourteenth Schedule to these Rules.

### **6. Lowering tests**

Every liferaft launching appliance shall be tested by lowering the largest liferaft it is intended to serve when loaded with its full equipment and a distributed weight equal to the full number of persons which it is deemed fit to accommodate plus ten per cent of the working load from the embarkation position into the water.

### **7. Operational tests**

Tests shall be made to ensure that any liferaft served by any launching appliance when loaded only with its full equipment can be lowered by gravity into the water. If more than one liferaft is served by any launching appliance effective successive launching shall be demonstrated.

## SEVENTEENTH SCHEDULE

[Rule 43 (1) and (3).]

### *Ship's parachute distress rocket signals*

1. Every ship's parachute distress rocket signal shall consist of a single bright red star which is projected to the required height by means of a rocket, and which burns while falling, its rate of fall being controlled by means of a parachute to an average rate of 15 feet per second.
2. When the rocket is fired approximately vertically, the star and parachute shall be ejected at



or before the top of the trajectory, at a minimum height of 750 feet, The rocket shall in addition be capable of functioning when fired at an angle of 45 degrees to the horizontal.

- 3.** The star shall burn with a minimum luminosity of 30,000 candle power for not less than 40 seconds. It shall burn out at a height of not less than 150 feet from the sea level,
- 4.** The parachute shall be of such size as to provide the required control of the rate of fall of the burning star. It shall be attached to the star by means of a flexible fireproof harness.
- 5.** The rocket may be ignited by any suitable method. If external ignition by means of a safety fuse is employed, the outer end of the safety fuse shall be covered with a metal ferrule primed with match-composition and a separate striker shall be suitably attached to each rocket.
- 6.** The match-composition, the striker-composition, the ferrule, and the whole of the external surface of the rocket shall be waterproofed.
- 7.** The rocket shall be capable of functioning properly after immersion in water for one minute and removal of the adhering water by shaking.
- 8.** All components, compositions and ingredients shall be of such a character and of such a quality as to enable the rocket to maintain its serviceability under good average storage conditions for a period of at least two years.
- 9.** The rocket shall be packed in a container which shall be durable damp-proof and effectively sealed. If made of metal, the container shall be well tinned and lacquered, or otherwise adequately protected against corrosion.
- 10.** The date on which the rocket is filled shall be stamped indelibly on the rocket and on the container.
- 11.** Clear and concise directions for use in the English language shall be printed indelibly on the rocket.

# MERCHANT SHIPPING (MUSTERS) RULES

## ARRANGEMENT OF RULES

### RULE

1. Short title.
2. Ships to which Rules apply.
3. Classification of ships.
4. Muster list.
5. Muster stations and emergency signals for passengers.
6. Training.
7. Revocation.

## MERCHANT SHIPPING (MUSTERS)

### RULES

[L.N. 22 of 1968.]

under section 408

*[8th May, 1967]*

[Commencement.]

#### **1. Short title**

- (1) These Rules may be cited as the Merchant Shipping (Musters) Rules.
- (2) In these Rules, "**muster**", includes a boat-drill and a fire-drill.

#### **2. Ships to which rules apply**

These Rules shall apply to-

- (a) Nigerian ships; and
- (b) other ships while they are within any port in Nigeria:

Provided that these Rules shall not apply to a ship by reason of her being within a port in Nigeria if she would not have been in any such port but for stress of weather or any other circumstances that neither the master, nor the owner, nor the charterer (if any) of the ship could have prevented or forestalled.

#### **3. Classification of ships**

For the purposes of these Rules, the ships to which these Rules apply shall be arranged in the same classes in which ships are arranged for the purposes of the Merchant Shipping (Life-Saving Appliances) Rules, and any reference in these Rules to a ship of any class shall be construed accordingly.

[L.N. 72 of 1967.]

- (a) the closing of the watertight doors, fire doors, side-scuttles and valves and the closing mechanisms of scuppers, ash-shoots or other similar

(1) The master of every ship of Classes I, II, III, V, V (A) and VI shall prepare a muster list showing in respect of each member of the crew the special duties which are allotted to him in the event of an emergency and the station (hereinafter referred to as his "emergency station") to which he is to go in that event.

(2) The muster list shall specify definite signals, to be made on the whistle or siren, for calling all the crew to their emergency stations, and in passenger ships one of the signals so specified shall be the signal required by rule 5 (2) of these Rules.

(3) In ships of Class I, and in ships of 150 feet in length or over of Classes V, A and VI, the signals mentioned in paragraph (2) of this rule shall be supplemented by other means of warning which shall be electrically operated and which shall be capable of being operated from the bridge.

(4) The muster list shall also specify the means of indicating when the ship is to be abandoned.

(5) The muster list shall show the duties assigned to the different members of the crew in connection with-

- openings in the ship's side;

- (b) the equipping of the boats and other life-saving appliances
- (c) the launching of the boats and lifeboats attached to davits or to other launching appliances
- (d) the general preparation of any other boats and of other life-saving appliances;
- (e) the muster of the passengers (if there are any); and
- (f) the extinction of fire.

(6) The duty of seeing that the boats and other life-saving appliances are at all times ready for use, shall be specified in the muster list as the duty of one or more officers.

(7) The muster list shall show the several duties assigned to the members of the stewards' department in relation to the passengers at a time of emergency.

(8) These duties shall include-

- (a) warning the passengers;
- (b) seeing that they are suitably clad and have put on their life jackets in a proper manner;
- (c) assembling the passengers at muster stations;
- (d) keeping order in the passages and on the stairways and generally controlling the movements of the passengers; and
- (e) seeing that a supply of blankets is taken to the lifeboats.

(9) The muster list shall be prepared ( or , if a new list is not necessary, revised) after the agreement with the crew has been signed and before the ship proceeds to sea, and shall be dated and signed by the master.

(10) If, after the muster list has been prepared, any change takes place in the crew which necessitates an alteration in the muster list, the master shall either revise the list or prepare a new list.

(11) Copies of the muster list shall be posted in several parts of the ship, and in particular in the crew's quarters, before the ship proceeds to sea, and shall be kept so posted while the ship is at sea.

## **5. Muster stations and emergency signals for passengers**

(1) Muster stations for all passengers in the event of an emergency shall be appointed and the position of those stations and the meaning of signals affecting passengers, with precise instructions as to what passengers are to do, shall be clearly stated in English and such other languages as are appropriate on cards posted in their cabins and in conspicuous places in other passenger quarters.

(2) The emergency signal for summoning passengers to their muster stations shall be a succession of seven or more short blasts followed by one long blast on the whistle or siren.

(3) In ships of Class I the signal mentioned in paragraph (2) of this rule shall be supplemented by other means of warning, audible throughout the ship, which shall be electrically operated and capable of being operated from the bridge.

## **6. Training**

(1) In ships of Class I, a muster of the crew shall be held before the ship leaves her final port of departure in Nigeria, and if any passengers are embarked at that or any other port, a muster of the passengers shall be held within 24 hours after leaving the port in question.

(2) In ships of Classes I, II and III, musters of the crew shall take place at intervals of not more than seven days, when practicable, to ensure that the crew understand and are drilled in the duties assigned to them in the event of an emergency.

(3) In ships of Classes V, V(A), VI, VII and VII(A), and in ships of Class IX of 70 feet in length or over which proceed beyond home trade limits, musters of the crew shall take place at intervals of not more than fourteen days, and if more than 25 per cent of the crew have been replaced at any port, one such muster shall take place within 24 hours of leaving that port. In all other ships of Class IX the master shall take steps to ensure that the crew understand the uses of the life-saving equipment and fire appliances on board, and know where they are kept.

(4) Different groups of boats shall be used in turn at successive boat drills so that every lifeboat shall be swung out at least once a month and, if practicable and reasonable, lowered at least once every four months. The musters and inspections shall be so arranged that the crew thoroughly understand, and are practised in, the duties they have to perform, and that all life-saving appliances and fire appliances, with the gear appertaining to them, are always ready for immediate use.

(5) The master shall take steps to ensure that the crew are properly instructed in the handling and operation of the liferafts on board.

## 7. Revocation

The Merchant Shipping (Musters) Rules 1963 are hereby  
revoked.  
[L.N. 61 of 1963.]

## MERCHANT SHIPPING (LOAD LINE) RULES

### ARRANGEMENT OF RULES

#### PART I

##### *Surveys and certificates*

#### RULE

1. Application to Assigning Authority for the assignment of freeboards and issue of load line certificates.
2. Load line survey.
3. Surveyor's report.
4. Assignment of freeboards.
5. Issue and form of load line certificates.
6. Duration.
7. Extension.
8. Cancellation.
9. Periodical inspection of ships.
10. Exemption and exemption certificates.

#### PART II

##### *Load lines and marks*

11. "Appropriate marks."
12. Marking.
13. Deckline.
14. Load line mark.
15. Load lines.
16. Timber load lines.
17. Appropriate load line.
18. Position of load line.
19. Method of marking.
20. Authorisation of removal, etc., of appropriate marks.
21. Mark of Assigning Authority.

#### PART III

##### *Rules as to conditions of assignment*

22. Requirements relevant to the assignment of freeboards.
23. Compliance with conditions of assignment.
24. Record of particulars.

## PART IV

### *Freeboards*

#### RULE

25. Types of freeboard.
26. Determination of freeboards.
27. Greater than minimum freeboards.
28. Special position of deckline: correction of freeboards.

## PART V

### *General*

29. Information as to stability of ships.
30. Information as to loading and ballasting of ships.
31. Recognition of certificates issued by other governments.

## PART VI

### *Interpretation, citation, commencement, etc.*

32. Interpretation and revocation.
33. Short title and application.

## FIRST

### SCHEDULE

#### *Forms of certificates*

## SECOND SCHEDULE

#### *Appropriate load lines-zones, areas and seasonal periods*

## THIRD SCHEDULE

#### *Record of particulars*

## FOURTH

### SCHEDULE

#### *Conditions of assignment*

## FIFTH

### SCHEDULE

#### *Freeboards*

## SIXTH

### SCHEDULE

#### *Freeboard tables*

## SEVENTH SCHEDULE

#### *Information as to stability of ships*

MERCHANT SHIPPING (LOAD LINE) RULES

[L.N. 81 of 1970.]

under section 185

[14th February, 1969]

[Commencement.]

PART 1

*Surveys and certificates*

**1. Application to Assigning Authority for the assignment of freeboards and issue of load line certificates**

(1) Application for the assignment of freeboards to a ship and for the issue of a load line certificate in respect of the ship shall be made to an Assigning Authority by or on behalf of the owner of the ship, who shall furnish to the Authority such plans, drawings, specifications and other documents and information relating to the design and construction of the ship as the Authority may require.

[L.N. 81 of 1970.]

(2) The Assigning Authorities for the purposes of these Rules shall be the Minister charged with responsibility for transport (hereafter in these Rules referred to as "the Minister"), Lloyds Register of Shipping, the British Committee of Bureau Veritas, and the British Technical Committee of the American Bureau of Shipping.

**2. Load line survey**

(1) After receipt of the application and the documents and information required by rule 1 of these Rules, the Assigning Authority shall cause the ship to be surveyed by a Surveyor in order to ascertain-

- (a) whether the ship complies with such of the requirements of rule 22 and the Fourth Schedule to these Rules as are applicable to the ship; and

[Fourth Schedule. Fifth Schedule.]

- (b) such other data as may be necessary-

- (i) for the assignment of freeboards to the ship in accordance with Part IV and the Fifth Schedule to these Rules; and

- (ii) to enable information to be supplied to the master of the ship pursuant to rules 29 and 30 of these Rules.

(2) In the course of the survey to be carried out pursuant to paragraph (1) of this rule the ship and any of her fittings or equipment shall be submitted to such tests as may in the opinion of the Assigning Authority be necessary to ascertain the matters referred to in that paragraph. Tests carried out as to stability shall be subject to the requirements of rule 29 and of paragraph 2 (3) of the Fourth Schedule.

(3) The owner of the ship shall afford all necessary facilities for such survey and shall at the request of the Assigning Authority furnish for the Authority's use and

retention such further documents or information relating to the ship as the Authority may require

### **3. Surveyor'S report**

(1) On completion of the survey the surveyor shall furnish to the Assigning Authority a report giving the results of the survey and his findings in relation to the matters specified in rule 2.

(2) There shall be appended to the report the record of particulars required for the purposes of section 185 (3) (b) of the Act and the requirements of rule 24 shall apply in respect of that record.

(3) In the case of a ship which is required to comply with the requirements of the Fourth Schedule to these Rules relating to stability the surveyor shall furnish to the Minister information necessary to enable the Minister to determine whether the ship complies with those requirements.

### **4. Assignment of freeboards**

(1) The assigning Authority shall-

- (a) If satisfied on receipt of the surveyor's report that the ship complies with the requirements of the 22 and the Fourth Schedule (other than those relating to stability) applicable to her; and  
[Fourth schedule]
- (b) On receipt from the Minister of notification that he is satisfied that the ship complies with those requirements insofar as they relate to stability or where the Minister is Assigning Authority, where he is so satisfied-

Assign freeboards to the ship in accordance with part IV of the fifth Schedule to these Rules.

[Fifth Schedule]

- (2) On assigning freeboards the Assigning Authority shall furnish to the owner of the ship-
  - (a) Particulars of the freeboards so assigned;
  - (b) Directions specifying-
    - (i) Which of the load lines described in part II of these Rules are to be marked on the sides of the ship in accordance with the requirements of that part; and
    - (ii) The position in which those load lines, the deckline and the load line mark are to be so marked; and
  - (c) Two copies of the surveyor's report.

### **5. Issue and form of load line certificates**

Subject to the provisions of rule 10 9 Exemption and exemption certificates), the Assigning Authority shall, on being satisfied that the ship has been duly marked in accordance with the directions referred to in rule 4, issue to the owner of the ship either International Load Line certificate (1966) or a Nigerian load line certificate, as may be required by the Act, in the form set out for such certificates



respectively in the First Schedule to these Rules; and for that purpose each of the Assigning Authorities other than the Minister is hereby authorised by the Minister to issue load line certificates in pursuance of section 189 (3) (a) of the Act.

[First Schedule. Cap. M11.]

## **6. Duration**

Subject to the provisions of section 198 (3) of the Act (Cancellation of Nigerian load line certificates of ships plying on international voyages) and except as otherwise provided in the following rules of this Part, a load line certificate shall be valid until a date to be determined by the Assigning Authority, not being a date more than five years after the date of completion of the survey referred to in rule 2.

## **7. Extension**

(1) Subject to paragraph (2) of this rule, where-

(a) application has been made to an Assigning Authority by the owner of a ship in respect of which a load line certificate is in force for the issue of a load line certificate in respect of the ship to take effect on the expiry of the current certificate; and

(b) following such application the ship has been duly surveyed in accordance with rule 2, the Assigning Authority may, if it is satisfied on receipt of the surveyor's report that the ship complies with the requirement of rule 22 and the Fourth Schedule (other than those relating to stability) applicable to her and has received notification from the Minister that the ship complies with those requirements insofar as they relate to the stability (or where the Minister is the Assigning Authority, if he is so satisfied), but considers that it will not be reasonably practicable under the circumstances to issue the load line certificate applied for before the date of expiry of the current certificate, extend the period of validity specified in the current certificate for a period not exceeding five months.

[Fourth Schedule.]

(2) No such extension shall have effect unless particulars of the date to which the period of validity is extended, together with particulars of the place at and date on which such extension was given, are endorsed by the Assigning Authority on the current certificate.

(3) The period of any load line certificate coming into effect immediately on the expiry of a certificate extended pursuant to this rule, shall not exceed a period of five years commencing on the date of completion of the survey referred to in paragraph (1) of this rule.

## **8. Cancellation**

The Minister may cancel a load line certificate-

(a) if satisfied (whether by a report from an Assigning Authority or otherwise) that-

(i) the ship to which the certificate relates does not comply with the conditions of assignment; or

- (ii) the structural strength of the ship is lowered to such an extent that the ship is unsafe; or
  - (iii) information on the basis of which freeboards were assigned to the ship was incorrect in a material particular;
- (b) if the certificate is not endorsed in accordance with the requirements of rule 9 to show that the ship has been inspected in accordance with the requirements of that rule;
- (c) if a new certificate is issued in respect of the ship;
- (d) if the ship was registered in Nigeria when the certificate was issued and has ceased to be so registered.

(2) In every such case the Minister shall notify the owner of the ship in writing of the cancellation specifying the grounds therefor and the date on which it is to take effect.

## **9. Periodical inspection of ships**

(1) Every ship in respect of which a load line certificate is in force shall be periodically inspected by a surveyor in accordance with the provisions of this rule in order to ensure that-

- (a) the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters in the ship are in an effective condition; and
- (b) no changes have been made or taken place in the hull or superstructures of the ship such as to render no longer accurate data on the basis of which freeboards were assigned to the ship.

(2) Application for the inspection shall be made by or on behalf of the owner of the ship to an Assigning Authority, who shall appoint a surveyor to carry out the inspection.

(3) The surveyor may in the course of any such inspection require the carrying out of tests considered by him to be necessary to establish that the ship complies with the requirements of paragraph (1) of this rule.

(4) Inspection of a ship pursuant to this rule shall be carried out on or within three months before or after each anniversary of the date of completion of the survey leading to the issue of the certificate:

Provided that unless the Assigning Authority otherwise consents the intervals between inspections shall not be less than nine or more than fifteen months.

(5) The surveyor, if satisfied after inspection that the ship complies with the requirements of paragraph (1) of this rule, shall endorse a record of the inspection and of the fact-

- (a) in the case of an International Load Line certificate (1966), that the ship was found to comply with the relevant provisions of the Convention; and
- (b) in the case of a Nigerian load line certificate, that the ship was found to comply with the relevant provisions of these Rules,

on the load line certificate in the space provided, specifying the Assigning

Authority by which he was appointed to carry out the inspection.

## **10. Exemption and exemption certificates**

(1) Where the Minister exempts a ship pursuant to section 202 of the Act, the International Load Line Exemption certificate or Nigerian Load Line Exemption certificate to be issued to the owner of the ship by the Minister as required by section 202 (6) of the Act shall be in the form set out for such certificates respectively in the First Schedule to these Rules.

[Cap. M11 First Schedule.]

(2) Except in so far as the nature or terms of any such exemption require the contrary, the provisions of rules 1 to 4 and 6 to 9 shall have effect in the case of any ship so exempted and of any exemption certificate issued in respect of such a ship as they have effect in the case of a ship in respect of which a load line certificate has been issued and of such a certificate, subject to the substitution-

- (a) for reference in the said rules to an Assigning Authority, of reference to the Minister;
- (b) for paragraph (5) of rule 9, of the following-

"(5) The surveyor, if satisfied after inspection that the ship continues to comply with the conditions subject to which the exemption was granted, shall endorse a record of the inspection and of that fact on the exemption certificate in the space provided."

## **PART II**

### *Load lines and marks*

## **11. "Appropriate marks"**

In this Part of the Rules the expression "the appropriate marks" in relation to a ship means the load lines directed to be marked on the ship pursuant to rule 4 (2) (b) and the deckline and load line mark.

## **12. Marking**

On receipt from the Assigning Authority of the particulars and directions referred to in rule 4 the owner of the ship shall cause the appropriate marks to be marked on each side of the ship in accordance with the said directions and the requirements of this Part of the Rules.

## **13. Deckline**

(1) The deckline shall consist of a horizontal line 300 millimetres in length and 25 millimetres in width and shall be marked amidships on each side of the ship in accordance with the following provisions of this rule so as to indicate the position of the freeboard deck.

(2) Subject to paragraph (3) of this rule, the deckline shall be marked in such a position on the side of the ship that its upper edge passes through the point amidships where the continuation outwards of the upper surface of the freeboard deck, or of any sheathing of that deck, intersects the outer surface of the shell of the ship as shown in Figure 1.

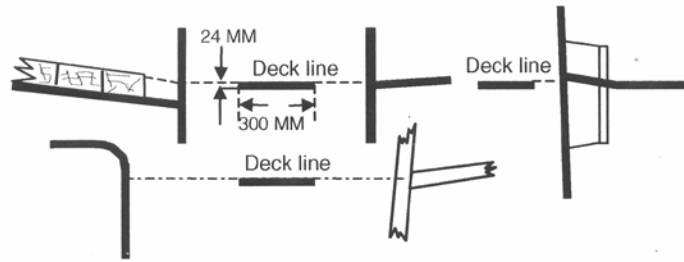


Fig. 1.

(3) Where the design of the ship or other circumstances render it in the opinion of the Assigning Authority impracticable to mark the deckline in accordance with paragraph (2), the Authority may include in the directions given pursuant to rule 4 a direction that it may be marked by reference to another fixed point in the ship as near as practicable to the position described in paragraph (2).

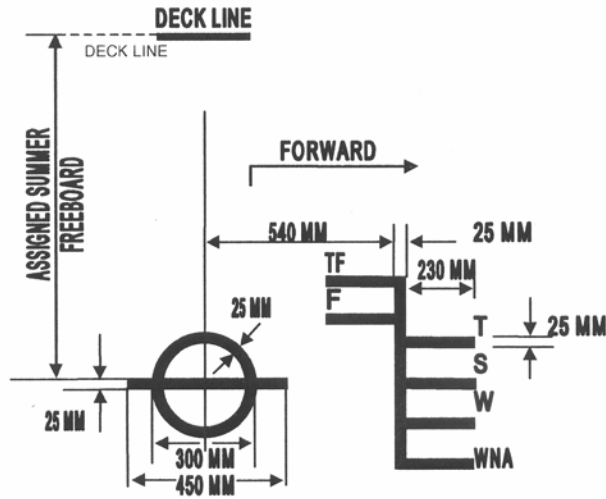


Fig. 2.

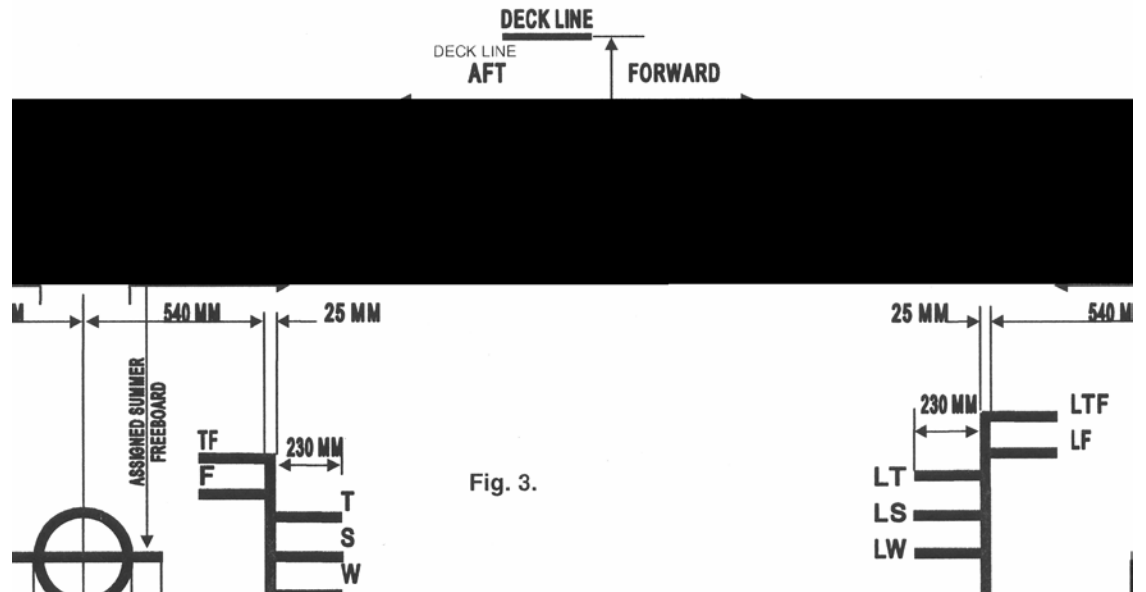


Fig. 3.

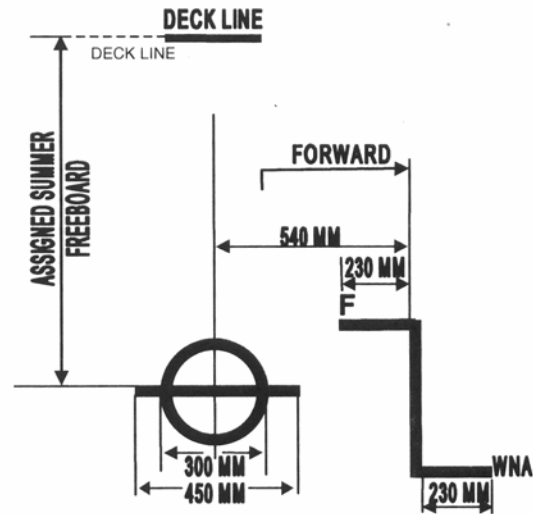


Fig. 4.

#### 14. Load line mark

The load line mark shall consist, as shown by Figure 2, of a ring 300 millimetres in outside diameter and 25 millimetres wide, intersected by a horizontal line 450 millimetres long and 25 millimetres wide the upper edge of which passes through the centre of the ring. The centre of the ring shall be marked amidships vertically below the deckline, so that, except as otherwise provided in rule 27 (Greater than minimum free boards), the distance from the centre of the ring to the upper edge of the deckline is equal to the Summer freeboard assigned to the ship.

#### 15. Load lines

(1) Load lines as described in this and the following rule indicate the maximum depth to which a ship marked therewith may be loaded in the circumstances described in the Second Schedule (Appropriate Load Lines-Zones, Areas and Seasonal Periods).

(2) Except as otherwise provided in paragraph (3) of this rule, the following rule and rule 27 (Greater than minimum freeboards), load lines shall consist as shown in Figure 2 of horizontal lines each 230 millimetres in length and 25 millimetres in width extending

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of horizontal lines each 230 millimetres in length and 25 millimetres in width extending forward of abaft of a vertical line 25 millimetres in width marked 540 millimetres forward of the centre of the ring of the load line mark and at right angles to the vertical line. The individual load lines shall be as follows—

- (a) the *Summer load line*, which shall extend forward of the said vertical line to be marked S, and shall correspond horizontally with the line passing through the centre of the ring of the load line mark;
- (b) the *Winter load line*, which shall extend forward of the said vertical line to be marked W;
- (c) the *Winter North Atlantic load line*, which shall extend forward of the said vertical line to be marked WNA;
- (d) the *Tropical load line*, which shall extend forward of the said vertical line to be marked T;

- (e) the fresh Water load line , which shall extend abaft the said vertical line and be marked F;
  
  - (f) the *Tropical Fresh Water load line*, which shall extend abaft the said vertical line and be marked TF.
- (3) The maximum depth of loading referred to in paragraph (1) shall be the depth indicated by the upper edge of the appropriate load line.
- (4) In the case of a sailing ship-
- (a) the Summer load line shall consist of the line passing through the centre of the ring of the load line mark; and
  - (b) the Winter North Atlantic load line and Fresh Water load line only shall be marked on the ship as shown in Figure 4.

## **16. Timber load lines**

Timber load lines shall consist as shown in Figure 3 of horizontal lines of the dimensions specified in respect of such lines in rule 15, extending abaft or forward of a vertical line of the dimensions specified in respect of such a line in that rule marked 540 millimetres abaft the centre of the ring of the load line mark and at right angles to that line; and individual Timber load lines shall be as follows-

- (a) the *Summer Timber load line*, which shall extend abaft the said vertical line and be marked LS;
- (b) the *Winter Timber load line*, which shall extend abaft the said vertical line and be marked L W;
- (c) the *Winter North Atlantic Timber load line*, which shall extend abaft the said vertical line and be marked LWNA;
- (d) the *Tropical Timber load line*, which shall extend abaft the said vertical line and be marked L T;
- (e) the *Fresh Water Timber load line*, which shall extend forward of the said vertical line and be marked LF;
- (f) the *Tropical Fresh Water Timber load line*, which shall extend forward of the said vertical line and be marked L TF;
- (g) the maximum depth of loading referred to in rule 15 (1) shall be the depth indicated by the upper edge of the appropriate Timber load line.

## **17. Appropriate load line**

The appropriate load line in respect of a ship at any particular place and time shall be ascertained in accordance with the provisions of the Second Schedule.

[Second Schedule.]

## **18. Position of load line**

Each load line required to be marked on a ship shall be marked in such a position on each side of the ship that the distance measured vertically downwards from the upper edge of the deckline to the upper edge of the load line is equal to the freeboard assigned to the ship which is appropriate to that load line.

## **19. Method of marking**

(1) The appropriate marks shall be marked on each side of a ship in accordance with the requirements of this Rule in such a manner as to be plainly visible.

(2) If the sides of the ship are of metal, the appropriate marks shall be cut in, centre punched or welded; if the sides of the ship are of wood, the marks shall be cut into the planking to a depth of not less than three millimetres; if the sides are of other materials to which the foregoing methods of marking cannot effectively be applied, the marks shall be permanently affixed to the sides of the ship by bonding or some other effective method.

(3) The appropriate marks shall be painted in white or yellow if the background is dark, and in black if the background is light.

## **20. Authorisation of removal, etc., of appropriate marks**

After the appropriate marks have been marked on a ship, such marks may not be concealed, removed, altered, defaced or obliterated except under the authority of an Assigning Authority.

## **21. Mark of Assigning Authority**

(1) The marks of the Assigning Authority as described in paragraph (2) of this rule may be marked on each side of the ship in a position alongside the load line mark either above the horizontal line forming part of that mark, or above and below it.

(2) An Assigning Authority's mark for this purpose shall consist of not more than four initials to identify the Authority's name, each measuring approximately 115 millimetres in height and 75 millimetres in width.

## **PART III**

### *Rules as to conditions of assignment*

## **22. Requirements relevant to the assignment of freeboards**

(1) The requirements specified in this rule and in the Fourth Schedule in respect of the hulls, superstructures, fittings and appliances of ships are requirements considered by the Minister to be relevant to the assignment of freeboards to ships and are prescribed as such for the purposes of section 185 (3) (a) of the Act.

[Fourth Schedule.]

(2) Except as otherwise provided in paragraphs (3) and (4) of this rule, every ship to which freeboards are to be assigned under these Rules shall comply with the requirements applicable to her under Part 1 of the Fourth Schedule.

(3) Every ship to which Part II (Special Requirements applicable to Type "A" ships), Part III (Special Requirements applicable to certain Type "B" ships) or Part IV (Special Requirements applicable to ships to be assigned Timber Freeboards) of the Fourth Schedule applies shall comply with the requirements of such Part applicable to her and with the requirements of Part I of that Schedule except in so far as compliance with those of the said Part II, III or IV, as the case may be, otherwise requires.



(4) Every existing ship, not being a ship to which freeboards are to be assigned in accordance with rule 26 (1) by virtue of the proviso to rule 26 (2), shall comply with such of the requirements relevant to the assignment of freeboards to ships as were applicable to her under the law in force immediately prior to the coming into operation of these Rules.

### **23. Compliance with conditions of assignment**

(1) Except as otherwise provided in paragraph (2) of this rule, a ship shall for the purposes of the Act be taken not to comply with the conditions of assignment-

- (a) if at any time after the assignment of freeboards to the ship there has been any alteration of the hull, superstructures, fittings or appliances of the ship such that either-
  - (i) any requirement applicable to the ship under the preceding rule is not complied with in respect of the ship; or
  - (ii) the record of particulars made in relation to the ship pursuant to the following rule is rendered inaccurate in a material respect; or
- (b) if that record of particulars is not kept on board of the ship in accordance with paragraph (2) of that rule.

(2) A ship shall be taken to comply with the conditions of assignment notwithstanding an alteration described in paragraph (1) (a) of this rule if either-

- (a) fresh freeboards appropriate to the condition of the ship after the alteration have been assigned to the ship and the ship has been marked with load lines and a fresh certificate issued to the owner of the ship accordingly; or
- (b) the alteration has been inspected by a surveyor on behalf of the Assigning Authority, that Authority is satisfied that the alteration is not such as to require any change in the freeboards assigned to the ship, and full particulars of the alteration together with the date and place of his inspection have been endorsed by the surveyor on the record above referred to.

### **24. Record of particulars**

(1) The record required by section 185 (3) (b) of the Act of particulars of requirements in respect of the hull, superstructures, fittings and appliances of a ship to which freeboards are assigned, shall be in the form set out in the Third Schedule to these Rules or a form as near thereto as circumstances permit and shall contain the particulars required by that form. Such particulars may be given by attaching to the record a copy of the surveyor's report and specifying in the record passages in that report in which those particulars are given.

[Cap M 11. Third Schedule.]

(2) The record shall be completed by the surveyor carrying out the survey of the ship pursuant to rule 2 and shall be furnished by him to the Assigning Authority in accordance with rule 3. Two copies of the record shall be sent by the Assigning Authority to the owner of the ship together with the particulars, directions and copies of the surveyor's report required to be so furnished under rule 4, and one copy (including a copy of the surveyor's report if it is attached to the record) shall be kept on the ship at all times in the custody of the master.

## PART IV

### *Freeboards*

#### **25. Types of freeboard**

The freeboards assignable to a ship under these Rules are the Summer freeboard, Tropical freeboard, Winter freeboard, Winter North Atlantic freeboard, Fresh Water freeboard, and Tropical Fresh Water freeboard, and in the case of ships to which Timber freeboards are to be assigned the Summer Timber freeboard, Winter Timber freeboard, Fresh Water Timber freeboard and Tropical Fresh Water Timber freeboard.

#### **26. Determination of free boards**

Except as otherwise provided in rule 27-

(1) The freeboards to be assigned to a new ship, shall be determined in accordance with the provisions of the Fifth Schedule to these Rules; and  
[Fifth Schedule.]

(2) The freeboards to be assigned to an existing ship, shall be determined in accordance with the provisions applicable in that behalf to the ship under the law in force immediately prior to the coming into operation of these Rules:

Provided that if an existing ship has been so constructed or modified as to comply with all the requirements of the Fourth Schedule applicable to a new ship of her type and application is made for the assignment to her of freeboards determined in accordance with the provisions of the Fifth Schedule, such freeboards shall be assigned to her.

[Fourth Schedule.]

#### **27. Greater than minimum freeboards**

(1) A freeboard determined in accordance with the preceding rules of this Part is hereafter referred to in this rule as a minimum freeboard.

(2) The owner of a ship may, when making application under rule 1 for the assignment of freeboards in respect of the ship, request the assignment of freeboards greater than minimum free boards.

(3) In any such case the Assigning Authority may, if satisfied after survey of the ship pursuant to rule 2 that the ship complies with the requirements of rule 22 and the Fourth Schedule (other than those relating to stability) and if the Authority has received notification from the Minister that the ship complies with those requirements in so far as they relate to stability, assign to the ship freeboards (other than timber freeboards) exceeding the minimum freeboards appropriate to the ship by such amount as they may determine, and furnish to the owner of the ship particulars thereof in accordance with rule 4. Such freeboards are hereafter referred to in this rule as greater than minimum freeboards.

[Fourth Schedule.]

(4) Timber freeboards shall not be assigned to a ship to which greater than minimum free boards have been assigned.

(5) In any case in which the greater than minimum Summer freeboard assigned to a ship in accordance with the provisions of paragraph (3) of this rule is such that the position on the sides of the load line appropriate to the minimum

freeboards for the ship would be marked-

- (a) the following load lines only shall be marked on the sides of the ship, that is to say, those appropriate to the greater than minimum Summer freeboard and Fresh Water freeboard;
- (b) the load line appropriate to the greater than minimum Summer freeboard shall be known as the "All Seasons load line" and shall consist of the horizontal line intersecting the load line mark and such mark shall be placed accordingly;
- (c) the vertical line described in rule 15 shall be omitted;
- (d) subject to the provisions of sub-paragraph (c) of this paragraph, the Fresh Water load line shall be as described in rule 15 (2) and be marked accordingly.

## **28. Special position of deckline: correction of freeboards**

In any case in which the deck-line is to be marked on the sides of a ship as provided in rule 13 (3), the freeboards to be assigned to the ship shall be corrected to allow for the vertical distance by which the position of the deck-line is altered by virtue of that paragraph. The location of the point by reference to which the deck-line has been so marked and the identity of the deck which has been taken as the freeboard deck shall be specified in the load line certificate issued in respect of the ship.

## **PART V**

### *General*

## **29. Information as to stability of ships**

(1) The owner of any ship to which free boards are assigned under these Rules shall provide for the guidance of the master of the ship information relating to the stability of the ship in accordance with the following provisions of this Rule.

(2) Except as otherwise provided in paragraph (6) of this rule, such information shall include particulars appropriate to the ship in respect of all matters specified in the Seventh Schedule to these Rules and shall be in the form required by that Schedule.

[Seventh Schedule.]

(3) Subject to the following paragraph, the information shall, when first supplied, be based on the determination of stability by means of an inclining test which shall, unless the Minister otherwise permits, be carried out in the presence of a surveyor appointed by the Minister. The information first supplied shall be replaced by fresh information whenever its accuracy is materially affected by alteration of the ship. Such fresh information shall, if the Minister so requires, be based on a further inclining test.

(4) The Minister may-

- (a) in the case of any ship, allow the information to be based on the determination, by means of an inclining test, of the stability of a sister ship;
- (b) in the case of a ship specially designed for the carriage of liquids or ore in bulk, or of any class of such ships, dispense with an inclining test if satisfied from the information available in respect of similar ships that the ship's pro-

portions and arrangements are such as to ensure more than sufficient stability in all probable loading conditions.

(5) The information, and any fresh information to replace the same pursuant to para-graph (3) of this rule, shall before issue to the master be submitted by or on behalf of the owner of the ship to the Minister for his approval, together with a copy thereof for retention by the Minister, and shall incorporate such additions and amendments as the Minister may in any particular case require.

(6) The owner of any ship which by virtue of the Merchant Shipping (Load Line) Rules is to be treated as a ship to which freeboards have been assigned under these Rules, shall provide for the information of the master such information relating to the stability of the ship as was required to be so provided under the law in force immediately prior to the coming into operation of these Rules.

(7) The requirement in paragraph (6) of this paragraph shall have effect in relation to any ship to which it applies until the date on which the load line certificate currently in force in respect of the ship on the date these Rules come into operation ceases to be valid.

(8) Information provided pursuant to the foregoing provisions of this rule shall be furnished by the owner of the ship to the master in the form of a book which shall be kept on the ship at all times in the custody of the master.

### **30. Information as to loading and ballasting of ships**

(1) The owner of any ship to which freeboards are assigned under these Rules, being a ship of more than 150 metres in length specially designed for the carriage of liquids or ore in bulk, shall provide for the information of the master information relating to the loading and ballasting of the ship in accordance with the following provisions of this rule.

(2) Such information shall consist of working instructions specifying in detail the manner in which the ship is to be loaded and ballasted so as to avoid the creation of unacceptable stresses in her structure and shall indicate the maximum stresses permissible for the ship.

(3) The provisions of paragraph (5) of rule 29 of these Rules shall have effect in respect of information required under this rule, and the information duly approved in accordance with that paragraph shall be contained in the book to be furnished to the master of the ship pursuant to paragraph (8) of that rule, so however that the information to be provided pursuant to each rule is separately shown in the book under separate headings specifying the number and heading of each rule.

### **31. Recognition of certificates issued by other governments**

(1) In this rule, "**Convention ship**" means a ship to which section 195 of the Act applies.

[Cap. M11.]

(2) The circumstances in which certificates which are issued as International Load Line certificates (1966) in respect of Convention ships by governments other than the Federal Government of Nigeria shall be recognised for the purposes of the Act are as follows-

- (a) the certificate shows by its terms that it was issued in respect of the ship by a Government, being either-
  - (i) the government of the Convention country in which the ship is registered or, if the ship is not registered in any such country or elsewhere, the government of the Convention country whose flag she flies; or
  - (ii) the government of any other Convention country stated in the certificate to have issued the certificate at the request of a country specified in sub-paragraph (i),
 or by a person or organisation under the authority of such a government;
- (b) the certificate is in the official language or languages of the issuing country and, if the language used is neither English nor French, includes in its text a translation into one of those languages;
- (c) the certificate is in the form set out in Annex III to the Convention of 1966 for an International Load Line certificate (1966) and contains all the particulars required by such form;
- (d) the certificate shows that it is currently in force and applicable to the voyage in respect of which clearance or transire is required;
- (e) the period for which the certificate is expressed to be valid does not exceed five years from the date of issue;
- (F) any extension of the period for which the certificate is expressed to be valid is duly endorsed on the certificate by the issuing authority and does not exceed five months;
- (g) periodical inspections of the ship to which the certificate relates, being inspections required by Article 14 (1) (c) of the Convention of 1966, are shown duly endorsed on the certificate by the issuing authority;
- (h) the ship to which the certificate relates-
  - (i) if registered in a Convention country when the certificate was issued, remains registered in that country; or
  - (ii) if not so registered when the certificate was issued, either has since been registered in the Convention country by or on behalf of the government of which the certificate was issued and remains so registered, or flies the flag of that Convention country.

(3) The circumstances in which exemption certificates which, in accordance with the Convention of 1966, are issued in respect of Convention ships by governments other than the Federal Government of Nigeria shall have the like effect for the purposes of the Act as if they were valid Convention certificates as those specified in sub-paragraphs (a) to (h) of paragraph (2) of this rule subject to the substitution for the reference in subparagraph (c) to an International Load Line certificate (1966) of reference to an International Load Line Exemption certificate.

## PART VI

*Interpretation, citation, commencement, etc.*

### 32. Interpretation and revocation

(1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say-

**"amidships"** means the middle of the ship's length (*l*);

**"the Act"** means the Merchant Shipping Act;  
[Cap. M11.]

**"Deck Cargo Regulations"** means the Deck Cargo Regulations for the time being in force under section 206 of the Act;

**"freeboard"** means the distance measured vertically downwards amidships from the upper edge of the deckline described in rule 13 of these Rules to the position at which the upper edge of the loadline appropriate to the freeboard is to be marked;

**"freeboard deck"** in relation to a ship means the deck from which the freeboards assigned to the ship are calculated, being either-

- (a) the uppermost complete deck exposed to weather and sea, which has permanent means of closing all openings in its weather portions, and below which all openings in the sides of the ship are fitted with permanent means of watertight closing; or
- (b) at the request of the owner and subject to the approval of the Minister, a deck lower than that described in paragraph (a), subject to its being a complete and permanent deck which is continuous both (i) in a fore and aft direction at least between the machinery space and peak bulkheads of the ship and (ii) athwartships,

a deck which is stepped being taken to consist for this purpose of the lowest line of the deck and the continuation of that line parallel to the upper part of the deck;

**"length"** and the symbol **"(L)"** in relation to a ship mean the length of the ship ascertained in accordance with the regulations made under section 26 (1) of the Act;

**"load line certificate"** means a load line certificate issued pursuant to these Rules;

**"Minister"** means the Minister charged with responsibility for transport;

**"sailing ship"** means a ship designed to carry sail, whether as the sole means of propulsion or a supplementary means;

**"surveyor"** means a surveyor of ships appointed either by the Minister under the Act or by any other Assigning Authority;

**"watertight"** means capable of preventing the passage of water in any direction.

(2) References in these Rules to ships registered in Nigeria include references to ships which not being so registered are to be treated as so registered for the purposes of the Act by virtue of an order made for the time being in force under section 27 of the Act.

[Cap.M11.]

(3) Without prejudice to section 20 of the Interpretation Act, (which provides *inter alia* that an expression used in a subsidiary instrument has the same meaning as in the enactment conferring power to make the instrument) the **expressions "alteration", "Convention of 1966", "existing ship", and "new ship"** have in these Rules the meanings given to them respectively by the Act.

[Cap 123.]

(4) In these Rules any reference to a Part, Rule or Schedule not otherwise identified is a reference to that Part, Rule or Schedule of these Rules.

(5) Subject to the provisions of these Rules, and without prejudice to rules 22 (4), 26 (2) and 29 (6) of these Rules, the Merchant Shipping (Load Line) Rules 1964 are hereby revoked.

[L.N. 108 of 1964.]

### **33. Short title and application**

(1) These Rules may be cited as the Merchant Shipping (Load Line) Rules.

(2) These Rules shall apply to all ships except-

- (a) ships of war;
- (b) ships solely engaged in fishing; and
- (c) pleasure yachts.

#### SCHEDULES

##### FIRST SCHEDULE

[Rules 5 and 10.]

##### *Forms of certificates*

[Order 2, Rule 13.]



FORM 1

*Form of international load line certificate (/966)*

**INTERNATIONAL LOAD LINE CERTIFICATE (1966)**



*(Official Seal)*

Issued under the provisions of the International Convention on Load Lines 1966, under the authority of the Government of the Federal Government of Nigeria by (full official designation of the Assigning Authority).

<i>Name of ship</i>	<i>Distinctive Number or Letters</i>	<i>Port of Registry</i>	<i>Length (L) as defined in Article 2 (8)</i>	<i>Gross Tonnage</i>

\* Freeboard assigned as: A new ship, An existing ship.

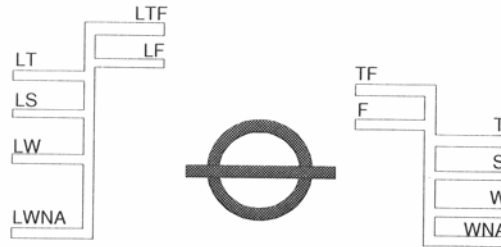
\* Type of Ship: Type A, Type B, Type B with reduced/increased freeboard/timber freeboard.

<i>Freeboard from Deck Line</i>	<i>Load Line</i>
Tropical .....mm. (T)	.....mm. above (S)
Summer .....mm. (S)	Upper edge of line through centre of ring
Winter .....mm. (W)	.....mm.
Winter North Atlantic ....mm. (WNA)	below (S)
Timber Tropical .....mm. (LT)	.....mm. below (S)
Timber Summer .....mm. (LS)	.....mm. below (S)
Timber Winter .....mm. (LW)	.....mm. above (LS)
Timber Winter North Atlantic. mm. (LWNA)	.....mm. above (S)
	.....mm. below (LS)
	.....mm. below (LS)

*NOTE.-Freeboards and load lines which are not applicable need not be entered on the certificate. Allowance for fresh water for all freeboards other than timber ..... mm.*

Allowance for fresh water for timber freeboards ..... mm.

The upper edge of the deckline from which these freeboards are measured... is mm.



Note: Applicable load lines to be indicated

Date of initial or periodical survey. ....

This is to certify that this ship has been surveyed and that the freeboards have been assigned and load lines shown above have been marked in accordance with the International Convention, on Load Lines 1966.

This certificate is valid until ..... subject to periodical inspections in accordance with Article 14 (1) (c) of the Convention.

Issued at ..... on ..... 20 .....

The undersigned declares that—

† he is duly authorised

† ..... (specify Assigning Authority) are duly authorised by the said Government to issue this Certificate.

.....  
(Signature and designation)

NOTE

1. When a ship departs from a port situated on a river or inland water, deeper loading shall be permitted corresponding to the weight of fuel and all other materials required for consumption between the point of departure and the sea.
2. When a ship is in fresh water of unit density the appropriate load line may be submerged by the



er than unity an al-  
actual density.

amount of the fresh water allowance shown above. Where the density is oth  
allowance shall be made proportional to the difference between 1.025 and the

\* Delete whichever is inapplicable.

Transport, and the  
Delete whichever is

† The first alternative is to be used if the certificate issued by the Minister for  
second where it is issued by an Assigning Authority other than the Minister. I  
inapplicable.

of the Convention.

This is to certify that at a periodical inspection required by Article 14 (1) (c)

Place .. ..... Date .. .....  
(Signature and designation) .. .....

on behalf of ..... (specify Assigning Authority)

Place .. ..... Date .. .....  
(Signature and designation) .. .....

on behalf of ..... (specify Assigning Authority)

The provisions of the Convention being fully complied with by this ship, the

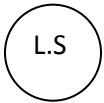
validity of this certificate is, in accordance with Article 19 (2) of the Convention, extended until ....

Place .. ..... Date .. .....  
(Signature and designation) .....  
on behalf of ..... (specify Assigning Authority)

NOTE

This Certificate must be kept framed and posted up in some conspicuous place on board the ship, so long as it remains in force and the ship is in use.

FORM 2



*Form of International Load Line Exemption Certificate*

*International Load Line Exemption Certificate*

Issued under the provisions of the International Convention on Load Lines 1966, under the authority of the Government of the Federal Republic of Nigeria by the Minister for Transport.

<i>Name of ship</i>	<i>Distinctive number or letters</i>	<i>Port of Registry</i>

FORM 2-continued

This is to certify that the above-mentioned ship is exempted from the provisions of the 1966 Convention, under the authority conferred by Article 6 (2)/Article 6 (4)\* of the Convention referred to above.

The provisions of the Convention from which the ship is exempted under Article 6 (2) are .....  
.....  
.....

The voyage for which exemption is granted under Article 6 (4) is-

From: .....

To: .....: .....

Conditions, if any, on which the exemption is granted under either Article 6 (2) or Article 6 (4)-

.....  
.....  
.....

This certificate is valid until .....subject, where appropriate, to periodical inspections in accordance with Article 14 (1) (c) of the Convention.

Issued at .....on .....20.....

The undersigned declares that he is duly authorised by the said Government to issue this certificate.

.....  
*Minister for Transport*

\*Delete whichever is inapplicable.

This is to certify that this ship continues to comply with the conditions under which this exemption was granted.

Place ..... Date .....

..... Surveyor, Maritime Division, Federal Ministry of Transport

Place ..... Date .....

..... Surveyor, Maritime Division, Federal Ministry of Transport

Place ..... Date .....

..... Surveyor, Maritime Division, Federal Ministry of Transport

Place ..... Date .....

..... Surveyor, Maritime Division, Federal Ministry of Transport

This ship continues to comply with the conditions under which this exemption was granted, and the validity of this certificate is, in accordance with Article 19 (4) (a) of the Convention, extended until .....

Place .....Date .....

.....

*Authorised by the Ministry for Transport*

This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Merchant Shipping (Load Line) Rules. This Certificate is valid until .....subject to periodical inspections in accordance with those Rules.

.....

*Signature and designation*

on behalf of

.....

*(Specify Assigning Authority)*

**NOTE.-**

1. When a ship departs from a port situated on a river or inland water, deeper loading shall be permitted corresponding to the weight of fuel and all other materials required for consumption between the point of departure and the sea.

FORM 3-continued

2. When a ship is in fresh water of unit density the appropriate load line may be submerged by the amount of the fresh water allowance shown above. Where the density is other than unity, an allowance shall be made proportional to the difference between 1.025 and the actual density.

\*Delete whichever is inapplicable.

This is to certify that at a periodical inspection required by the Merchant Shipping (Load Line) Rules this ship was found to comply with the relevant provisions of those Rules.

Place .. ..... Date .....  
.....  
*Signature and designation*  
on behalf of .....  
*(specify Assigning Authority)*

Place ..... Date .....  
.....  
*Signature and designation*  
on behalf of .....  
*(specify Assigning Authority)*

Place ..... Date .....  
.....  
*(Signature and designation )*  
on behalf of .....  
*(Specify Assigning Authority)*

Place ..... Date .....  
.....  
*(Signature and designation)*  
on behalf of .....  
*(specify Assigning Authority)*

Survey of this ship having been satisfactorily completed in accordance with the requirements of the Merchant Shipping (Load Line) Rules, this Certificate is extended until.....

Place ..... Date .....  
  
*Signature and designation*  
on behalf of .....  
*(specify Assigning Authority)*



FORM 3-continued

NOTE.-This Certificate shall be kept framed and posted up in some conspicuous place on board the ship, so long as it remains in force and the ship is in use.

FORM 4

Form of Nigerian Load Line Exemption Certificate

Nigerian Load Line Exemption Certificate



Issued by the Minister for Transport

<i>Name of ship</i>	<i>Distinctive numbers or letters</i>	<i>Port of Registry</i>

This is to certify that the above-mentioned ship is exempted pursuant to section 18 (3) of the Merchant Shipping (Load Lines) Act from-

\*All the provisions of that Act and of the Merchant Shipping (Load Line) Rules.

\*The following provisions of that Act and of the Merchant Shipping (Load Line) Rules-

.....  
 .....  
 ..... Subject to

the following conditions †-

.....  
 .....  
 .....

\* Delete whichever is inapplicable.

† Delete if inapplicable.

This certificate is valid until ..... subject, where appropriate, to periodical inspections in accordance with the Merchant Shipping (Load Line) Rules.

Issued at ..... on ..... 20 .....

.....  
*Minister for Transport*

This is to certify that this ship continues to comply with the conditions under which this exemption was granted.

Signed ..... Place .....

Date ..... Surveyor, Maritime Division, Federal Ministry of Transport

Signed ..... Place .....

.....  
 .

FORM 4-continued

Date .....Surveyor, Maritime Division, Federal  
Ministry of Transport  
Signed .....Place .....

Date .....Surveyor, Maritime Division, Federal  
Ministry of Transport  
Signed .....Place .....

Date .....Surveyor, Maritime Division, Federal  
Ministry of Transport

SECOND SCHEDULE

[Rules 15 to 17.]

*Appropriate Load Lines*

*Zones, Areas and Seasonal Periods*

PART I

*Appropriate Load Lines*

1. Subject to paragraphs 3 to 6 of this Part, the load line appropriate to a ship shall be--

(1) The Summer load line when the ship is in a summer zone (excluding any part of such a zone which is to be regarded as a seasonal area in relation to the ship).

(2) The Tropical load line when the ship is in the tropical zone.

(3) When the ship is in a seasonal zone or area (including any part of a summer zone which is to be regarded as a seasonal area in relation to the ship) the Summer load line, the Winter load line or the Tropical load line according to whether the seasonal period applicable in that zone or area to that ship is respectively summer, winter or tropical.

2. (1) The zones,

(2) the seasonal zones, seasonal areas and seasonal periods applicable to a ship, shall be those set out in Part II of this Schedule and shown by way of illustration on the Chart annexed to these Rules.

3. In the case of a ship of 100 metres or less in length, the appropriate load line shall be the Winter North Atlantic load line in-

(1) the North Atlantic Winter Seasonal Zone I as described in paragraph 1 (1) of Part II of this Schedule;

(2) so much of the North Atlantic Winter Seasonal Zone II, as so described as lies between the meridians of longitude of 150 W and 50°W during the winter seasonal periods respectively applicable in those zones.

4. In the case of a sailing ship the appropriate load line shall, except in circumstances in which paragraph 3 applies, be the Summer load line.

5. In the case of a ship marked with an All Seasons load line in accordance with rule 27 that load line shall be the appropriate load line in all circumstances.

6. In the case of a ship marked with Timber load lines and carrying timber deck cargo in accordance with the requirements of the Deck Cargo Regulations, the load line to be observed in any particular circumstances shall be the Timber load line corresponding to the load line which would be applicable in those circumstances under paragraphs 1 to 5 of this Schedule if the ship were not so marked.

## PART II

### *Zones, Areas and Seasonal Periods*

#### 1. Northern Winter Seasonal Zones and Area

##### *(1) North Atlantic Winter Seasonal Zones I and II*

(a) The North Atlantic Winter Seasonal Zone I lies within the meridian of longitude  $50^{\circ}\text{W}$  from the coast of Greenland to latitude  $45^{\circ}\text{N}$ , thence the parallel of latitude  $45^{\circ}\text{N}$  to longitude  $15^{\circ}\text{W}$ , thence the meridian of longitude  $15^{\circ}\text{W}$  to latitude  $60^{\circ}\text{N}$ , thence the parallel of latitude  $60^{\circ}\text{N}$  to the Greenwich Meridian, thence this meridian northwards.

Seasonal periods:

Winter: 16th October to 15th April.

Summer: 16th April to 15th October.

(b) The North Atlantic Winter Seasonal Zone II lies within the meridian of longitude  $68^{\circ} 30'\text{W}$  from the coast of the United States to latitude  $40^{\circ}\text{N}$  thence the rhumb line to the point latitude  $36^{\circ}\text{N}$  longitude  $73^{\circ}\text{W}$  thence the parallel of latitude  $36^{\circ}\text{N}$  to longitude  $25^{\circ}\text{W}$  and thence the rhumb line to Cape Torinana.

Excluded from this zone are the North Atlantic Winter Seasonal Zone I, the North Atlantic Winter Seasonal Area and the Baltic Sea bounded by the parallel of latitude of The Skaw in the Skagerrak.

Seasonal periods:

Winter: 1st November to 31st March.

Summer: 1st April to 31st October.

The Shetland Islands are to be considered as being on the boundary line between the North Atlantic Winter Seasonal Zones I and II.

##### *(2) North Atlantic Winter Seasonal Area*

The boundary of the North Atlantic Winter Seasonal Area is-

the meridian of longitude  $68^{\circ} 30'\text{W}$  from the coast of the United States to latitude  $40^{\circ}\text{N}$ , thence the rhumb line to the southernmost intersection of the meridian of longitude  $61^{\circ}\text{W}$  with the coast of Canada and thence the east coasts of Canada and the United States.

Seasonal periods:

For ships over 100 metres in length:

Winter: 16th December to 15th February.

Summer: 16th February to 15th December.

For ships of 100 metres or less in length:

Winter: 1st November to 31st March.

Summer: 1st April to 31st October.

##### *(3) North Pacific Winter Seasonal Zone*

The southern boundary of the North Pacific Winter Seasonal Zone is-

the parallel of latitude  $50^{\circ}\text{N}$  from the east coast of the USSR to the west coast of Sakhalin, thence the west coast of Sakhalin to the southern extremity of Cape Kril'on, thence the

rhumb line to Wakkanai, Hokkaido, Japan, thence the east and south coasts of Hokkaido to longitude 145°E, thence the meridian of longitude 145°E to latitude 35°N, thence the parallel of latitude 35°N to longitude 150°W and thence the rhumb line to the southern extremity of Dall Island, Alaska.

Seasonal periods:

Winter: 16th October to 15th April.

Summer: 16th April to 15th October.

## **2. Southern Winter Seasonal**

### **Zone**

The northern boundary of the Southern Winter Seasonal Zone is-

the rhumb line from the east coast of the American continent at Cape Tres Puntas to the point latitude 34°S, longitude 50°W, thence the parallel of latitude 34°S to longitude 17°E, thence the rhumb line to the point latitude 35° 10'S longitude 20°E, thence the rhumb line to the point latitude 34°S, longitude 28°E, thence the rhumb line to the point latitude 35° 30'S, longitude 118°E, and thence the rhumb line to Cape Grim on the northwest coast of Tasmania; thence along the north and east coasts of Tasmania to the southernmost point of Bruny Island, thence the rhumb line to Black Rock Point on Stewart Island, thence the rhumb line to the point latitude 47°S, longitude 170°E, thence the rhumb line to the point latitude 33°S, longitude 170°W, and thence the parallel of latitude 33°S to the west coast of the American continent.

Seasonal periods:

Winter: 16th April to 15th

October.

Summer: 16th October to 15th

April.

Valparaiso is to be considered as being on the boundary line of the Summer and Winter Seasonal Zones.

## **3. Tropical Zone**

*(1) Northern Boundary of the Tropical Zone*

The northern boundary of the Tropical Zone is-

the parallel of latitude 13°N from the east coast of the American continent to longitude 60°W thence the rhumb line to the point latitude 10°N, longitude 55°W, thence the parallel of latitude 10°N to longitude 20°W, thence the meridian of longitude 20°W to latitude 30°N and thence the parallel of latitude 30°N to the west coast of Africa; from the east coast of Africa the parallel of latitude 8°N to longitude 70°E, thence the meridian of longitude 70°E to latitude 13°N, thence the parallel of latitude 13°N to the west coast of India; thence the south coast of India to latitude 10° 30'N on the east coast of India, thence the rhumb line to the point latitude 9°N, longitude 82°E, thence the meridian of longitude 82°E to latitude 8°N, thence the parallel of latitude 8°N to the west coast of Malaysia, thence the coast of South-East Asia to the east coast of Vietnam at latitude 10°N, thence the parallel of latitude 10°N to longitude 145°E, thence the meridian of longitude 145°E to latitude 13°N and thence the parallel of latitude 13°N to the west coast of the American continent.

Saigon is to be considered as being on the boundary line of the Tropical Zone and the Seasonal Tropical Area.

*(2) Southern Boundary of the Tropical Zone*

The southern boundary of the Tropical Zone is-

the rhumb line from the Port of Santos, Brazil, to the point where the meridian of longitude 40°W intersects the Tropic of Capricorn; thence the Tropic of Capricorn to the west coast of Africa; from the east coast of Africa the parallel of latitude 20°S to the west coast of Madagascar,

thence the west and north coasts of Madagascar to longitude  $50^{\circ}\text{E}$ , thence the meridian of longitude  $50^{\circ}\text{E}$  to latitude  $10^{\circ}\text{S}$ , thence the parallel of latitude  $10^{\circ}\text{S}$  to longitude  $98^{\circ}\text{E}$ , thence the rhumb line to Port Darwin, Australia, thence the coasts of Australia and Wessel

Island eastwards to Cape Wessel, thence the parallel of latitude 11°S to the west side of Cape York; from the east side of Cape York the parallel of latitude 11°S to longitude 150°W, thence the rhumb line to the point latitude 26°S, longitude 75°W, and thence the rhumb line to the west coast of the American continent at latitude 30°S.

Coquimbo and Santos are to be considered as being on the boundary line of the Tropical and Summer Zones.

(3) *Areas to be included in the Tropical Zone*

The following areas are to be treated as included in the Tropical Zone-

(a) the Suez Canal, The Red Sea and the Gulf of Aden; from Port Said to the meridian of longitude 45°E.

Aden and Berbera are to be considered as being on the boundary line of the Tropical Zone and the Seasonal Tropical Area.

(b) the Persian Gulf to the meridian of longitude 59°E.

(c) the area bounded by the parallel of latitude 22°S from the east coast of Australia to the Great Barrier Reef, thence the Great Barrier Reef to latitude 11°S.

The northern boundary of the area is the southern boundary of the Tropical Zone.

#### **4. Seasonal Tropical Areas**

The following are Seasonal Tropical Areas-

(1) *In the North Atlantic*

An area bounded-

on the north by the rhumb line from Cape Catoche, Yucatan to Cape San Antonio, Cuba, the north coast of Cuba to latitude 20°N and thence the parallel of latitude 20°N to longitude 20°W;

on the west by the coast of the American continent;

on the south and east by the northern boundary of the Tropical Zone.

Seasonal periods:

Tropical: 1st November to 15th July.

Summer: 16th July to 31st October.

(2) *In the Arabian Sea*

An area bounded-

on the west by the coast of Africa, the meridian of longitude 45°E in the Gulf of Aden, the coast of South Arabia and the meridian of longitude 59°E in the Gulf of Oman;

on the north and east by the coasts of Pakistan and India;

on the south by the northern boundary of the Tropical Zone.

Seasonal periods:

Tropical: 1st September to 31st May.

Summer: 1st June to 31st August.

(3) *In the Bay of Bengal*

The Bay of Bengal north of the northern boundary of the Tropical Zone.

Seasonal periods:

Tropical: 1st December to 30th April.

Summer: 1st May to 30th November.

(4) *In the South Indian Ocean*

(a) An area bounded-

on the north and west by the southern boundary of the Tropical Zone and the east coast of Madagascar;

on the south by the parallel of latitude  $20^{\circ}\text{S}$ ;

on the east by the rhumb line from the point latitude  $20^{\circ}\text{S}$ , longitude  $50^{\circ}\text{E}$ , to the point latitude  $15^{\circ}\text{S}$ , longitude  $51^{\circ} 30'\text{E}$ , and thence by the meridian of longitude  $51^{\circ} 30'\text{E}$  to latitude  $10^{\circ}\text{S}$ -

Seasonal periods:

Tropical: 1st April to 30th November.

Summer: 1st December to 31st March.

(b) An area bounded-

on the north by the southern boundary of the Tropical Zone;

on the east by the coast of Australia;

on the south by the parallel of latitude  $15^{\circ}\text{S}$  from longitude  $51^{\circ} 30'\text{E}$ , to longitude  $120^{\circ}\text{E}$  and thence the meridian of longitude  $120^{\circ}\text{E}$  to the coast of Australia;

on the west by the meridian of longitude  $51^{\circ} 30'\text{E}$ .

Seasonal periods:

Tropical: 1st May to 30th November.

Summer: 1st December to 30th April.

(5) *In the China Sea*

An area bounded-

on the west and north by the coasts of Vietnam and China from latitude  $10^{\circ}\text{N}$  to Hong Kong;

on the east by the rhumb line from Hong Kong to the Port of Sual (Luzon Island) and the west coasts of the Islands of Luzon, Samar and Leyte to latitude  $10^{\circ}\text{N}$ ;

on the south by the parallel of latitude  $10^{\circ}\text{N}$ .

Hong Kong and Sual are to be considered as being on the boundary of the Seasonal Tropical Area and Summer Zone.

Seasonal periods:

Tropical: 21st January to 20th April.

Summer: 1st May to 20th January.

(6) *In the North Pacific*

(a) An area bounded-

on the north by the parallel of latitude  $25^{\circ}\text{N}$ ;

on the west by the meridian of longitude  $160^{\circ}\text{E}$ ;

on the south by the parallel of latitude  $13^{\circ}\text{N}$ ;

on the east by the meridian of longitude  $130^{\circ}\text{W}$ .

Seasonal periods:

Tropical: 1st April to 31st October.

Summer: 1st November to 31st March.

(b) An area bounded-

on the north and east by the west coast of the American continent;  
on the west by the meridian of longitude 123°W from the coast of the American continent to latitude 33°N and by the rhumb line from the point latitude 33°N, longitude 123°W to the point latitude 13°N, longitude 105°W;  
on the south by the parallel of latitude 13°N,

Seasonal periods:

Tropical: 1st March to 30th June and 1st November to 30th November.

Summer: 1st July to 31st October and 1st December to 28/29th February.

(7) *In the South Pacific*

(a) The Gulf of Carpentaria south of latitude 11°S.

Seasonal periods:

Tropical: 1st April to 30th November.

Summer: 1st December to 31st March.

(b) An area bounded-

on the north and east by the southern boundary of the Tropical Zone; on the south by the Tropic of Capricorn from the east coast of Australia to longitude 150°W, thence by the meridian of longitude 150°W to latitude 20°S and thence by the parallel of latitude 20°S to the point where it intersects the southern boundary of the Tropical Zone;

on the west by the boundaries of the area within the Great Barrier Reef included in the Tropical Zone and by the east coast of Australia.

Seasonal periods:

Tropical: 1st April to 30th November.

Summer: 1st December to 31st March.

## 5. Summer Zones

The remaining sea areas constitute the Summer Zones.

However, for ships of 100 metres or less in length, the area bounded on the north and west by the east coast of the United States;

on the east by the meridian of longitude 68° 30'W from the coast of the United States to latitude 40°N and thence by the rhumb line to the point latitude 36°N longitude 73°W;  
on the south by the parallel of latitude 36°N;

is a Winter Seasonal Area.

Seasonal periods:

Winter: 1st November to 31st March.

Summer: 1st April to 31st October.

## 6. Enclosed Seas

(1) *Baltic Sea*

This sea bounded by the parallel of latitude of the Skaw in the Skagerrak is included in the Summer Zones. However, for ships of 100 metres or less in length, it is a Winter Seasonal Area.



Seasonal periods:

Winter: 1<sup>st</sup> November to 31<sup>st</sup> March.

Summer: 1<sup>st</sup> April to 31<sup>st</sup> October.

*(2) Black Sea*

This sea is included in the Summer Zones.

However, for ships of 100 metres or less in length, the area north of latitude 44°N is a Winter Seasonal Area.

Seasonal periods:

Winter: 1<sup>st</sup> December to 28/29<sup>th</sup> February.

Summer: 1<sup>st</sup> March to 30<sup>th</sup> November.

*(3) Mediterranean*

This sea is included in the Summer Zones.

However, for ships of 100 metres or less in length, the area bounded-

on the north and west by the coasts of France and Spain and the meridian of longitude 3°E from the coast of Spain to latitude 40°N;

on the south by the parallel of latitude 40°N from longitude 3°E to the west coast of Sardinia; on the east by the west and north coasts of Sardinia from latitude 40°N to longitude 9°E, thence by the meridian of longitude 9°E to the south coast of Corsica, thence by the west and north coasts of Corsica to longitude 9°E and thence by the rhumb line to Cape Sicie,

is a Winter Seasonal Area.

Seasonal periods:

Winter: 16<sup>th</sup> December to 15<sup>th</sup> March.

Summer: 16<sup>th</sup> March to 15<sup>th</sup> December.

*(4) Sea of Japan*

This sea south of latitude SOON is included in the Summer Zones.

However, for ships of 100 metres or less in length, the area between the parallel of latitude 50°N and the rhumb line from the east coast of Korea at latitude 30°N to the west coast of Hokkaido, Japan, at latitude 43° 12'N is a Winter Seasonal Area.

Seasonal periods:

Winter: 1<sup>st</sup> December to 28/29<sup>th</sup> February.

Summer: 1<sup>st</sup> March to 30<sup>th</sup> November.

*(5) Ports on Boundary Lines*

For the purposes of the application of the provisions of this Schedule to a ship at a port which stands on the boundary line between two zones or areas or between a zone and an area, or which is required under the foregoing provisions of this Schedule to be considered as being on such a boundary line, the port shall be deemed to be within the zone or area into which the ship is about to proceed or from which she has arrived, as the case may be.

THIRD SCHEDULE

[Rule 24.]

*Record of particulars*

The following is the form of record of particulars referred to in rule 24-

*Merchant Shipping (Load Line) Rules*

*Record of particulars relating to conditions of assignment*

1. Reference to paragraphs in this record are references to paragraphs of the Fourth Schedule (Conditions of Assignment) to the above-mentioned Rules.
2. Particulars required by this record may be given by attaching to the record a copy of the Surveyor's report made pursuant to rule 3 of the above-mentioned Rules and specifying in the record the passages in that report in which those particulars are given.

NAME OF SHIP		PORT OF REGISTRY	
DISTINCTIVE NUMBER OF LETTERS			
DIMENSIONS OF SHIP			
PORT OF SURVEY	LENGTH (L)	BREADTH (B)	DEPTH
ASSIGNING	DATE OF		(D)
AUTHORITY	SURVEY		
CLASSIFICATION		YEAR OF BUILD	
NOTATION			
SURVEYOR'S			
SIGNATURE			

*Superstructure End Bulkheads*

[Paragraph 3.]

1. (a) Give particulars of the construction of bulkheads at exposed ends of enclosed superstructures.

(b) Is such construction efficient?

*Hatchways on freeboard and superstructure decks closed by portable covers and secured weathertight by tarpaulins and battening devices*

[Paragraph 5.]

2. If the material used for coamings is not mild steel, specify it. Is the strength and stiffness of the coaming equivalent to that of a coaming constructed of mild steel?
3. (a) Specify the material used for hatch covers.  
(b) If not of mild steel or wood, is the strength and stiffness of the cover equivalent to that of a cover constructed of mild steel?
4. Are the galvanised steel bands protecting the ends of wooden hatch covers efficiently secured?
5. (a) Specify the material used for portable beams.  
(b) If not of mild steel, are the strength and stiffness of the beams equivalent to those of beams of mild steel?
6. (a) Give particulars of the construction of carriers or sockets for portable beams.  
(b) Are such carriers or sockets of substantial construction and efficient for their purpose?

(c) Are rolling types of beams used? If so, give particulars of securing arrangements.

7. (a) Are battens and wedges efficient and in good condition?  
(b) Specify the material used for wedges. If not of tough wood, is the material used equivalent to tough wood?
8. Are tarpaulins waterproof, in good condition and of material of suitable strength and quality?
9. (a) State material of bars used for securing of hatchway covers.  
(b) If not of steel, state whether the strength and stiffness of the bars are equivalent to that of steel bars.  
(c) Are the numbers of bars supplied for each hatchway sufficient to ensure compliance with paragraph 5 (9)?  
(d) If covers are secured otherwise than by bars, give particulars. Are means used acceptable under the provisions of paragraph 5 (9) (b)?

*Hatchways on freeboard and superstructure decks closed by weathertight covers or steel or equivalent material filled with gaskets and clamping devices*

[Paragraph 6.]

10. (a)  
(a) If coamings are less than the height required by paragraph 6 (1) or are omitted, specify the arrangements relied on to ensure that the safety of the ship will not in consequence be impaired in the worst sea and weather conditions likely to be encountered by the ship in service.  
(b) Are such arrangements sufficient for that purpose?
11. (a) Specify the means for securing covers and making them weathertight.  
(b) Are such means, including gaskets and clamping devices, efficient and in good condition.
12. (a) Specify the material used for hatch covers.  
(b) If not of mild steel, is the strength and stiffness of the cover equivalent to that of a cover constructed of mild steel.
13. (a) Give particulars of the framing and of the steel casings enclosing all machinery space openings in positions 1 and 2.  
(b) Is such framing efficient?  
(c) Are such casings of substantial strength?
14. (a) Give particulars of the heights above deck of coamings or fiddleys, funnels and machinery space ventilators situated in exposed positions on freeboard and superstructure decks.

(b) Do such heights provide adequate protection in the circumstances?

*Miscellaneous openings in freeboard and superstructure decks*

[Paragraph 8.]

15. (a) Give particulars of the construction and material of covers fitted to manholes and flush scuttles.  
(b) Is such construction and material acceptable under paragraph 8 (1)?



16. Specify the means by which such covers can be secured and maintained watertight, and state whether they are efficient.
17. If such covers are not secured by closely spaced bolts, give particulars of means of permanent attachment.

*Ventilators in exposed positions on freeboard and superstructure decks*

[Paragraph 9.]

18. (a) Specify the material used for coarnings.  
(b) If the coarnings are not of steel, is the material used equivalent to steel?
19. Are all coarnings of ventilators in positions 1 and 2 of substantial construction and efficiently connected to the deck?
20. (a) Specify the ventilators (if any) situated in positions particularly subjected to weather and sea.  
(b) Have the heights of the coarnings of such ventilators been increased in accordance with paragraph 9 (1) (b) above the height required by paragraph 9 (1) (a)? If so, specify such increase for each ventilator.  
(c) Is the increased height acceptable under paragraph 9 (1) (b)?
21. Is the coarning of every ventilator exceeding 900 millimetres in height efficiently supported? By what means?
22. State whether any ventilator in position 1 or 2 which exceeds the height specified in paragraph 9 (5) and is not fitted with a closing appliance should be so fitted, giving reasons.

*Air pipes in exposed positions on freeboard and superstructure decks*

[Paragraph 10.]

23. (a) Give particulars of the construction of exposed parts of air pipes.  
(b) Is such construction acceptable under paragraph 10 (1)?
24. (a) Give particulars of any exposed air pipe openings on a superstructure deck where the superstructure is less than standard height, specifying the height above deck of the pipe opening.  
(b) Is such height acceptable under the provisions of paragraph 10 (3) (b)?
25. (a) Give particulars of any exposed air pipe openings which are less than (i) 760 mm if on the freeboard deck, (ii) 450 mm if on a superstructure deck, specifying the height above deck of the pipe opening.  
(b) Is such height acceptable under the provisions of paragraph 10 (4) (a) and (b)?

*Cargo ports and similar openings*

[Paragraph 11.]

26. (a) Give particulars and specify the number of cargo ports and similar openings in the ship's side below the freeboard deck and in the sides and ends of superstructures which form part of the shell of the ship.  
(b) Are such ports and openings compatible with the design of the ship?  
(c) Is their number necessary for the proper working of the ship?  
(d) Will the lower edge of any such cargo port or similar opening be below a line parallel to the freeboard deck at side and having as its lowest point the upper edge of the uppermost load line, and if so by what distance?

(e) Give particulars of closing appliances of the cargo ports and openings referred to in (a) above.

(f) Are such closing appliances such as to ensure watertightness, and structural integrity commensurate with the surrounding shell plating?

*Scuppers, Inlets and discharges*

[paragraph 12.]

27. (a) Give particulars of the position from where single automatic non-return valves fitted pursuant to paragraph 12 can be closed.

(b) Are those positions readily accessible at all times under service conditions?

28. (a) Where two automatic non-return valves are fitted, give particulars of the position of the inboard valve.

(c) Is this position readily accessible at all times for examination under service conditions?

29. (a) Give particulars of the location of the controls of valves in (i) manned machinery spaces and (ii) unattended machinery spaces.

30. Give particulars of the devices referred to in (a) readily accessible at all times under service condition.

(b) Are such position acceptable under paragraphs 12 (4) (b)?

31. (a) Give particulars of the location in the ship of the control positions at which warning is given by the devices referred to in 30(a).

*Side Shuttles*

[Paragraph 13.]

32. Are the sills of all side scuttles at or above a line drawn parallel to the freeboard deck at

side having as its lowest point-

(a) 2.5% of (B) above the Summer load line: or

(b) 500 millimetres above the Summer load line, whichever is the greater?

33. (a) Give particulars of the construction of side scuttles, deadlights and glasses (if fitted).

(b) Are they efficiently fitted?

*Freeing ports and arrangements*

[Paragraph 14.]

34. (a) Give particulars of the distance above deck of the lower edges of freeing ports

(b) Are such lower edges as near to the deck as practicable?

35. (a) Give particulars of the provisions made for freeing from water superstructures other than enclosed superstructures.

(b) Is such construction efficient?

*Protection of the crew*

[Paragraph 15]

36. (a) Give particulars of the construction of deckhouse used for the accommodation of crew.

37. (a) Give particulars, including spacing and height, of guard rails, guard wires and stanchions fitted at the perimeter of exposed parts of the freeboard and superstructure decks.
- (b) Are such guard rails, guard wires and stanchions acceptable under paragraph 15 (2)?
38. (a) Are guard rails, guard wires or bulwarks less at any point than one metre in height?
- (b) If, so specify their height. Would they, if they were one metre in height or more, interfere with the normal operation of the ship?
- (c) Give particulars of the protection provided at that point. Is it adequate?
39. (a) Give particulars of the gangways, underdeck passages and other means of access enabling the crew to pass between their quarters, the machinery space and other spaces used in the ordinary course of their work.
- (b) Give particulars of lifelines, access ladders, guard rails, guard wire, handrails and other safety fittings provided.
- (c) Are these arrangements acceptable under the provisions of paragraph 15 (5)?

*Special requirements applicable to type "A" ships*

*Machinery casings*

[Paragraph 17.]

40. (a) Are all casings enclosing machinery space openings in position 1 or position 2 protected by a poop, bridge or deckhouse in accordance with paragraph 17?
- (b) If not-
- (i) specify any casings not so protected;
- (ii) state in the case of each whether or not there is an opening in the casing giving direct access from the freeboard deck to the machinery space;
- (iii) if there is an opening described in (ii)-  
does the only opening in the casing have a steel weathertight door?  
does that door lead to a space or passageway which is as strongly constructed as the casing, and is it separated from the stairway to the machinery space by a second steel weathertight door?

*Gangway and access*

[Paragraph 18.]

41. (a) Where access between the poop and the detached bridge is obtained other than by a permanent gangway or an under-deck passage, give particulars of the arrangements provided for such access.
- (b) Are such arrangements equivalent to the provision of access by means of a permanent gangway or under-deck passage?
42. (a) If a walkway is fitted pursuant to paragraph 18 (4) (c), is it obstructed by pipes or other fittings of a permanent nature?

*Freeing arrangements*

[Paragraph 20.]

43. (a) Where guard rails, guard wires and stanchions are not provided for at least a half of the length of the freeboard and superstructure decks, give particulars of the freeing arrangements in lieu.
- (b) Are such freeing arrangements equally effective?
44. (a) Give the height above deck of the upper edge of the sheer strake.  
(b) Is this height as low as practicable?
45. (a) Give particulars of the numbers, type and positions of breakwaters fitted.  
(b) Are such breakwaters efficient and acceptable for the conditions likely to be encountered by the ship in service?

*Special requirements applicable to certain type "B" ship*

[Paragraph 21]

*Machinery casings*

[Applicable only to Type "B" ships to be assigned Type "A" freeboards under paragraph 5(5) of the Fifth Schedule.]

46. (a) Are all casings enclosing machinery space openings in position 1 or position 2 protected by a poop, bridge or deckhouse in accordance with paragraph 17?
- (b) If not-
- (i) specify any casings not so protected;
- (ii) state in the case of each whether or not there is an opening in the casings giving direct access from the freeboard deck to the machinery space;
- (iii) if there is an opening described in (ii)-  
does the only opening in the casing have a steel weathertight door?  
does that door lead to a space or passageway which is as strongly constructed as the casing, and is it separated from the stairway to the machinery space by a second steel weathertight door?

*Gangway and access*

[Paragraph 22.]

47. (a) Where access between the poop and the detached bridge is obtained otherwise than by a permanent gangway or an under-deck passage or gangway constructed according to paragraph 23 (2), give particulars of the arrangements provided for such access.
- (b) Are such arrangements equivalent to the provisions of access of a permanent gangway or under-deck passage or gangway constructed according to paragraph 23 (2)?

*Freeing arrangements*

[Applicable only to Type "B" ships to be assigned Type "A" freeboards under paragraph 5 (5) of the



Fifth Schedule.]

48. (a) Where guard rails, guard wires and stanchions are not provided for at least a half of the length of the freeboard and superstructure decks, give details of freeing arrangements.
- (b) Are such freeing arrangements equally effective?

49. (a) Give the height above deck of the upper edge of the sheer strake.  
(b) Is this height as low as practicable?
50. (a) Give particulars of the numbers, type and positions of breakwaters fitted.  
(b) Are such breakwaters efficient and acceptable for the conditions likely to be encountered by the ship in service?

Special requirements applicable to ships to be assigned timber freeboards

[paragraph 26.]

Bulwarks, Guardrails and Stanchions

[paragraph 29.]

51. (a) Give particulars of the stiffening of bulwarks and of supports.  
(b) Are such stiffening and supports acceptable under paragraph 29 (1)
52. (a) Where bulwarks are not fitted, give particulars of guardrails and stanchions provided as an alternative.  
(b) Are such guardrails and stanchions efficient and acceptable under paragraph 29 (2)?

#### FOURTH SCHEDULE

[Rule 22.]

##### *Conditions of Assignment*

##### *Interpretation*

1. In this Schedule, except where the context otherwise requires-

**"breadth"** and the symbol "(B)" in relation to a ship mean the maximum breadth of the ship measured amidships to the moulded line of the frame in the case of a ship having a metal shell, or to the outer surface of the hull in the case of a ship having a shell of any other material;

**"enclosed superstructure"** means a superstructure-

- (a) which has enclosing bulkheads of efficient construction in which all access openings are fitted with sills and weathertight doors; and  
(b) in which all other openings in sides or ends thereof are fitted with efficient weathertight means of closing,

but shall not include a bridge or poop fulfilling these requirements, unless access is provided by which the crew reach machinery and other working spaces within the bridge or poop by alternative means which are available for the purpose at all times when access openings in the bulkheads of the bridge or poop are closed;

**"exposed position"** means a position which is either-

- (a) exposed to weather and sea; or  
(b) within a structure so exposed other than an enclosed superstructure;

**"forward perpendicular"** means the perpendicular taken at the forward end of the ship's length (L), coinciding with the foreside of the stem on the waterline on which such length is measured; and **"after perpendicular"** means the perpendicular taken at the after-end of such length;

**"height"**, in relation to a superstructure, means the least vertical height measured at side from the top of the superstructure deck beams to the top of the freeboard deck beams; and the **"standard height"** of a superstructure means the height ascertained in accordance with the provisions of paragraph 9 of the Fifth Schedule;

**"Summer load waterline"**, in relation to a ship, means the waterline which corresponds, or will when load lines have been marked on the sides of the ship correspond, to the Summer load line of the ship;

**"superstructure"** means a decked structure (including a raised quarter-deck) situated on the freeboard deck which either extends from side to side of the ship or is such that its side plating is not inboard of the shell plating of the ship by more than 4% of the breadth (B) of the ship; and, where the freeboard deck of the ship consists of a lower deck as described in sub-paragraph (b) of the definition of **"freeboard deck"** in rule 36, includes that part of the hull of the ship which extends above the freeboard deck;

**"superstructure deck"** means a deck forming the top of a superstructure;

**"Type 'A' ship"** means a ship which is designed to carry only liquid cargoes in bulk and has the characteristics set out below-

- (a) the cargo tanks of the ship have only small access openings closed by watertight gasketed covers of steel;
- (b) the ship in consequence of its design has high integrity of the exposed deck and has a high degree of safety against flooding in consequence of the low permeability of loaded cargo spaces and the degree of subdivision therein;
- (c) if over 150 metres in length and designed to have empty compartments when loaded to the Summer load waterline, the ship shall be capable of remaining afloat after the flooding of anyone of such empty compartments, at an assumed permeability of 0.95 in the condition of equilibrium described in the following sub-paragraph:

Provided that if the ship exceeds 225 metres in length, its machinery space shall also be treated as one of the floodable compartments above-mentioned but with an assumed permeability of 0.85;

- (d) the condition of equilibrium referred to in sub-paragraph (c) is as follows-
  - (i) the final water line after the flooding specified in that sub-paragraph is below the top of any ventilator coaming, the lower edge of any air-pipe opening, the upper edge of the sill of any access opening fitted with a weathertight door, and the lower edge of any other opening through which progressive flooding may take place;
  - (ii) the angle of heel due to unsymmetrical flooding does not exceed fifteen degrees;
  - (iii) the metacentric height calculated using the constant displacement method has a positive value of at least fifty millimetres in the upright condition after the flooding specified in that sub-paragraph; and
  - (iv) the ship has adequate residual stability;

**"Type 'B' ship"** means either-

- (a) a new ship other than a Type "A" ship; or
- (b) an existing ship which, being so constructed or modified as to comply with all the requirements of this Schedule applicable to a new ship of her type, is to be assigned freeboards determined in accordance with the Fifth Schedule;

**"weathertight"**, in relation to any part of a ship other than a door in a bulkhead, means that the part is such that water will not penetrate it and so enter the hull of the ship in the worst sea and weather conditions Likely to be encountered by the ship in service; and in relation to a door in a bulkhead means a door which-

- (a) is constructed of steel or other equivalent material, is permanently and strongly attached to the bulkhead, and is framed, stiffened and fitted so that the whole structure in which it is set is of equivalent strength to the unpierced bulkhead;
- (b) is closed by means of gaskets, clamping devices or other equivalent means permanently attached to the bulkhead or to the door itself;
- (c) when closed, is weathertight as above defined; and
- (d) is so arranged that it can be operated from either side of the bulkhead.

References to any structure, opening or fitting as being in position 1 or position 2 shall be construed as references to its being in the following position respectively-

position 1: in an exposed position on either (a) the freeboard deck or a raised quarter deck or (b) a superstructure deck and forward of a point one quarter of the ship's length (L) from the forward perpendicular;

position 2: in an exposed position on a superstructure deck and abaft the point said.

## PART I

### *Ships in general*

#### *Structural strength and stability*

2. (1) The construction of the ship shall be such that her general structural strength shall be sufficient for the freeboards to be assigned to her.

(2) The design and construction of the ship shall be such as to ensure that her stability in all probable loading conditions will be sufficient for the freeboards to be assigned to her, and for this purpose regard shall be had, in addition to the intended service of the ship and to any relevant requirements of rules made under the Merchant Shipping Act, to the following criteria

[Cap. M11.]

- (a) the area under the curve of Righting Levers (GZ curve) shall not be less than-
  - (i) 0.055 metre-radians up to an angle of 30 degrees;
  - (ii) 0.09 metre-radians up to an angle of either 40 degrees or the angle at which the lower edges or any openings in the hull, superstructures or deckhouses, being openings which cannot be closed weathertight, are immersed if that angle be less;
  - (iii) 0.03 metre-radians between the angles of heel of 30 degrees and 40 degrees or such lesser angle as is referred to in (ii);
- (b) the Righting Lever (GZ) shall be at least 0.20 metres at an angle of heel equal to or greater than 30 degrees;
- (c) the maximum Righting Lever (GZ) shall occur at an angle of heel not less than 30 degrees;

(d) the initial transverse metacentric height shall not be less than 0.15 metres. In the case of a ship carrying a timber deck cargo which complies with subparagraph (a) by taking into account the volume of timber deck cargo the initial transverse metacentric height shall not be less than 0.05 metres.

(3) To determine whether the ship complies with the requirements of sub-paragraph (2), the ship shall, unless the Minister otherwise permits, be subjected to an inclining test carried out in the presence of a surveyor appointed by the Minister, and the Minister shall notify the Assigning Authority whether or not they are satisfied that the ship complies with those requirements.

*Superstructure end bulkheads*

3. Bulkheads at exposed ends of enclosed superstructures shall be of efficient construction. The height of any sill in an access opening in such a bulkhead shall, except where otherwise stated, be at least 380 millimetres above the deck.

*Hatchways: general*

4. (1) The provisions of this paragraph and of paragraphs 5 and 6 apply to all hatchways in position 1 or in position 2, except where otherwise stated.

(2) Subject to sub-paragraph (3), the construction and the means for securing the weathertightness of a hatchway shall-

- (a) in the case of a hatchway closed by a portable cover and secured weathertight by tarpaulins and battening devices, comply with the requirements of paragraph 5; and
- (b) in the case of a hatchway closed by a weathertight cover of steel or other equivalent material fitted with gaskets and clamping devices, comply with the requirements of paragraph 6.

(3) Every hatchway in an exposed position on a deck above a superstructure deck and leading to space below that superstructure deck shall be of such construction and be fitted with such means for securing the weathertightness of the hatchway as are adequate having regard to its position.

*Hatchways closed by portable covers and secure weathertight by tarpaulins and battening devices*

5. (1) *Coamings:*

Every hatchway shall have a coaming of substantial construction. The coaming shall be constructed of mild steel but may be constructed of other material provided that the strength and stiffness of the coaming are equivalent to those of coamings of mild steel. The height of the coaming above the deck shall be at least-

- 600 millimetres if the hatchway is in position 1;
- 450 millimetres if the hatchway is in position 2.

(2) *Covers:*

- (a) the width of every bearing surface for a hatchway cover shall be at least 65 millimetres;
- (b) in the case of a cover made of wood-
  - (i) the finished thickness of the cover shall be at least 60 millimetres in association with a span of not more than 1.5 metres, and the thickness of covers for larger spans shall be increased in the ratio of 60 millimetres to a span of 1.5 metres;
  - (ii) the ends of the cover shall be protected by galvanised steel bands

efficiently secured;

(c) in the case of a cover made of mild steel-

- (i) the strength of the cover shall be calculated with an assumed load ascertained in accordance with the following Table, and the product of maximum stress thus calculated and the factor 4.25 shall not exceed the minimum ultimate strength of the material-

TABLE

<i>Ship's Length (L)</i>	<i>Assumed load per square metre</i>	
	<i>Hatchway in position 1</i>	<i>Hatchway in position 2</i>
24 metres .....	1 metric ton	.75 metric ton
100 metres or over	1.75 metric tons	1.30 metric tons
Over 24 metres but less than 100 metres....	to be ascertained by linear interpolation	

- (ii) the cover shall be so designed as to limit the deflection to not more than 0.0028 times the span under the load appropriate to the hatchway cover under sub-paragraph (i);

(d) in the case of a cover made neither of mild steel nor wood, the strength and stiffness of the cover shall be equivalent to those of a cover of mild steel.

(3) *Portable beams:*

- (a) where portable beams for supporting hatchway covers are made of mild steel, the strength of such beams shall be calculated with the appropriate assumed load ascertained in accordance with the Table in sub-paragraph (2) and the product of the maximum stress thus calculated and the factor 5 shall not exceed the minimum ultimate strength of the material;
- (b) such beams shall be so designed as to limit the deflection to not more than 0.0022 times the span under the load appropriate to the beam under sub-paragraph (a);
- (c) in the case of portable beams not made of mild steel, the strength and stiffness of the beams shall be equivalent to those of beams of mild steel.

(4) *Pontoon covers:*

- (a) where pontoon covers of mild steel are used in place of portable beams and covers, their strength shall be calculated with the appropriate assumed load ascertained in accordance with the Table in sub-paragraph (2) and the product of the maximum stress thus calculated and the factor 5 shall not exceed the minimum ultimate strength of the material;
- (b) such pontoon covers shall be so designed as to limit the deflection to not more than 0.0022 times the span under the load appropriate to a pontoon cover under sub-paragraph (a);
- (e) mild steel plating forming the tops of such covers shall be not less in thickness than 1 % of the spacing of the stiffeners or 6 millimetres, whichever is the greater;
- (d) in the case of pontoon covers of mild steel, the strength and stiffness of the cover shall be equivalent to those of a cover of mild steel.



*(5) Carriers or sockets:*

Carriers or sockets for portable beams shall be of substantial construction, and shall provide efficient means for the fitting and securing of the beams. Where used, the arrangements shall ensure that the beams remain properly in position when the hatchway is closed.

*(6) Cleats:*

Cleats shall be set to fit the taper of the wedges. They shall be at least 65 millimetres wide and spaced not more than 600 millimetres centre to centre. The end cleats along each side or end of the hatchway shall be not more than 150 millimetres from the hatch corners.

*(7) Battens and wedges:*

Battens and wedges shall be efficient for their purpose and in good condition. Wedges shall be of tough wood or equivalent material cut to a taper of not more than 1 in 6 and shall be not less than 13 millimetres thick at the toes.

*(8) Tarpaulin:*

At least two layers of tarpaulins shall be provided for every hatchway. Such tarpaulins shall be waterproof, in good condition, and of material of satisfactory strength and quality.

*(9) Security of hatchway covers:*

- (a)* except as otherwise provided in sub-paragraph *(b)*, steel bars shall be provided for every hatchway sufficient to ensure that each section of hatchway covers can be efficiently and independently secured after the tarpaulins have been battened down and that hatchway covers more than 1.5 metres in length are so secured by at least two such bars;
- (b)* bars of material other than steel, or means of securing hatchway covers otherwise than by bars, may be so used, provided-
  - (i)* that in the case of the former, the strength and stiffness of the bars used are equivalent to those of steel bars;
  - (ii)* that in either case the degree of security so achieved is not less than that which would be achieved by the use of steel bars.

*Hatchways closed by weathertight covers of steel or equivalent material fitted with gaskets and clamping devices*

**6. (1) Coamings:**

- (a)* except as otherwise provided in sub-paragraph *(b)*, every hatchway shall have a coaming of substantial construction, the height of which above the deck shall be at least 600 millimetres if the hatchway is in position 1; 450 millimetres if the hatchway is in position 2.
- (b)* a hatchway may have a coaming of less than the height applicable under the provisions of sub-paragraph *(a)*, or in exceptional circumstances a coaming may be dispensed with, provided-
  - (i)* that the safety of the ship will not be impaired in consequence in the worst sea and weather conditions likely to be encountered by the ship in service; and
  - (ii)* that any coaming fitted pursuant to this sub-paragraph is of substantial construction.

(2) *Weathertight covers:*

- (a) the strength of every cover of mild steel shall be calculated with an assumed load ascertained in accordance with the Table set out in paragraph 5 (2) and the product of the maximum stress thus calculated and the factor 4.25 shall not exceed the minimum ultimate strength of the material. Every such cover shall be so designed as to limit the deflection under such a load to not more than 0.0028 times the span;
- (b) every cover constructed of material other than mild steel shall have strength and stiffness equivalent to those required in the case of a cover of mild steel;
- (c) every cover shall be fitted with efficient means by which it can be secured and made weathertight;
- (d) mild steel plating forming the top of any cover shall be not less in thickness than one per cent of the spacing of the stiffeners or 6 millimetres, whichever is the greater.

*Machinery space openings*

7. (1) Every machinery space opening situated in position 1 or position 2 shall be efficiently framed and enclosed by a steel casing of substantial strength, account being taken of the extent, if any, to which the casing is protected by other structures.

(2) Every doorway in a casing referred to in the preceding subparagraph shall be fitted with a steel weathertight door having a sill the height of which shall be at least-

- (a) 600 millimetres above the deck if the opening is in position 1;
- (b) 380 millimetres above the deck if the opening is in position 2.

(3) Every opening in such a casing other than a doorway shall be fitted with a permanently attached cover of steel, which is fitted with efficient means by which it can be secured and maintained weathertight and, except in the case of a cover consisting of a plate secured by bolts, is capable of being operated from either side of the opening.

(4) Every fiddley, funnel or machinery space ventilator situated in an exposed position on the freeboard deck or on a superstructure deck shall have a coaming of such height above the deck as will provide adequate protection having regard to its position.

*Miscellaneous openings in freeboard and superstructure decks*

8. (1) Every manhole and flush scuttle in position 1 or position 2 shall be provided with a substantial cover fitted with efficient means by which it can be secured and maintained water-tight. Unless secured by closely spaced bolts, every such cover shall be permanently attached by a chain or equivalent means so as to be available for immediate use at all times.

(2) Every opening in a deck other than a hatchway, machinery space opening, manhole or flush scuttle shall-

- (a) if situated in freeboard deck, be protected either by an enclosed superstructure or by a deckhouse or companionway equivalent in strength and weathertightness to an enclosed superstructure;
- (b) if situated in an exposed position, either-
  - (i) in a deck over an enclosed superstructure and giving access to space within that superstructure; or
  - (ii) on top of a deckhouse on the freeboard deck and giving access to space below that deck,

be protected by an efficient deckhouse or companionway fitted with weathertight doors;

- (c) if situated in an exposed position in a deck above the deck over an enclosed superstructure and giving access to space within that superstructure, be protected either in accordance with the requirements of sub-paragraph (b) or to such lesser extent as may be adequate, having regard to its position.

(3) Every door in a companionway, deckhouse or enclosed superstructure referred to in sub-paragraph 2 (a) or (b) shall have a sill, the height of which shall be at least-

- (a) 600 millimetres above the deck if the opening is in position 1;
- (b) 380 millimetres above the deck if the opening is in position 2.

#### *Ventilators*

9. (1) (a) Except as otherwise provided in sub-paragraph (b), every ventilator in position 1 or position 2 leading to space below the freeboard deck or below the deck of an enclosed superstructure shall have a coaming of steel or equivalent material, substantially constructed and efficiently connected to the deck. The height of such coaming shall be at least-

- (i) 900 millimetres above the deck if the ventilator is in position 1;
- (ii) 760 millimetres above the deck if the ventilator is in position 2;

(b) Where the coaming for any ventilator referred to in sub-paragraph (a) is situated in a position in which it will be particularly subjected to weather and sea the height of the coaming shall exceed the relevant minimum height above specified by such amount as is necessary to provide adequate protection having regard to its position.

(2) If the coaming of any ventilator referred to in the preceding sub-paragraph exceeds 900 millimetres in height above the deck, it shall be efficiently supported by stays, brackets or other means.

(3) Every ventilator in position 1 or position 2 which passes through a superstructure other than an enclosed superstructure shall have a coaming of steel or equivalent material at the freeboard deck, substantially constructed and efficiently connected to that deck and at least 900 millimetres in height above that deck.

(4) Subject to the following sub-paragraph, every ventilator opening in position 1 or position 2 shall be provided with an efficient appliance by which it can be closed and secured weathertight. Every such closing appliance so provided on board a ship of not more than 100 metres in length shall be permanently attached to, and in the case of any other ship, shall either be so attached or be conveniently stowed near to, the ventilator for which it is provided.

(5) (a) A ventilator in position 1, the coaming of which exceeds 4.5 metres in height above the deck, and a ventilator in position 2, the coaming of which exceeds 2.3 metres in height above the deck, need not be fitted with a closing appliance unless either-

- (i) it serves the machinery spaces or a cargo compartment; or
- (ii) the fitting of such an appliance is necessary in the circumstances in order to provide adequate protection;

(b) A ventilator in position 1 or position 2 leading to space in a battery room shall not be fitted with a closing appliance.

#### *Air Pipes*

10. (1) The exposed parts of any air pipe leading to a ballast or other tank and

extending above the freeboard deck or a superstructure deck shall be of substantial construction.

(2) The exposed opening of any such air pipe shall be fitted with efficient means of closing the opening weathertight, which shall be permanently attached in a position ready for immediate use.

(3) Subject to sub-paragraph (4), the height above deck of the exposed opening of any such air pipe shall be-

(a) at least 760 millimetres if that deck is the freeboard deck;

(b) if that deck is a superstructure deck, at least 450 millimetres or, if the superstructure is of less than standard height, such greater height as is necessary to provide adequate protection, having regard to the lower height of the superstructure.

(4) The height described in the preceding sub-paragraph may in any particular case be lower than the minimum specified in relation thereto in that sub-paragraph if-

(a) the working of the ship would be unreasonably interfered with if such minimum heights were adhered to; and

(b) the closing arrangements are such as to ensure that such lower height is adequate in the circumstances.

#### *Cargo ports and similar openings*

**11. (1)** Cargo ports and similar openings in the ship's side below the freeboard deck or in the sides or ends of superstructures which form part of the shell of the ship shall be compatible with the design of the ship and shall not exceed in number those necessary for the proper working of the ship.

(2) Every such cargo port and opening shall be provided with a door or doors so fitted and designed as to ensure watertightness and structural integrity commensurate with the surrounding shell plating.

(3) No such cargo port or opening below the freeboard deck shall, unless the Minister otherwise consents, be so situated that when load lines have been marked on the ship's side the lower edge of the port or opening will be below a line drawn parallel to the freeboard deck at side having as its lowest point the upper edge of the uppermost load line.

#### *Scuppers, inlets and discharges*

**12. (1)** Every discharge led through the shell of a ship either-

(a) from spaces below the freeboard deck; or

(b) from within any enclosed superstructure, or from within any deckhouse on the freeboard deck which is fitted with weathertight doors,

shall be fitted in accordance with sub-paragraphs (2) and (3) with efficient means for preventing water from passing inboard.

(2) Subject to sub-paragraph (3), such means shall consist of a single automatic non-return valve fitted at the shell of the ship and having positive means of closure from a position or positions above the freeboard deck. Such positions shall be readily accessible at all times under service conditions and shall be provided with an indicator showing whether the valve is open or closed.

(3) (a) If, when load lines are marked on the ship's side, the vertical distance from the Summer load waterline to the inboard end of a discharge pipe will exceed 0.01 (L), such

means may consist of two automatic non-return valves having no positive means of closure, one of which shall be situated as close to the ship's shell as practicable and be substantially connected thereto and the inboard one of which is so situated that it will at all times under service conditions be readily accessible for examination.

(b) Where the vertical distance referred to in sub-paragraph (a) will exceed 0.02

(L), such means may consist, if in the circumstances the following would be equally effective

means of closure, situated as close to the ship's shell as practicable and substantially connected thereto.

(4) (a) The controls of any valve situated in a manned machinery space, and serving a main or auxiliary sea inlet or discharge or bilge injection system, shall be so sited as to be readily accessible at all times under service conditions. Valves referred to in this and the following sub-paragraph shall be equipped with an indicator showing whether the valve is open or closed.

(b) The controls of any valve situated in an unattended machinery space and serving a sea inlet or discharge or bilge injection system shall be sited as to be readily accessible at all times under service conditions, particular attention being paid in this regard to possible delay in reaching or operating the controls. In addition, the machinery space in which the valve is situated shall be equipped with an efficient warning device to give warning at suitable control positions of any entry of water into the machinery space other than water resulting from the normal operation of the machinery.

(c) In this sub-paragraph "**unattended machinery space**" means machinery space which during the normal operation of the ship at sea is unmanned for any period, and "**manned machinery space**" means machinery space other than an unattended machinery space.

(5) Every scupper and discharge pipe originating at any level and penetrating the shell of the ship either-

- (a) more than 450 millimetres below the freeboard deck; or
- (b) less than 600 millimetres above the Summer load waterline,

shall be equipped with an automatic non-return valve situated as close to the ship's shell as practicable and substantially connected thereto:

Provided that this sub-paragraph shall not apply-

- (i) where the scupper or discharge pipe is fitted with means for preventing water from passing inboard in accordance with the provisions of sub- paragraphs (1) to (3); or
- (ii) in any case in which the piping of the scupper or discharge pipe is of substantial thickness.

(6) Every scupper leading from a superstructure other than an enclosed superstructure or from a deckhouse Hot fitted with watertight doors shall be led overboard.

(7) All valves and shell fittings required by the provisions of this paragraph shall be of steel, bronze or other suitable ductile material, and all pipes referred to in this paragraph shall be of steel or equivalent material.

#### *Side scuttles*

**13. (1)** Every side scuttle to space below the freeboard deck or to space within an enclosed superstructure shall be fitted with a hinged inside deadlight by which it can be effectively closed and secured watertight.

(2) No side scuttle shall be fitted in a position such that its sill, when load lines have been marked on the ship's side, will be below a line drawn parallel to the freeboard deck at side having as its lowest point-

- (a) 2.5% of the breadth of the ship (*B*) above the Summer load line; or
- (b) 500 millimetres above the Summer load line, whichever is the greater.

(3) Every side scuttle, dead light and glass (if fitted) shall be of substantial construction and be efficiently fitted.

*Freeing ports and arrangements*

**14.** (1) Where bulwarks on the weather portions of the freeboard deck, a raised quarter-deck or a superstructure deck form wells, efficient provision shall be made for rapidly freeing the decks of water in bulk and for draining them, and in particular the requirements set out in subparagraphs (2) to (7) below shall be complied with.

(2) Except as otherwise provided in sub-paragraphs (3) and (4), the sum of the areas of the openings of freeing ports on each side of the ship for each such well (hereafter referred to in this paragraph as "**the freeing port area**" and by the symbol "(A)") shall-

- (a) if the well is on the freeboard deck or on a raised quarter-deck be not less than the area ascertained in accordance with the following formula; and
- (b) if the well is on a superstructure deck other than a raised quarter-deck, be not less than one half of that area-

*Formula*

(i) where the length of a bulwark (1) in the well is 20 metres or less;

(A) =  $0.7 + 0.035 (I)$  (square metres); and where (1) exceeds 20 metres;

(A) =  $0.07 (I)$  (square metres);

(1) need in no case be taken as greater than  $0.7 (L)$ ;

(ii) if the bulwark is more than 1.2 metres in average height, the required area shall be increased by 0.004 square metres per metre of length of well for each 0.1 metre difference in height. If the bulwark is less than 0.9 metre in average height, the required area may be decreased by 0.004 square metre per metre of length of well for each 0.1 metre difference in height.

(3) (a) If the deck on which the well is situated has no sheer, the area (A) shall be the area ascertained in accordance with sub-paragraph (2) increased by 50%.

(b) If the deck on which the well is situated has sheer less than standard sheer, the area (A) shall be the area ascertained in accordance with sub-paragraph (2) increased by a percentage to be obtained by linear interpolation.

(c) If the deck on which the well is situated has sheer, two thirds of the freeing port area (A) shall be situated in the half of the well which is nearest to the lowest point of the sheer.

(4) The lower edge of every freeing port shall be as near to the deck as practicable.

(5) Every freeing port more than 230 millimetres in depth shall be protected by rails or bars so fixed that the distance between the lowest rail or bar and the lower edge of the freeing port does not exceed 230 millimetres.

(6) Every freeing port which is fitted with a shutter shall have sufficient clearance to prevent jamming of the shutter, and the shutter hinges shall have pins or bearing of efficient non-corrodible material.

(7) Efficient provision shall be made for freeing from water any superstructure other than an enclosed superstructure.

*Protection of the crew*

**15.** (1) Every deckhouse used for the accommodation of members of the crew shall be of efficient construction.



(2) Except as otherwise provided in sub-paragraph (3), all exposed parts of the freeboard deck and of every superstructure deck shall be fitted at their perimeter either with efficient guard rails or guard wires and stanchions complying with the requirements of sub-paragraph (4) or with bulwarks, being in either case at least one metre in height from the deck at side.

(3) The height specified in relation to guard rails or guard wires and bulwarks in sub-paragraph (2) may be reduced at any particular point if-

- (a) the working of the ship would be unreasonably interfered with if such minimum height were adhered to at that point; and
- (b) adequate protection is provided at that point.

(4) Guard rails or guard wires fitted pursuant to sub-paragraph (2) shall consist of course of rails or wires supported by stanchions efficiently secured to the deck. The opening between the lowest course of the rails or wires and the deck shall not exceed 230 millimetres in height, and no opening above that course of rails or wires shall exceed 380 millimetres in height.

Where the ship has rounded gunwales, the stanchions shall be secured at the perimeter of the flat of the deck.

(5) Gangways, under-deck passages and all other means of access by which members of the crew pass between their quarters, the machinery space and any other space in the ship used by them in the course of their necessary work about the ship, shall be so designed and constructed, and be fitted where necessary with such lifelines, access ladders, guard rails or guard wires, handrails or other safety fittings, as to afford effective protection for the crew.

(6) The requirements of this paragraph shall not apply in the case of unmanned barges.

## PART II

### *Special requirements applicable to type "A" ships Application*

**16.** The requirements of paragraphs 17 to 20 of this part apply in the case of Type "A" ships only.

**17.** Every casing enclosing a machinery space opening in position 1 or position 2 shall be protected by either-

- (1) an enclosed poop or bridge of at least standard height; or
- (2) a deckhouse of equal height and strength and weathertightness;

Provide that this requirement shall apply and the casing may accordingly be exposed-

- (a) If there is no opening in the casing which gives direct access from the freeboard deck to the machinery space; or
- (b) If the only opening in the casing has a steel weathertight door and leads to a space or passage way which is as strongly constructed as the casing is separated from the stairway to the machinery space by a second steel weathertight door.

18.(1) References in this paragraph to a “poop” or “detached bridge” include references to a deckhouse fitted in lieu of serving the purpose of a poop or detached bridge.

(2) Access between the poop and the detached bridge shall be by means of either-

- (a) a permanent and efficiently constructed gangway of substantial strength connecting those structures. The gangway shall be at the level of the superstructure deck and have a platform at least one metre in width and of non-slip material. Efficient means of access from the gangway level to the deck shall be provided at each terminal point. The platform shall be fitted at each side throughout its length with guardrails or guard wires supported by stanchions. Such rails or wires shall consist of not less than three courses, the lowest being not more than 230 millimetres, and the uppermost being at least one metre, above the platform and nonintermediate opening being more than 380 millimetres in height. Stanchions shall be at intervals of not more than 1.5 metres; or
- (b) an underdeck passage connecting and providing unobstructed access between those structures and complying with the requirements of sub-paragraph (3); or
- (c) equivalent means of access.

(3) An underdeck passage provided pursuant to subparagraph (2) (b) shall comply with the following requirements-

- (a) the passage and all fittings therein shall be oil and gas tight;
- (b) the passage shall be well lighted, and be fitted with efficient gas detection and ventilation systems;
- (c) it shall be situated immediately below the freeboard deck;
- (d) its distance from the shell plating shall at no point throughout its length be less than one fifth of the breadth (B) of the ship:

Provided that in the case of a ship so designed as to render compliance with this requirement not reasonably practicable, two underdeck passages may be provided, one to port and one to starboard, each of which shall comply with all requirements of this paragraph except this requirement;

- (e) means of exit from the passage to the freeboard deck shall be-
  - (i) so arranged as to be as near as practicable to the working areas to be used by the crew;
  - (ii) in no case be more than 90 metres apart; and
  - (iii) fitted with efficient means of closing which are capable of quick release and operable from either side;

- (f) openings in the freeboard deck corresponding to the means of exit referred to in sub-paragraph (e) shall be protected in accordance with the requirements of paragraph 8 (2) (a).

(4) In the case of a ship the crew of which may in the course of their duties be required to go in adverse weather conditions to a position forward of the detached bridge, or forward of the poop in cases where there is no detached bridge and all crew accommodation and machinery spaces are situated at the after end of the ship, access to such positions shall be by means of either-

- (a) a gangway complying with the requirements of subparagraph (2) (a); or
- (b) an underdeck passage complying with the requirements of subparagraph (3); or
- (c) a walkway complying with the requirements of sub-paragraph (5).

(5) A walkway provided pursuant to sub-paragraph (4) (c) shall-

(a) be not less than one metre in width and be situated on or as near as practicable to the centre line of the ship;

- (b) be fitted at each side throughout its length with guard rails or wires complying with the requirements set out in relation to such rails or wires in sub-paragraph (2) (a);
  - (c) have openings giving free access to and from the freeboard deck, set in such guard rails or guard wires as near as practicable to the working areas to be used by the crew, so however that such openings shall be on alternate sides of the walkway and be situated not more than 90 metres apart on either side;
  - (d) if the length of exposed deck to be traversed exceeds 70 metres, have shelters of substantial construction set in way of the walkway at intervals not exceeding 45 metres, every such shelter being capable of accommodating at least one person and so constructed as to afford weather protection on the forward, port and starboard sides;
  - (e) if obstructed by pipes or other fittings of a permanent nature, be provided with efficient means of passage over such obstruction.
- (6) The requirements of this paragraph shall not apply in the case of unmanned barges.

*Hatchway covers*

**19.** The covers of hatchways in an exposed position on the freeboard deck, on a forecastle deck or on the top of an expansion trunk shall be of steel, of efficient construction, and watertight when secured.

*Freeing arrangements*

**20. (1)** All exposed parts of the freeboard deck and superstructure decks shall be fitted at their perimeter for at least half their length with guardrails or guard wires in lieu of bulwarks or with other equally effective freeing arrangements. Such guard rails or guard wires shall comply with the requirements set out in relation to such rails or wires in paragraph 18 (2) (a).

(2) The upper edge of the sheer strake shall be as low as practicable.

(3) If superstructures of the ship are connected by a trunk, the exposed parts of the freeboard deck in way of the trunk shall be fitted at their perimeter throughout their length with guard rails or guard wires complying with the requirements set out in relation to such rails or wires in paragraph 18 (2) (a).

(4) If the ship is so constructed that notwithstanding the provision of freeing ports and arrangements it will be particularly subjected under service conditions to the building up of quantities of water on the freeboard deck, efficient breakwaters shall be fitted in suitable positions on that deck.

**PART III**

*Special requirements applicable to certain Type "B" ships*

*Application*

**21.** The requirements of paragraphs 22 to 25 apply only in the case of Type "B" ships to be assigned a reduced freeboard under the provisions of paragraph 5 (3) of the Fifth Schedule.

*Gangway and access*

**22.** The ship shall comply with the requirements of either-

(1) paragraph 18 as if it were a Type "A" ship; or

(2) paragraphs 23 and 24.

**23.** (1) References in this paragraph to a "poop" or "detached bridge" include references to a deckhouse fitted in lieu of and serving the purpose of a poop or detached bridge.

(2) Access between the poop and the detached bridge shall be by means of an efficiently constructed gangway of substantial strength connecting those structures, fitted on or near the centre line of the ship. The gangway shall be at least one metre in width and shall be fitted at each side throughout its length with guard rails or guard wires complying with the requirements set out in relation to such rails or wires in paragraph 18 (2) (a). If the length of the gangway exceeds 70 metres, shelters complying with the requirements set out in relation to shelters in paragraph 18 (5) (d) shall be provided in way of the gangway.

**24.** In the case of a ship the crew of which may in the course of their duties be required to go in adverse weather conditions to a position or positions forward of the detached bridge or forward of the poop in cases where there is no detached bridge and all crew accommodation and machinery spaces are situated at the after end of the ship, access to such positions shall be-

- (1) by the means described in paragraph 18 (4); or
- (2) by the means described in paragraph 23 (2); or
- (3) equivalent means of access:

Provided that in the case of a ship the hatchway coamings of which are 600 millimetres or more in height from the deck, two walkways giving access to the said positions and complying with the following requirements may be provided-

- (i) the walkways shall be efficiently constructed and of satisfactory strength;
- (ii) the walkways shall each be at least one metre in width and shall be fitted on the freeboard deck alongside the outboard structure of the hatchway coamings, one to port and the other to starboard of the hatchways;
- (iii) each walkway shall be fitted on the side outboard of the hatchways with guard rails or guard wires complying with the requirements set out in relation to such rails or wires in paragraph 18 (2) (a).

#### *Freeing arrangements*

**25.** The ship shall comply with the requirements of paragraph 20 (4).

### PART IV

#### *Special requirements applicable to ships to be assigned timber freeboards Application*

**26.** The requirements of paragraphs 27-29 of this Part apply only in the case of ships to be assigned Timber freeboards.

#### *Superstructures*

**27.** (1) The ship shall have a forecastle of not less than the standard height of an enclosed superstructure and not less in length than 0.07 (L).

(2) If the ship is less than 100 metres in length it shall be fitted aft with either-

- (i) a poop of not less than standard height; or
- (ii) a raised quarter deck having either a deckhouse or a strong steel hood, so that the total height thereof is not less than the standard height of an enclosed superstructure.

*Double bottom tanks*

28. Double bottom tanks where fitted within the midship half length of the ship shall have satisfactory-watertight longitudinal subdivision.

*Bulwarks, guard rails and stanchions*

29. The ship shall be, fitted with either-

(1) permanent bulwarks at least one metre in height which are specially stiffened on the upper edges and supported by strong bulwark stays attached to the deck, and are provided with freeing ports complying with the requirements of paragraph 14 (1) to (6); or

(2) efficient guard rails and stanchions at least one metre in height, of specially strong construction, and complying with the requirements of paragraph 15 (4).

PART V

*General*

*Equivalent or exceptional provision*

31. The Assigning Authority may with the approval of the Minister-

(1) allow any fitting, material, appliance or apparatus to be fitted in a ship, or allow other provision to be made in a ship, in the place of any fitting, material, appliance, apparatus or provision respectively which is required under any of the provisions of this Schedule, if satisfied by trial thereof or otherwise that it is at least as effective as that so required; or

(2) allow in any exceptional case departures from the requirements of any of the said provisions on condition that the freeboards to be assigned to the ship are increased to such an extent as to satisfy the Minister that the safety of the ship and protection afforded to the crew will be no less effective than would be the case if the ship complied with those requirements and there were no such increase of freeboards.

FIFTH  
SCHEDULE  
[Rule 26.]

*Freeboards*

*Interpretation*

1. In this Schedule expressions defined in the Fourth Schedule have the meanings thereby assigned to them respectively, and-

"**block coefficient**", or the symbol " $(C_h)$ " in relation to a ship, means the product of

$$\frac{\Delta}{L \cdot Bd_1}$$

where-

$\Delta$  is the volume of the moulded displacement of the ship (excluding bossing) if the ship has a metal shell, and of displacement to the outer surface of the hull if the ship has a shell of any other material, displacement being taken in each case at a moulded draught of  $db$  and  $d$ , is 85% of the least moulded depth:

Provided that in no case shall the block coefficient ( $C_b$ ) be taken to be less than 0.68; **"depth for freeboard"** and the symbol "(D)" in relation to a ship-

- (a) means, except as otherwise stated in sub-paragraph (b), the moulded depth of the ship amidships plus the thickness of the freeboard deck stringer plate where fitted, plus, if the exposed freeboard deck is sheathed, the product of

$$\frac{T((L) - (S))}{(L)}$$

where T is the mean thickness of the exposed (L) sheathing clear of deck openings;

- (b) in the case of a ship having a rounded gunwale with a radius greater than 4% of the breadth of the ship (B) or having topsides of unusual form, means the depth, calculated in accordance with sub-paragraph (a), which would be the depth for freeboard purposes of a ship having a midship section with vertical topsides and with the same round of beam and the same area of topside section as that of the midship section of the first-mentioned ship.

**"effective length"** and the symbol "(E)" in relation to a superstructure, mean the effective length of the superstructure ascertained in accordance with the provisions of paragraph 9 of this Schedule;

**"flush deck ship"** means a ship which has no superstructure on the freeboard deck;

**"length"** and the symbol "(S)" in relation to a superstructure, mean the length of the superstructure ascertained in accordance with the provisions of paragraph 9 of this Schedule;

**"moulded depth"**, in relation to a ship, means the vertical distance measured from the top of the keel to the top of the freeboard deck beam at side:

Provided that-

- (a) in the case of a wood or composite ship, it shall be measured from the lower edge of the keel rabbet;
- (b) if the form at the lower part of the midship section of the ship is of a hollow character, or if thick garboards are fitted, it shall be measured from the point where the line of the flat of the bottom, continued inwards, cuts the side of the keel;
- (c) in the case of a ship having rounded gunwales, it shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwale were of angular design;
- (d) if the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, it shall be measured to a line of reference extending from the lower part of the deck along a line parallel to the raised part of the deck.

**"summer draught"**, in relation to a ship, means the draught measured from-

- (a) in the case of a wood or composite ship, the lower edge of the keel rabbet;
- (b) if the form at the lower part of the midship section is of a hollow character, or if thick garboards are fitted, the point where the line of the flat of the bottom, continued inwards, cuts the side of the keel, and
- (c) in any other case from the top of the keel, to the point which when load lines and marks have been marked on the ship's side will correspond to the centre of the ring of the load line mark;

**"summer timber draught"**, in relation to a ship, means the draught measured from the point (a), (b) or (c) described in the preceding definition to the point which, when timber load lines have been marked on the ship's side, will correspond to the upper edge of the Summer Timber load line;

**"tabular freeboard"** means in the case of a Type "A" ship the freeboard appropriate to the ship's length under Freeboard Table A set out in the Sixth Schedule to these Rules and in the case of a Type "B" ship, the freeboard appropriate to the ship's length under Freeboard Table B in that Schedule.

*Freeboards: general*

2. (1) Except as otherwise provided in sub-paragraphs (2) and (3), the freeboards to be assigned to a ship other than timber freeboards shall be determined in accordance with the provision of Part I of this Schedule, and Timber freeboards to be assigned to a ship shall be determined in accordance with Part II.

(2) Freeboards determined as described in sub-paragraph (1), are the freeboards appropriate to ships the structural strength of which complies with the highest standard required by an Assigning Authority; and the freeboards to be assigned to ships the structural strength of which does not comply with that standard shall be freeboards so determined, but increased in each case by such amount as the Assigning Authority with the approval of the Minister may determine as appropriate to the ship's structural strength.

(3) The freeboards to be assigned to-

- sailing ships;
- tugs;
- ships of wood or of composite construction or of other materials; ships with constructional features such as to render freeboards determined as described in sub-paragraph (1) unreasonable or impracticable; and unmanned barges having on the freeboard deck only small access openings closed by the watertight gasketed covers of steel,

shall be determined in accordance with the provisions of Part II of this Schedule.

PART I

*Freeboards other than timber freeboards*

*Determination of freeboards*

3. (1) The Summer freeboard shall be determined in accordance with the provisions of paragraphs 4 to 16 of this Schedule:

Provided that the freeboard so obtained, but omitting any correction made for deckline as provided in paragraph 8, shall be not less than 50 millimetres, except in the case of a ship with hatchways in position 1 to which paragraph 5 of the Fourth Schedule applies but which do not have pontoon covers, in which case it shall be not less than 150 millimetres.

(2) The Tropical freeboard shall be obtained by deducting from the Summer freeboard applicable to the ship one forty-eighth (1/48th) of the summer draught of the ship:

Provided that the freeboard so obtained, but omitting any correction made for deckline as provided in paragraph 8, shall be not less than 50 millimetres, except in the case of a ship with hatchways in position 1 to which paragraph 5 of the Fourth Schedule applies but which do not have pontoon covers, in which case it shall be not less than 150 millimetres.



(3) The Winter freeboard shall be obtained by adding to the Summer freeboard applicable to the ship one forty-eighth (1/48th) of the summer draught of the ship.

(4) The Winter North Atlantic freeboard shall be obtained by adding to the Winter freeboard applicable to the ship a distance of 50 millimetres.

(5) (a) The Fresh Water freeboard shall, subject to subparagraph (b), be obtained by deducting from the Summer freeboard the quantity-

$$\frac{\Delta}{4T} \text{ millimeters}$$

where  $\Delta$  is the displacement in salt water in metric tons at the Summer load waterline, and T represents metric tons per centimetre immersion in salt water at that waterline.

(b) In any case in which the displacement at that waterline cannot be ascertained the deduction shall be one forty-eighth (1/48th) of the summer draught of the ship.

*Summer Freeboard: Type "A" Ships*

4. The Summer freeboard to be assigned to a Type "A" ship shall be determined as follows-

(1) There shall first be ascertained the ship's tabular freeboard.

(2) If the block coefficient ( $C_b$ ) of the ship exceeds 0.68, the tabular freeboard shall be multiplied by the factor

$$\frac{(C_b) + 0.68}{1.36}$$

(3) Corrections in accordance with paragraphs 6 to 16 of this Schedule shall be applied to the freeboard ascertained in accordance with sub-paragraphs (1) and (2).

(4) Subject to the proviso to paragraph 3 (1), the freeboard so corrected shall be the Summer freeboard to be assigned to the ship.

*Summer freeboard: Type "B" Ships*

5. The Summer freeboard to be assigned to a Type "B" ship shall be determined as follows-

(1) There shall first be ascertained the ship's tabular freeboard.

(2) (a) If the ship has hatchways in position 1 the covers of which are either (i) pontoon covers complying with the requirements of paragraph 5 (4) of the Fourth Schedule or (ii) covers which comply with those of paragraph 6 of that Schedule, the tabular freeboard may be corrected in accordance with such of the provisions of sub-paragraphs (3) to (7) of this paragraph as are applicable to the ship.

(b) If the ship has hatchways in position 1 the covers of which comply with the requirements of paragraph 5 of the Fourth Schedule, except those of sub-paragraph (4) of that paragraph, the tabular freeboard shall be corrected in accordance with the provisions of subparagraph (8) of this paragraph.

(3) The tabular freeboard of a ship to which sub-paragraph (2) (a) applies

and which exceeds 100 metres in length, may be reduced by an amount not exceeding the maximum applicable under subparagraphs (4) and (5) if the Assigning Authority is satisfied that-

- (a) the measures for the protection of the crew comply with the requirements of paragraph 15 of the Fourth Schedule;

- (b) the freeing arrangements comply with the requirements of paragraph 14 of the Fourth Schedule;
- (c) all covers of hatchways in positions 1 and 2 comply with the requirements of paragraph 6 of the Fourth Schedule;
- (d) the ship when loaded to the Summer load waterline will remain afloat, after the flooding of any single damaged compartment other than the machinery space at an assumed permeability of 0.95, in the condition of equilibrium described in subparagraph (6):

Provided that if the length of the ship exceeds 225 metres, the machinery space shall rank as a floodable compartment for the purpose of this requirement, having for the purpose an assumed permeability of 0.85.

(4) Subject to sub-paragraph (5) no reduction of freeboard pursuant to sub-paragraph (3) shall exceed 60% of the difference between the tabular freeboards appropriate to the ship's length under Freeboard Table A.

(5) The reduction of 60% referred to in the preceding paragraph may be increased to 100% if the Assigning Authority is satisfied that-

- (a) the ship complies with the requirements of paragraphs 17 and 20 of the Fourth Schedule as if it were a Type "A" ship and with those of paragraph 22 of that Schedule;
- (b) the ship complies with the requirements of sub-paragraph (3) (a) to (c); and
- (c) the ship, when loaded to the Summer load waterline, will remain afloat in the condition of equilibrium described in subparagraph (6) after the flooding-
  - (i) of any two compartments adjacent fore and aft, neither of which is the machinery space, at an assumed permeability of 0.95; and
  - (ii) in the case of a ship exceeding 225 metres in length, of the machinery space alone, at an assumed permeability of 0.85.

(6) The condition of equilibrium referred to in sub-paragraphs (3) and (5) above is as follows-

- (a) the final waterline after flooding is below the top of any ventilator coaming, the lower edge of any air pipe opening, the upper edge of the sill of any access opening fitted with a weathertight door, and the lower edge of any other opening through which progressive flooding may take place;
- (b) the angle of heel due to unsymmetrical flooding does not exceed 15 degrees;
- (c) the metacentric height calculated using the constant displacement method has a positive value of at least 50 millimetres in the upright condition after flooding; and
- (d) the ship has adequate residual stability.

(7) The following assumption shall be made for the purposes of calculations pursuant to sub-paragraphs (3) (d) and (5) (c)-

- (a) that the vertical extent of damage is equal to the depth of the ship at the point of damage, measured from and including the freeboard deck at side to the underside of the keel;
- (b) that the transverse penetration of damage is not more than one fifth of the breadth of the ship (B), this distance being measured inboard from the ship's side at right angles to the centre line of the ship at the level of the Summer load waterline:

Provided that if damage of a lesser extent results in a more severe condition, such lesser extent shall be assumed;

(c) that, except in the case of compartments referred to in sub-paragraph (5) (c) (i), no main transverse bulkhead is damaged;

(d) that the height of the centre of gravity above the base-line is assessed allowing for homogeneous loading of cargo holds and for 50% of the designed capacity of consumable fluids and stores.

(8) The tabular freeboard of a ship to which sub-paragraph (2) (h) of this paragraph applies shall be increased by the amount shown by the following Table to be appropriate to the ship's length-

TABLE

<i>Length of ship</i> <i>(metres)</i>	<i>Freeboard in</i> <i>crease</i> <i>(millimetres)</i>	<i>Length of in</i> <i>ship</i> <i>(metres)</i>	<i>Freeboard</i> <i>increase</i> <i>(millimetres)</i>	<i>Length of ship</i> <i>(metres)</i>	<i>Freeboard in-</i> <i>crease</i> <i>(millimetres)</i>
108 and below	50	139	175	170	290
109	52	140	181	171	292
110	55	141	186	172	294
<b>111</b>	57	142	191	173	297
112	59	143	196	174	299
113	62	144	201	175	301
114	64	145	206	176	304
115	68	146	210	177	306
116	70	147	215	178	308
117	73	148	219	179	311
118	76	149	224	180	313
119	80	150	228	181	315
120	84	151	232	182	318
121	87	152	236	183	320
122	91	153	240	184	322
123	95	154	244	185	325
124	99	155	247	186	327
125	103	156	251	187	329
126	108	157	254	188	332
127	112	158	258	189	334
128	116	159	261	190	336
129	121	160	264	191	339
130	126	161	167	192	341
131	131	162	270	193	343
132	136	163	273	194	346
133	142	164	275	195	348
134	147	165	278	196	350
135	153	166	280	197	353
136	159	167	283	198	355
137	164	168	285	199	357
138	170	169	287	200	358

*Merchant Shipping Act*

Freeboards at intermediate lengths of ship shall be obtained by linear interpolation. The increase in the case of ships of more than 200 metres in length shall be such amount as the Minister may determine in each particular case.

(9) (a) This sub-paragraph applies to every Type "B" ship of not more than 100 metres in length having enclosed superstructures the total effective length of which does not exceed 35% of the ship's length (L).

(b) The freeboard calculated in respect of such a ship in accordance with sub- paragraphs (1), (2) and (8) above shall be increased by an amount ascertained in accordance with the formula-

$$(E) \frac{\quad}{7.5 (100 - (L) (0.35 - (L))} \text{ millimetres}$$

(10) In the case of a ship the block coefficient ( $C_b$ ) of which exceeds 0.68, the freeboard calculated in respect of the ship in accordance with sub-paragraphs (1) to (9) above shall be multiplied by the factor-

$$\frac{(C_b) + 0.68}{1.36}$$

(11) Corrections in accordance with paragraphs 6 to 16 of this Schedule shall be applied to the freeboard ascertained in accordance with sub-paragraphs (1) to (10) above and subject to the provision to paragraph 3 (1), the freeboard so corrected shall be the Summer freeboard to be assigned to the ship.

*Basic freeboard*

6. In the following paragraphs of this Schedule "basic freeboard" in relation to a ship, means the Summer freeboard calculated for the ship in accordance with paragraph 4 or 5, whichever is applicable, but omitting in the case of a Type "A" ship the corrections referred to in paragraph 4 (3) and in the case of a Type "B" ship the corrections referred to in paragraph 5 (11).

*Correction for depth*

7. (1) If the depth for freeboard (D) of a ship exceeds 15, the basic freeboard of the ship shall be increased by-

$$(L) \frac{\quad}{((D) - 15) R} \text{ millimetres}$$

R for this purpose being taken to be (L )

$$\frac{\quad}{0.48}$$

In the case of a ship less than 120 metres in length, and 250 in the case of a ship of 120 metres or more in length.

(2) If the depth for freeboard (D) of a ship is less than

(L)

The basic freeboard of the ship shall be reduced by

$$\frac{(L)}{((D)-15)R} \text{ millimeters}$$

if, but only if, the ship has either-

- (a) an enclosed superstructure covering at least 0.6 (L) amidships; or
- (b) an efficient trunk extending for the ship's length (L); or
- (c) a combination of enclosed superstructures connected by efficient trunks, being a combination extending for the ship's length (L):

Provided that if the height of any such superstructure or trunk is less than standard height, the amount of such reduction shall be reduced in the ratio of the actual to the standard height of the superstructure or trunk.

*Correction for position of deckline*

**8.** If the actual depth to the upper edge of the deckline is greater or less than the depth for freeboard (D), the difference, if greater, shall be added to, or if less shall be deducted from, the basic freeboard of the ship:

Provided that in a case in which the position of the deckline has been fixed in accordance with the provisions of rule 13 (3), the actual depth of the ship shall be taken for the purposes of the foregoing requirement to the point amidships where the continuation outwards of the upper surface of the freeboard deck or of any sheathing of that deck intersects the outer surface of the shell of the ship.

*Standard height, length and effective length of superstructures*

**9.** (1) The standard height of a superstructure shall be the height appropriate to the ship's length (L) determined in accordance with the following Table-

<i>Length of ship (L)</i> <i>(metres)</i>	<i>Standard height (metres)</i>	
	<i>of a raised quarter-deck</i>	<i>of a superstructure other a raised quarter-deck</i>
30 or less	0,90	1,80
75	1,20	1,80
125 or more	1,80	2,30

Standard heights for intermediate lengths of ship shall be obtained by linear interpolation.

(2) (a) Subject to sub-paragraph (b), the length of a superstructure (S) shall be the mean length of the parts of the superstructure which lie within the length of the ship (L).

(b) In the case of an enclosed superstructure having an end bulkhead which extends in a fair convex curve beyond its intersection with the superstructure sides, the length of the superstructure (S) may be taken as its length ascertained in accordance with sub-paragraph (a) increased on the basis of an equivalent plane bulkhead by the amount of two thirds of the fore and aft extent of the curvature:

Provided that the amount of the curvature to be taken into account shall not exceed one half the breadth of the superstructure at the point of intersection of the curved end of the su-

perstructure with its side.

(3) The effective length of a superstructure (E) shall be as follows-

(a) subject to sub-paragraph (c), (E) in the case of an enclosed superstructure of standard height shall be either-

(i) its length (S), or (ii) if the superstructure is set in from the sides of the ship, its length (S) modified in the ratio  $b/B_s$ , where-

"b" is the breadth of the superstructure at the middle of its length (S), and "B<sub>s</sub>" is the breadth of the ship at the middle of the length of the superstructure (S):

Provided that if the superstructure is so set in for part only of its length, such modification shall be applied only to that part.

(b) subject to sub-paragraph (c), (E) in the case of an enclosed superstructure of less than standard height shall be its length (S) reduced in the ratio of the actual height of the superstructure to its standard height.

(c) (E) in the case of an enclosed superstructure consisting of a raised quarter-deck shall, if the deck is fitted with an intact front bulkhead, be its length (S) subject to a maximum of 0.6 of the ship's length (L), and if not so fitted, be ascertained by treating the raised quarter deck as a poop of less than standard height.

(d) a superstructure which is not an enclosed superstructure shall have no effective length.

*Standard height and effective length of trunks*

**10.** (1) The standard height of a trunk shall be determined in the same manner as that applicable to a superstructure other than a raised quarterdeck under paragraph 9 (1).

(2) The effective length of a trunk shall be determined as follows-

- (a) a trunk which is not an efficient trunk as described in subparagraph (b) shall have no effective length;
- (b) a trunk shall be treated as an efficient trunk subject to the following conditions-
  - (i) that it shall be at least as strong as a superstructure;
  - (ii) that the hatchways in way of the trunk are in the trunk deck, and the hatchway coamings and covers comply with the requirements of paragraphs 4 to 6 of the Fourth Schedule:

Provided that small access openings with watertight covers may be permitted in the free-board deck;

- (iii) that the width of the trunk deck stringer provides a satisfactory gangway and sufficient lateral stiffness;
  - (iv) that a permanent working platform fore and aft fitted with guard rails or guard wires complying with the requirements applicable thereto under paragraph 18 (2) (a) of the Fourth Schedule is provided by the trunk deck, or by detached trunks connected to superstructures by efficient permanent gangways;
  - (v) the ventilators are protected by the trunk, by watertight covers or by equivalent means;
  - (vi) that open rails or wires are fitted on the weather parts of the freeboard deck in way of the trunk for at least half their length;
  - (vii) that the machinery casings are protected by the trunk, or by an enclosed superstructure of at least standard height, or by a deck house of the same height and of strength and weathertightness equivalent to those of such a superstructure;
  - (viii) that the breadth of the trunk is at least 60% of the breadth of the ship (B);
  - (ix) that where there is no superstructure the length of the trunk is at least 0.6 (L);
- (c) except as otherwise provided in sub-paragraph (d), the effective length of an efficient trunk shall be its full length reduced in the ratio of its mean breadth to the breadth of the ship (B);
- (d) if the actual height of an efficient trunk is less than the standard height, its effective length shall be the length calculated in accordance with sub-paragraph (c) reduced in the ratio of the actual to the standard height of the trunk. In addition, if the ship is a Type "B" ship and the height of hatchway coamings on the trunk deck is less than that required by paragraph 5 (1) or 6 (1) of the Fourth Schedule, a reduction from the actual height of the trunk shall be made of an amount corresponding to the difference between the actual height of such coamings and the height so required for them.



*Deduction for effective length of superstructures and trunks*

11. (1) Where the sum of the effective lengths of superstructures of a ship is 1.0(L), the basic freeboard of the ship shall be reduced-

by 350 millimetres if the ship is 24 metres in length (L);

by 860 millimetres if the ship is 85 metres in length (L);

by 1,070 millimetres if the ship is 122 metres in length (L) or more;

and by amounts obtained by linear interpolation in the case of ships of intermediate length.

(2) The basic freeboard of a ship shall be reduced according to the total effective length of her superstructures and trunks as follows-

- (a) in the case of a Type "A" ship, by a percentage, ascertained by reference to the following Table, the percentage in the case of a ship having superstructures and trunks of an effective length intermediate to those specified in the Table being obtained by linear interpolation-

TABLE

*Percentage of deduction for Type "A" Ships*

	<i>Total effective length of superstructures</i>										
	0	0,1 (L)	0,2 (L)	0,3 (L)	0,4 (L)	0,5 (L)	0,6 (L)	0,7 (L)	0,8 (L)	0,9 (L)	1,0 (L)
Percentage of deduction for types of superstructures	0	7	14	21	31	41	52	63	75.3	87.7	100

- (b) in the case of a Type "B" ship, by a percentage ascertained by reference to the following Table and to such of directions (i) to (iii) appended thereto as apply in the circumstances, the percentage in the case of a ship having superstructures and trunks of an effective length intermediate to those specified in the Table being obtained by linear interpolation-

TABLE

Percentage of deduction for Type "B" Ships

	Total effective length of superstructures and trunks											
	Line	0	0,1 (L)	0,2 (L)	0,3 (L)	0,4 (L)	0,5 (L)	0,6 (L)	0,7 (L)	0,8 (L)	0,9 (L)	1,0 (L)
Ships with castle and without detached bridge	1	0	5	10	15	23,5	32	46	63	75,3	87,7	100
Ships with castle and detached bridge	11	0	6,3	12,7	19	27,5	36	46	63	75,3	87,7	100

(i) When the effective length of a bridge covers less than 0.1 (L) before amidships and 0.1 (L) abaft amidships, the percentages shall be obtained by linear interpolation between the line I and II.

(ii) Where the effective length of a forecastle is more than 0.4 (L), the percentages shall be obtained from line II.

(iii) Where the effective length of a forecastle is less than 0.07 (L), the above percentages shall be reduced by-

$$(0.07(L) - T) \times \frac{100 - \text{Percentage}}{0.07(L) - 0}$$

where 'T' is the effective length of the forecastle.

*Measurement of Sheer*

12. (1) The sheer shall be measured from the deck at side to a line of reference drawn parallel to the keel through the sheer line at amidships.

(2) In ships designed with a rake of keel, the sheer shall be measured in relation to a line of reference drawn parallel to the Summer load waterline.

(3) In flush deck ships and in ships with detached superstructures, the sheer shall be measured at the freeboard deck.

(4) In ships with topsides of unusual form in which there is a step or break in the top-sides, the sheer shall be considered in relation to the equivalent depth amidships.

(5) In ships with a superstructure of standard height which extends over the whole length of the freeboard deck, the sheer shall be measured at the superstructure deck. Where the height of the superstructure exceeds the standard height, the least difference (Z) between the actual and standard heights shall be added to each end ordinate. Similarly, the intermediate ordinates at distances of 1/6 (L) and 1/3 (L) from each perpendicular shall be increased by 0.444 (Z) and 0.111(Z) respectively.

(6) Where the deck of an enclosed superstructure has at least the same sheer as

the exposed freeboard deck, the sheer of the enclosed portion of the freeboard deck shall not be taken into account.

(7) Where an enclosed poop or forecastle is either (*a*) of standard height with greater sheer than that of the freeboard deck, or (*b*) is of more than standard height, an addition to the sheer of the freeboard deck shall be made calculated in accordance with paragraph 14 (4).

*Standard Sheer Profile*

13. The ordinates of the standard sheer profile are given in the following Table.

*Measurement of variation from standard sheer profile*

14. (1) Where the sheer p

	<i>Station</i>	<i>Ordinate</i> <i>(in millimetres)</i>	<i>Factor</i>
After half	After perpendicular.....	25 $\left( \frac{L}{3} + 10 \right)$	1
	1/6 (L) from A.P. ....	11.1 $\left( \frac{L}{3} + 10 \right)$	3
	1/3 (L) from A. P. ....	2.8 $\left( \frac{L}{3} + 10 \right)$	3
	Amidships.....	0	1
Forward half	Amidships.....	0	1
	1/3 (L) from F.P. ....	5.6 $\left( \frac{L}{3} + 10 \right)$	3
	1/6 (L) from F.P. ....	22.2 $\left( \frac{L}{3} + 10 \right)$	3
	Forward perpendicular .....	50 $\left( \frac{L}{3} + 10 \right)$	3

rofile of a ship differs from the standard sheer profile, the four ordinates of each profile in the freeboard and after halves of the ship shall be multiplied by the appropriate factors given in the Table of ordinates in the preceding paragraph. The difference between the sums of the respective products and those of the standard divided by 8 shall be the deficiency or excess of sheer in the forward or after half. The arithmetical mean of the excess or deficiency in the forward and after halves shall be the excess or deficiency of sheer.

(2) Where the after half of the sheer profile is greater than the standard sheer profile and the forward half is less than the standard sheer profile, no credit shall be allowed for the part in excess, and deficiency only shall be measured.

(3) Where the forward half of the sheer profile exceeds the standard sheer profile, and the after half of the sheer profile is not less than 75% of the standard sheer profile, credit shall be allowed for the part in excess.

Where the after half of the sheer profile is less than 50% of the standard sheer profile, no credit shall be given for the excess of sheer forward.

Where the sheer in the after half is between 50% and 75% of the standard sheer profile, intermediate allowances may be granted for excess sheer forward.

Where sheer credit is given for a poop or forecastle the following formula shall be used-

Y L'  
S=-x -----  
3 (L)

Where  $s$  = sheer credit, to be deducted from the deficiency or added to the excess of sheer;

$y$  = difference between actual and standard height of superstructure at the end ordinate of sheer; and

$L'$  = means enclosed length of poop or forecastle up to a maximum length of  $0.5 (L)$ .

The above formula provides a curve in the form of a parabola tangential to the actual sheer curve at the freeboard deck and intersecting the end ordinate at a point below the superstructure deck at a distance equal to the standard height of the poop or forecastle. The superstructure deck shall not be less than standard height above this curve at any point. This curve shall be used in determining the sheer profile for forward and after halves of the ship.

*Correction of variations from standard sheer profile*

**15.** (1) The correction for sheer shall be the deficiency or excess of sheer determined in accordance with paragraph 14 multiplied by-

$$0.75 \frac{S}{2(L)}$$

(2) In the case of a ship with sheer less than the standard sheer profile, the correction for deficiency of sheer determined in accordance with sub-paragraph (1) shall be added to the basic freeboard of the ship.

(3) Subject to sub-paragraph (4), in the case of a ship having an excess of sheer-

- (a) if an enclosed superstructure covers  $0.1 (L)$  before and  $0.1 (L)$  abaft amidships, the correction for excess of sheer determined in accordance with sub-paragraph (1) shall be deducted from the basic freeboard of the ship;
- (b) if no enclosed superstructure covers amidships, no deductions shall be made from the basic freeboard of the ship;
- (c) if an enclosed superstructure covers less than  $0.1 (L)$  before and  $0.1 (L)$  abaft amidships, the correction for excess of sheer determined in accordance with sub-paragraph (1) shall be modified in the ratio of the amount of  $0.2 (L)$  amidships which is covered by the superstructure, to  $0.2 (L)$ .

(4) The maximum deduction for excess sheer shall be at the rate of 125 millimetres per 100 metres of length  $(L)$ .

*Correction for minimum bow height*

**16.** (1) Except as otherwise provided in sub-paragraphs (2) and (3), where the bow height of a ship determined in accordance with sub-paragraph (4) is less than the minimum bow height appropriate to the ship determined in accordance with sub-paragraph (5), the freeboard determined for the ship in accordance with the foregoing paragraphs shall be increased by an amount equal to the difference between the bow height and the minimum bow height.

(2) Where an existing ship to which sub-paragraph (1) applies has been so constructed or modified as to comply with all the requirements of the Fourth Schedule applicable to a new ship of her type and is to be assigned freeboards determined in accordance with this Schedule, and/or-

- (a) the forecastle is less than  $0.07 (L)$ ;
- (b) the sheer extends for less than 15% of the ship's length  $(L)$  measured from the forward perpendicular,

the freeboard determined for the ship in accordance with the foregoing paragraphs shall be increased by such amount as the Minister may determine in each particular case.

(3) In the case of a ship to which sub-paragraph (1) applies being a ship which is constructed to meet exceptional requirements, the correction to be made pursuant to the preceding sub-paragraphs may be reduced or waived if the Minister is satisfied that the safety of the ship will not be impaired in consequence in the worst sea and weather conditions likely to be encountered by the ship in service.

(4) The bow height of a ship is the vertical distance at the forward perpendicular between the Summer load waterline of the ship at the designed trim and the top of the exposed deck at side ascertained as follows-

- (a) where the bow height is obtained by including sheer, the sheer shall extend for not less than 15% of the ship's length (L) measured from the forward perpendicular;
- (b) where the bow height is obtained by including the height of a superstructure, such superstructure shall-
  - (i) extend from the stem to a point not less than 0.07 of the ship's length (L) measured from the forward perpendicular;
  - (ii) if the ship's length (L) is 100 metres or less, be an enclosed superstructure; and
  - (iii) if the ship's length (L) exceeds 100 metres in length, be fitted with satisfactory closing appliances.

(5) The minimum bow height for a ship shall be derived from formula 1 in the case of a ship of less than 250 metres in length (L) and from formula 2 in the case of a ship of 250 metres or more in length (L)

#### FORMULA 1

$$\frac{56(L) (1 - \frac{L}{1.36})}{500 C_b + 0.68} \text{ millimetres}$$

#### FORMULA 2

$$\frac{(1.36)}{7000 C + 0.68} \text{ millimetres}$$

C, being taken as not less than 0.68 in the case of each formula.

### PART II

#### *Timber Freeboard*

#### *Summer Timber freeboard*

**17.** The Summer Timber freeboard shall be determined as follows-

(1) There shall first be ascertained the freeboard appropriate to the ship under the provisions of sub-paragraphs (1), (2) (a), (9) and (10) of paragraph 5 of this Schedule.

(2) Corrections shall be applied to the freeboard so obtained in accordance with the provisions of sub-paragraphs 6 to 10 of this Schedule.

(3) Deductions for the effective length of superstructures only shall be made from the freeboard obtained pursuant to the preceding sub-paragraphs, in accordance with the provisions of paragraph 11 (1) and (2) (b) of this Schedule

but substituting for the Table "Percentage of Deduction for Type 'B' ships"  
therein the following Table-



TABLE

	<i>Total effective length of</i>										
	0	0,1 (L)	0,2 (L)	0,3 (L)	0,4 (L)	0,5 (L)	0,6 (L)	0,7 (L)	0,8 (L)	0,9 (L)	1,0 (L)
Percentage of deduction for types of super-structures	20	31	42	53	64	70	76	82	88	94	100

Percentages at intermediate lengths of superstructures shall be obtained by linear interpolation.

(4) Corrections shall be applied to the freeboard obtained pursuant to the preceding subparagraph in accordance with the provisions of paragraphs 12 to 15 of this Schedule, and the freeboard so corrected shall be the Summer Timber freeboard to be assigned to the ship.

*Other timber freeboards*

**18. (1)** The Winter Timber freeboard shall be obtained by adding to the Summer Timber freeboard one thirty-sixth (1/36th) of the summer timber draught of the ship.

(2) The Winter North Atlantic Timber freeboard shall be the same as the Winter North Atlantic freeboard assigned to the ship.

(3) The Tropical Timber freeboard shall be obtained by deducting from the Summer Timber freeboard one forty-eighth (1/48th) of the summer draught of the ship.

(4) (a) The Fresh Water Timber freeboard shall, subject to subparagraph (b), be obtained by deducting from the Summer Timber freeboard the quantity-

$$\frac{\Delta}{4T}$$

--millimetres

where  $\Delta$  is the displacement in salt water in metric tons at the waterline which will when load lines have been marked on the ship's side correspond to the Summer Timber load line, and T represents metric tons per centimetre immersion in salt water as that waterline.

(b) In any case in which the displacement at that waterline cannot be ascertained the deduction shall be one forty-eighth (1/48th) of the Summer Timber draught of the ship.

PART III

*Sailing ships and other ships*

*Sailing ships and tugs*

**19.** The freeboards to be assigned to sailing ships and tugs shall be freeboards determined in accordance with the provisions of Part I of this Schedule increased by such amounts as the Minister may direct in each particular case.

*Ships of wood and other ships*

**20.** The freeboards to be assigned to ships of wood or of composite construction or of other materials, or to ships with constructional features such as to render freeboards

calculated in accordance with Part I of this Schedule unreasonable or impracticable shall be determined by the Minister in each particular case.

*Unmanned barges*

21. The freeboards to be assigned to unmanned barges having on the freeboards deck only small access openings closed by watertight gasketed covers of steel shall be freeboard determined in accordance with the provisions of Part I of this Schedule omitting paragraphs 5 and 16. Such freeboards may be reduced by such amounts not exceeding 25% as the Minister may direct in each particular case.

SIXTH  
SCHEDULE  
[Fifth Schedule.]

*Freeboard Tables*

1. The following is Freeboard Table A referred to in the definition of "tabular freeboard" in paragraph 1 of the Fifth Schedule.

TABLE A

*Freeboard Table for Type "A" Ships*

<i>Length of (metres)</i>	<i>Freeboard (millimetre)</i>	<i>Length of (metres)</i>	<i>Freeboard (millimetre)</i>	<i>Length of (metres)</i>	<i>Freeboard (millimetre)</i>
24	200	32	267	40	334
25	208	33	275	41	344
26	217	34	283	42	354
27	225	35	292	43	364
28	233	36	300	44	374
29	242	37	308	45	385
30	250	38	316	46	396
31	258	39	325	47	408
48	420	91	999	134	1702
49	432	92	1014	135	1719
50	443	93	1029	136	1736
51	455	94	1044	137	1753
52	467	95	1059	138	1770
53	478	96	1074	139	1787
54	490	97	1089	140	1803
55	503	98	1105	141	1820
56	516	99	1120	142	1837
57	530	100	1135	143	1853
58	544	101	1151	144	1870
59	559	102	1166	145	1886
60	573	103	1181	146	1903
61	587	104	1196	147	1919
62	600	105	1212	148	1935
63	613	106	1228	149	1952
64	626	107	1244	150	1968

*Merchant Shipping  
Act*

TABLE A -  
*continued*

<i>Length of (metres)</i>	<i>Freeboard (millimet)</i>	<i>Length of (metres)</i>	<i>Freeboard (millimetre)</i>	<i>Length. of (metres)</i>	<i>Freeboard (millimetre)</i>
65	639	108	1260	151	1984
66	653	109	1276	152	2000
67	666	110	1293	153	2016
68	680	111	1309	154	2032
69	693	112	1326	155	2048
70	706	113	1342	156	2064
71	720	114	1359	157	2080
72	733	115	1376	158	2096
73	746	116	1393	159	2111
74	760	117	1409	160	2126
75	773	118	1426	161	2141
76	786	119	1442	162	2155
77	800	120	1459	163	2169
78	814	121	1476	164	2184
79	828	122	1494	165	2198
80	841	123	1511	166	2212
81	855	124	1528	167	2226
82	869	125	1546	168	2240
83	883	126	1563	169	2254
84	897	127	1580	170	2268
85	911	128	1598	171	2281
86	926	129	1615	172	2294
87	940	130	1632	173	2307
88	955	131	1650	174	2320
89	969	132	1667	175	2332
90	984	133	1684	176	2345
177	2357	220	2792	263	3089
178	2369	221	2801	264	3095
179	2381	222	2809	265	3101
180	2393	223	2817	266	3106
181	2405	224	2825	267	3112
182	2416	225	2833	268	3117
183	2428	226	2841	269	3123
184	2440	227	2849	270	3128
185	2451	228	2857	271	3133
186	2463	229	2865	272	3138
187	2474	230	2872	273	3143
188	2486	231	2880	274	3148
189	2497	232	2888	275	3153
190	2508	233	2895	276	3158
191	2519	234	2903	277	3163
192	2530	235	2910	278	3167
193	2541	236	2918	279	3172

TABLE A - *continued*

<i>Length of (metres)</i>	<i>Freeboard (millimetre)</i>	<i>Length of (metres)</i>	<i>Freeboard (millimetre)</i>	<i>Length of (metres)</i>	<i>Freeboard (millimetre)</i>
194	2552	237	2925	280	3176
195	2562	238	2932	281	3181
196	2572	239	2939	282	3185
197	2582	240	2946	283	3189
198	2592	241	2953	284	3194
199	2602	242	2959	285	3198
200	2612	243	2966	286	3202
201	2622	244	2973	287	3207
202	2632	245	2979	288	3211
203	2641	246	2986	289	3215
204	2650	247	2993	290	3220
205	2659	248	3000	291	3224
206	2669	249	3006	292	3228
207	2678	250	3012	293	3233
208	2687	251	3018	294	3237
209	2696	252	3024	295	3241
210	2705	253	3030	296	3246
211	2714	254	3036	297	3250
212	2723	255	3042	298	3254
213	2732	256	3048	299	3258
214	2741	257	3054	300	3262
215	2749	258	3060	301	3266
216	2758	259	3066	302	3270
217	2767	260	3072	303	3274
218	2775	261	3078	304	3278
219	2784	262	3094	305	3281
306	3285	326	3347	346	3396
307	3288	327	3350	347	3399
308	3292	328	3353	348	3401
309	3295	329	3355	349	3403
310	3298	330	3358	350	3406
311	3302	331	3361	351	3408
312	3305	332	3363	352	3410
313	3308	333	3366	353	3412
314	3312	334	3368	354	3414
315	3315	335	3371	355	3416
316	3318	336	3373	356	3418
317	3322	337	3375	357	3420
318	3325	338	3378	358	3422
319	3328	339	3380	359	3423
320	3331	340	3382	360	3425
321	3334	341	3385	361	3427
322	3337	342	3387	362	3428

<i>Length of (metres)</i>	<i>Freeboard (millimetres)</i>	<i>Length of (metres)</i>	<i>Freeboard (millimetre)</i>	<i>Length of (metres)</i>	<i>Freeboard millimetre</i>
323	3339	343	3389	363	3430
324	3342	344	3392	364	3432
325	3345	345	3394	365	3433

Freeboards at intermediate lengths of ship shall be obtained by linear interpolation.

2. The following is Freeboard Table B referred to in the definition of "tabular freeboard" in paragraph 1 of the Fifth Schedule.

**TABLE B**  
*Freeboard Table for Type "B" Ships*

<i>Length of (metres)</i>	<i>Freeboard (millimetres)</i>	<i>Length of (metres)</i>	<i>Freeboard (millimetres)</i>	<i>Length of (metres)</i>	<i>Freeboard (millimetres)</i>
24	200	64	629	104	1359
25	208	65	644	105	1380
26	217	66	659	106	1401
27	225	67	674	107	1421
28	233	68	689	108	1440
29	242	69	705	109	1459
30	250	70	721	110	1479
31	258	71	738	111	1500
32	267	72	754	112	1521
33	275	73	769	113	1543
34	283	74	784	114	1565
35	292	75	800	115	1587
36	300	76	816	116	1609
37	308	77	833	117	1630
38	316	78	850	118	1651
39	325	79	868	119	1671
40	334	80	887	120	1690
41	344	81	905	121	1709
42	354	82	923	122	1729
43	364	83	942	123	1750
44	374	84	960	124	1771
45	385	85	978	125	1793
46	396	86	996	126	1815
47	408	87	1015	127	1837
48	420	88	1034	128	1859
49	432	89	1054	129	1880
50	443	90	1075	130	1901
51	455	91	1096	131	1921
52	467	92	1116	132	1940
53	478	93	1135	133	1959
54	490	94	1154	134	1979

<i>Length of (metres)</i>	<i>Freeboard (millimetres)</i>	<i>Length of (metres)</i>	<i>Freeboard (millimetre)</i>	<i>Length of (metres)</i>	<i>Freeboard (millimetres)</i>
55	503	95	1172	135	2000
56	516	96	1190	136	2021
57	530	97	1209	137	2043
58	544	98	1229	138	2065
59	559	99	1250	139	2087
60	573	100	1271	140	2109
61	587	101	1293	141	2130
62	601	102	1315	142	2151
63	615	103	1337	143	2171
144	2190	187	3044	230	3735
145	2209	188	3062	231	3750
146	2229	189	3080	232	3765
147	2250	190	3098	233	3780
148	2271	191	3116	234	3795
149	2293	192	3134	235	3808
150	2315	193	3151	236	3821
151	2334	194	3167	237	3835
152	2354	195	3185	238	3849
153	2375	196	3202	239	3864
154	2396	197	3219	240	3880
155	2418	198	3235	241	3893
156	2440	199	3249	242	3906
157	2460	200	3264	243	3920
158	2480	201	3280	244	3934
159	2500	202	3296	245	3949
160	2520	203	3313	246	3965
161	2540	204	3330	247	3978
162	2560	205	3347	248	3992
163	2580	206	3363	249	4005
164	2600	207	3380	250	4018
165	2620	208	3397	251	4032
166	2640	209	3413	252	4045
167	2660	210	3430	253	4058
168	2680	211	3445	254	4072
169	2698	212	3460	255	4085
170	2716	213	3475	256	4098
171	2735	214	3490	257	4112
172	2754	215	3505	258	4125
173	2774	216	3520	259	4139
174	2795	217	3537	260	4152
175	2815	218	3554	261	4165
176	2835	219	3570	262	4177
177	2855	220	3586	263	4189

<i>Length of ship (metres)</i>	<i>Freeboard (millimetres)</i>	<i>Length of J (metres)</i>	<i>Freeboard (millimetres)</i>	<i>Length of ship (metres)</i>	<i>Freeboard (millimetres)</i>
178	2875	221	3601	264	4201
179	2895	222	3615	265	4214
180	2915	223	3630	266	4227
181	2933	224	3635	267	4240
182	2952	225	3660	268	4252
183	2970	226	3675	269	4264
184	2988	227	3690	270	4276
185	3007	228	3705	271	4289
186	3025	229	3720	272	4302
273	4315	304	4676	335	5005
274	4327	305	4686	336	5015
275	4339	306	4695	337	5025
276	4350	307	4704	338	5035
277	4362	308	4714	339	5045
278	4373	309	4725	340	5055
279	4385	310	4736	341	5065
280	4397	311	4748	342	5075
281	4408	312	4757	343	5086
282	4420	313	4768	344	5097
283	4432	314	4779	345	5108
284	4443	315	4790	346	5119
285	4455	316	4801	347	5130
286	4467	317	4812	348	5140
287	4478	318	4823	349	5150
288	4490	319	4834	350	5160
289	4502	320	4844	351	5170
290	4513	321	4855	352	5180
291	4525	322	4866	353	5190
292	4537	323	4878	354	5200
293	4548	324	4890	355	5210
294	4560	325	4899	356	5220
295	4572	326	4909	357	5230
296	4583	327	4920	358	5240
297	4595	328	4931	359	5250
298	4607	329	4943	360	5260
299	4618	330	4955	361	5268
300	4630	331	4965	362	5276
301	4642	332	4975	363	5285
302	4654	333	4985	364	5294
303	4665	334	4995	365	5303

Freeboards at intermediate lengths of ship shall be obtained by linear interpolation.



## SEVENTH SCHEDULE

[Rule 29.]

### *Information as to stability of ships*

The information relating to the stability of a ship to be provided to the master pursuant to rule 29 of these Rules shall include particulars appropriate to the ship of the matters specified below. Such particulars shall be in the form of a statement unless the contrary is indicated.

1. The ship's name, official number, port of registry, gross and register tonnages, principal dimensions, displacement, deadweight and draught to the Summer load line.
2. A profile view and, if the Minister so requires in a particular case, plan views of the ship drawn to scale showing with their names all compartments, tanks, storerooms and crew and passenger accommodation spaces, and also showing the mid-length position.
3. The capacity and the centre of gravity (longitudinally and vertically) of every compartment available for the carriage of cargo, fuel, stores, feed water, domestic water or water ballast.

In the case of a vehicle ferry, the vertical centre of gravity of compartments for the carriage of vehicles shall be based on the estimated curves of gravity of the vehicles and not on the volumetric centres of the compartments.

4. The estimated total weight of (a) passengers and their effects and (b) crew and their effects, and the centre of gravity (longitudinally and vertically) of each such total weight. In assessing such centres of gravity passengers and crew shall be assumed to be distributed about the ship in the spaces they will normally occupy, including the highest decks to which either or both have access.
5. The estimated weight and the disposition and centre of gravity of the maximum amount of deck cargo which the ship may reasonably be expected to carry on an exposed deck. The estimated weight shall include in the case of deck cargo likely to absorb water the estimated weight of water likely to be absorbed and allowed for in arrival conditions, such weight in the case of timber deck cargo being taken to be 15% by weight.
6. A diagram or scale showing the load line mark and load lines with particulars of the corresponding freeboards, and also showing the displacement, metric tons per centimetre immersion, and deadweight corresponding in each case to a range of mean draughts extending between the waterline representing the deepest load line and the waterline of the ship in light condition.
7. A diagram or tabular statement showing the hydrostatic particulars of the ship, including-
  - (1) the heights of the transverse metacentre and
  - (2) the values of the moment to change trim one centimetre,for a range of mean draughts extending at least between the waterline representing the deepest load line and the waterline of the ship in light condition. Where a tabular statement is used, the intervals between such draughts shall be

sufficiently close to permit accurate interpolation. In the case of ships having raked keels, the same datum for the heights of centres of buoyancy and metacentres shall be used as for the centres of gravity referred to in paragraphs 3, 4 and 5.

8. The effect on stability of free surface in each tank in the ship in which liquids may be carried, including an example to show how the metacentric height is to be corrected.

9. (1) A diagram showing cross curves of stability indicating the height of the assumed axis from which the Righting Levers are measured and the trim which has been assumed. In the case of ships having raked keels, where a datum other than the top of keel has been used, the position of the assumed axis shall be clearly defined.

(2) Subject to the following sub-paragraph, only (a) enclosed superstructures and (b) efficient trunks as defined in paragraph 10 of the Fifth Schedule, shall be taken into account in deriving such curves.

(3) The following structures may be taken into account in deriving such curves if the Minister is satisfied that their location, integrity and means of closure shall contribute to the ship's stability-

(a) superstructures located above the superstructure deck;

(b) deckhouses on or above the freehold deck, whether wholly or in part only;

(c) hatchway structures on or above the freeboard deck.

Additionally, in the case of a ship carrying timber deck cargo, the volume of the timber deck cargo, or a part thereof, may, with the Minister's approval, be taken into account in deriving a supplementary curve of stability appropriate to the ship when carrying such cargo.

(4) An example shall be given showing how to obtain a curve of Righting Levers (GZ) from the cross curves of stability.

(5) Where the buoyancy of a superstructure is to be taken into account in the calculation of stability information to be supplied in the case of a vehicle ferry or similar ship having bow doors, ship's side doors or stem doors, there shall be included in the stability information a specific statement that such doors shall be secured weathertight before the ship proceeds to sea and that the cross curves of stability are based upon the assumption that such doors have been so secured. 10. (1) The diagram and statements referred to in sub-paragraph (2) of this paragraph shall be provided separately for each of the following conditions of the ship--

(a) Light condition. If the ship has permanent ballast, such diagram and statements shall be provided for the ship in light condition both (i) with such ballast, and (ii) without such ballast.

(b) Ballast condition, both (i) on departure, and (ii) on arrival, it being assumed for the purpose of the latter in this and the following sub-paragraphs that oil fuel, fresh water, consumable stores and the like are reduced to 10% of their capacity.

(c) Condition both (i) on departure, and (ii) on arrival, when loaded to the Summer load line with cargo filling all spaces available for cargo, cargo for this purpose being taken to be homogeneous cargo except where this is clearly inappropriate, for example in the case of cargo spaces in a ship which are intended to be used exclusively for the carriage of vehicles or of containers.

(d) Service loaded conditions, both (i) on departure and (ii) on arrival.

(2) (a) A profile diagram of the ship drawn to a suitable small scale, showing the disposition of all components of the deadweight.

(b) A statement showing the lightweight, the disposition and the total weights of all components of the deadweight, the displacement, the corresponding positions of the centre of gravity, the metacentre and also the metacentric height (GM).

(c) A diagram showing a curve of Righting Levers (GZ) derived from the cross curves of stability referred to in paragraph 9. Where credit is shown for the buoyancy of a timber deck cargo, the curve of Righting Levers (GZ) must be drawn both with and without this credit.

(3) The metacentric height and the curve of Righting Levers (GZ) shall be corrected for liquid-free surface.

(4) Where there is a significant amount of trim in any of the conditions referred to in sub-paragraph (1), the metacentric height and the curve of Righting Levers (GZ) may be required to be determined from the trimmed waterline.

(5) If in the opinion of the Minister the stability characteristics in either or both of the conditions referred to in sub-paragraph (1) (c) are not satisfactory, such conditions shall be marked accordingly and an appropriate warning to the master shall be inserted.

**11.** Where special procedures such as partly filling or completely filling particular spaces designed for cargo, fuel, fresh water or other purposes are necessary to maintain adequate stability, a statement of instructions as to the appropriate procedure in each case.

**12.** A copy of the report on the inclining test and of the calculation therefrom of the light condition particulars.

## MERCHANT SHIPPING (TONNAGE) REGULATIONS

### ARRANGEMENT OF REGULATIONS

#### *Measurement, etc., of tonnage*

#### REGULATION

1. Tonnage measurement certificates. Offence.
2. Powers of surveyors of ships and methods of determining tonnage.

#### *Gross tonnage*

3. Components of gross tonnage.
4. Underdeck tonnage.
5. Tonnage of hatchways.
6. Exclusion of closed-in spaces on or above the upper deck not to be included in gross tonnage.

*Register tonnage*

REGULATION

7. Register tonnage.
8. Space to be deducted.
9. Allowance for propelling machinery space.

*Modified and alternative gross and register tonnage*

10. Modified gross and register tonnage of ships with certain freeboards.
11. Alternative tonnages.

*Miscellaneous and supplemental*

12. Fishing boats.
13. Remeasurement of tonnage of ships already registered.
14. Space occupied by deck cargo liable to dues.
15. Short title, interpretation, etc.

FIRST SCHEDULE

*Measurement of tonnage*

SECOND SCHEDULE

*Limitation of heights and depths, etc., in ascertaining underdeck  
tonnage measurements*

THIRD SCHEDULE

*Tonnage marks*

FOURTH SCHEDULE

*Position of tonnage marks*

**MERCHANT SHIPPING (TONNAGE) REGULATIONS**

[L.N. 82 of 1970.]  
under section 350

[14th February,  
1969]

[Commencement.]

*Measurement etc., of tonnage*

**1. Tonnage measurement certificates**

( 1 ) Where it is necessary to measure the tonnage of a ship to which these Regulations apply in Nigeria, it shall be ascertained in accordance with these Regulations.

(2) Application shall be made by the owner or master to the Minister in a form prescribed by or acceptable to the Government Inspector of Shipping and-

- (a) if the application relates to a ship registered in Nigeria, the Minister shall after the measurement is made by a surveyor of ships, issue a certificate containing the following particulars-
- (i) the name, port of registry and official number of the ship;
  - (ii) its registered dimensions;
  - (iii) its gross tonnage and the tonnage of each of the components thereof specified in regulation 3 (1) of these Regulations;
  - (iv) its registered tonnage and the deductions and allowances made pursuant to regulations 8 and 9 respectively in ascertaining that tonnage;
  - (v) in the case of a ship to which modified gross and register tonnages or alternative tonnages have been assigned in accordance with regulation 10 or 11, as the case may be, particulars of the spaces the tonnage of which has been excluded by virtue of the provisions of that regulation in ascertaining such tonnages;
  - (vi) the position in which any tonnage mark assigned to the ship is placed;
- (b) if for any reason it is necessary to ascertain the tonnage of any other ship (not otherwise exempted under these Regulations) so as to fix the amount of rates and charges based thereon, the Minister may issue a certificate of Nigerian tonnage ascertained in accordance with these Regulations, and the gross tonnage and register tonnage set out therein shall be those tonnages for the purposes of rates and charges as aforesaid, until the contrary is shown by reason of any subsequent alteration in the form or capacity of the ship or an erroneous computation is discovered to have been made.

(3) On remeasurement in Nigeria of a ship, any certificate of Nigerian tonnage in force in relation to that ship shall be delivered up to the Minister and the Minister shall issue a new certificate in place thereof.

### **Offence**

(4) The failure to deliver up to the Minister any certificate or other document relating to tonnage in force immediately before delivery of a certificate under this regulation shall be an offence in respect of which the owner and the master shall be jointly and severally liable and punishable on summary conviction by a fine of not less than ₦ 100 or more than ₦200 and where the offence is a continuing one, the penalty shall be increased by ₦10 for every day or part of a day during which the offence continues.

## **2. Powers of surveyors of ships and methods of determining tonnage**

(1) A surveyor of ships may require the owner or master of a ship being measured under these Regulations to afford him every facility in his inspection of the ship and the taking by him of measurements, and in the course thereof to produce for his use and retention, if he thinks it necessary, all plans, drawings, specifications and other relevant documents of or relating to the ship.

(2) The measurement of the tonnage of a ship shall be effected in the manner prescribed in the First Schedule (Rule 1) and in the Second Schedule to these Regulations, so however that if the ship is laden, or for any other reason the measurement of the tonnage of the ship below the upper deck in accordance with the foregoing provisions of this paragraph is, in the opinion of the surveyor of ships not reasonably practicable, the tonnage shall be ascertained by admeasurement in the manner prescribed in the First Schedule (Rule II), and where the measurement is so ascertained pursuant to Rule II aforesaid the provisions of regulations 11 and 12 shall (subject however to the next succeeding

paragraph) not apply.

[First Schedule.]

(3) The Minister may, on the application of the owner of any ship the tonnage of which below the upper deck has been measured in accordance with the First Schedule (Rule II), direct the tonnage to be measured, when practicable, in accordance with the First Schedule (Rule I); and if so measured thereafter, the particulars relating to its registered tonnage shall where necessary be altered accordingly.

### *Gross Tonnage*

### **3. Components of gross tonnage**

(1) Save where these Regulations make other provision in respect thereof, the gross tonnage of a ship shall be the sum of-

- (a) the underdeck tonnage of the ship ascertained in accordance with the provisions of regulation 4 and paragraph 1 of the First Schedule (Rule 1) to these Regulations;

[First Schedule.]

- (b) the tonnage of between-deck space between the second deck and the upper deck ascertained in accordance with the provisions of paragraph 2 of the said First Schedule (Rule 1);

- (c) the tonnage of permanently closed-in spaces on or above the upper deck including that of breaks situated above the line of the deck but excluding-
- (i) the tonnage of hatchways described in regulation 5 below;

- (ii) the tonnage of framed-in spaces on or above the upper deck which contain any part of the propelling machinery, or which light or ventilate space appropriated for such machinery;

- (iii) any space excluded by virtue of the provisions of regulation 6 (1) below ascertained in accordance with the provisions of paragraphs 3, 4 and 5 of the said First Schedule (Rule 1);

- (d) the tonnage of hatchways described in regulation 5 below ascertained in accordance with the provisions of that regulation and paragraph 5 of the said First Schedule (Rule I); and

[First Schedule.]

- (e) (if the owner in writing addressed to the Minister so requests) the tonnage of framed-in spaces on or above the upper deck which contain any part of the propelling machinery or which light or ventilate space appropriated for such machinery, ascertained in accordance with the provisions of paragraph 5 of the said First Schedule (Rule 1), so however in such event that-

[First Schedule.]

- (i) the framed-in spaces are certified to in writing by a surveyor of ships that they are properly constructed, are reasonable in extent and cannot be used for any other purpose and that they are safe and seaworthy; and
- (ii) the framed-in spaces are permanently marked by a notice stating their purpose.

(2) Where the tonnage of a ship below the upper deck has been measured in accordance with the First Schedule (Rule II) to these Regulations, that tonnage shall be substituted for the tonnages in divisions (a) and (b) of paragraph (1) of this regulation.

[First Schedule.]

#### **4. Underdeck tonnage**

The underdeck tonnage of a ship shall be the sum of-

- (a) the tonnage of the space below the tonnage deck bounded by-
  - (i) the tonnage deck;
  - (ii) the upper surface of the double bottom tanks, open floors or ceiling, as the case may be; and
  - (iii) the inner face of the timber, frames or sparring, as the case may be, measured in accordance with the provisions of paragraph 1 of the First Schedule (Rule I) to these Regulations, (subject to any applicable limitations specified in the Second Schedule), and excluding the tonnage of breaks above the line of the tonnage deck; and

[First Schedule. Second Schedule.]

- (b) the tonnage of shaft bossings and any other appendages forming part of the hull of the ship below the tonnage deck whether or not they project beyond the extreme points of measurement of that deck.

#### **5. Tonnage of hatchways**

The tonnage of all hatchways leading to space included in the gross tonnage of the ship (other than internal hatchways totally enclosed within such space) shall be measured in accordance with paragraph 5 of the First Schedule (Rule I) to these Regulations; and from the aggregate thereof there shall be deducted  $\frac{1}{2}$  per cent of the ship's gross tonnage excluding such aggregate, and the remainder (if any) shall be the tonnage of hatchways (customarily referred to by naval architects as "excess of hatchways") for inclusion in the gross tonnage of the ship.

[First Schedule.]

#### **6. Exclusion of closed-in spaces on or above the upper deck from gross tonnage**

(1) Subject to paragraph (2) of this regulation, permanently closed-in spaces of the following kinds situated on or above the upper deck shall not be included in the gross tonnage of the ship that is to say-

- (a) any dry cargo space, unless situated in a break above the line of the upper deck;
- (b) the space fitted with and appropriated for the use of machinery or condensers;



- (c) the wheelhouse and chartroom, and space fitted with and appropriated for the use of radio and navigational aids;
- (d) skylights, domes and trunks which light or ventilate the space they serve;
- (e) chain lockers, and space appropriated for the working of the steering gear, the anchor gear and capstan;
- (F) the space appropriated for the storage of safety equipment or batteries;
- (g) companions and access hatches serving as protection for stairways or ladderways leading to space below, and openings over such stairways and ladderways;
- (h) the galley, and any separate bakery fitted with ovens, so however in either case that no part thereof is appropriated for use for any other purpose;
- (i) washing and sanitary accommodation forming part of the crew accommodation or appropriated for the use of the master;
- (j) the lamp room and any workshops and storerooms appropriated for the use of pumpmen, engineers, electricians, carpenters and boatswains;
- (k) water ballast tanks not appropriated for use for any other purpose;
- (I) shelter space providing weather protection only for use, free of charge, by deck passengers in ships and intended for use only on voyages not exceeding ten hours' duration;
- (m) sheltered promenade space, glassed in and unfurnished except for deckchairs or similar light portable seating, intended for use in ships on international voyages.

(2) With the exception of spaces within division (a) thereof, paragraph (1) of this regulation shall not apply to other closed-in spaces unless a surveyor of ships certifies in writing that they are reasonable in extent, are properly constructed for the particular purposes designated in the certificate, and that any such space is permanently marked by a notice stating its purpose.

### *Register tonnage*

#### **7. Register tonnage**

(1) Subject to the provisions of this and of any other of these Regulations, the register tonnage of a ship shall be the tonnage obtained by deducting from its gross tonnage-

- (a) the allowable tonnage of spaces within regulation 8 of these Regulations; and
- (b) the tonnage allowance for propelling machinery space determined in accordance with regulation 9 of these Regulations.

(2) The deduction under paragraph (1) of this regulation shall in any case be subject to the conditions, limitations or restrictions (if any), applicable thereto; and a deduction of the tonnage of any such space shall not be made without first being included in the ship's gross tonnage.

## 8. Space to be deducted

(1) In the application of regulation 7 (1) (a) of these Regulations, but subject to paragraph 2 of this regulation, the spaces to be deducted shall be-

- (a) any space appropriated for the accommodation of the master;
- (b) crew accommodation, except space appropriated for the storage of fresh water and space appropriated for the storage of provisions (other than fresh water) being in the latter case space in excess of fifteen per cent of the aggregate of-
  - (i) space appropriated for the accommodation of the master; and
  - (ii) crew accommodation other than space appropriated for the storage of provisions and freshwater;
- (c) the wheelhouse and chartroom, and space fitted with and appropriated for the use of radio and navigational aids;
- (d) chain lockers and space appropriated for, or for the working of, the steering gear, anchor gear and capstan;
- (e) space appropriated for the storage of safety equipment or batteries;
- (f) the lamp room and any workshops and storerooms appropriated for the use of pumpmen, electricians, carpenters and boatswains;
- (g) space occupied by the donkey engine and boiler if they are outside the propelling machinery space and connected to the main pumps of the ship;
- (h) space occupied by the main pumps of the ship if they are outside the propelling machinery space;
- (i) in the case of ships wholly propelled by sails, space appropriated for the storage of sails, so however that the total tonnage of such space does not exceed 2 ½ per cent of the ship's gross tonnage; and
- (j) water ballast tanks not appropriated for use for any other purpose, so however that the total tonnage so to be deducted, when added to the tonnage of spaces appropriated for water ballast not included in the gross tonnage of the ship consisting of double bottom space, space below bottom floor level or space above the upper deck, does not exceed nineteen per cent of the ship's gross tonnage.

(2) No deduction shall be made-

- (a) in respect of any space specified in paragraph (1) (b) of these Regulations unless a surveyor of ships certifies that the requirements of enactments applicable to crew accommodation and in particular section 101 of the Merchant Shipping Act have been duly complied with; and  
[Cap. M11.]
- (b) in respect of any space specified in paragraphs (1) (a), or (c) to (j), of these Regulations unless a surveyor of ships certifies that the relevant space is reasonable in extent, is properly constructed for its purpose, and is permanently marked by a notice stating that purpose.

## **9. Allowance for propelling machinery space**

(1) Subject to the provisions of paragraph (2) of this regulation, the tonnage allowance for propelling machinery space to be deducted pursuant to regulation 7 (1) (b) shall be determined as follows-

- (a) in the case of ships propelled by screws-
  - (i) if the tonnage of the propelling machinery space is thirteen per cent or over but less than twenty per cent of the gross tonnage, the allowance shall be 32 per cent of the gross tonnage; and
  - (ii) if the tonnage of the propelling machinery space is less than thirteen per cent of the gross tonnage, the allowance shall be that lesser percentage of the gross tonnage multiplied by  $\frac{32}{13}$ ;
- (b) in the case of ships propelled by paddlewheels-
  - (i) if the tonnage of the propelling machinery space is twenty per cent or over but less than thirty per cent of the gross tonnage, the allowance shall be 37 per cent of the gross tonnage; and
  - (ii) if the tonnage of the propelling machinery space is less than twenty per cent of the gross tonnage, the allowance shall be that lesser percentage of the gross tonnage multiplied by  $\frac{37}{20}$ ;
- (c) in the case of ships to which divisions (a) and (b) of this Regulation do not apply, the allowance shall be-
  - (i) in the case of ships propelled by screws,  $1\frac{3}{4}$  times the tonnage of the propelling machinery space; and
  - (ii) in the case of ships propelled by paddlewheels, times the tonnage of the propelling machinery space.

(2) In the application of paragraph (1) of this Regulation-

- (a) in no case, save that of tugs intended to be used exclusively as such, shall the allowance exceed 55 per cent of that portion of the tonnage of the ship which remains after deducting from its gross tonnage the deduction authorised by regulation 7 (1) (a); and
- (b) deductions shall not be allowed in the case of propelling machinery space and space appropriated for its lighting and ventilation unless a surveyor of ships certifies in writing as to their adequacy and the spaces are permanently marked by notices stating their purpose.

*Modified and alternative gross and register and tonnage*

## **10. Modified gross and register tonnage of ships with certain freeboards**

(1) Where in respect of a ship-

- (a) greater than minimum freeboards have been registered under any applicable load line rule; and
- (b) the position of the load lines is not higher than would have been the case if the freeboards assigned and the position of the load lines had been calculated treating the second deck as the freeboard deck,

the Minister may on the application in writing of the owner, assign to the ship as its gross tonnage and register tonnage, a modified gross tonnage and modified register tonnage ascertained in accordance with paragraph (2) below instead of the gross tonnage and register tonnage ascertained under the foregoing provisions of these Regulations.

(2) When modified gross tonnage and modified register tonnage are to be assigned pursuant to paragraph (1) above, these Regulations shall apply for determining gross tonnage and register tonnage with the following modifications, that is to say-

- (a) for references to the upper deck in-
  - (i) regulation 3 (1) (c) and (e), and (2);
  - (ii) regulation 6 (1);
  - (iii) regulation 8 (1) U);
  - (iv) regulation 15 (3) and in the definition of "propelling machineryspace"; and
  - (v) the First Schedule (Rule I) and in paragraphs 3, 5, and 6, there shall be substituted references to the second deck; and
- (b) regulation 3 (1) (b) and paragraph 2 of the First Schedule (Rule I) shall be omitted.

[First Schedule.]

(3) Where modified tonnages have been assigned to a ship under paragraph (1) of this regulation, there shall be placed on each side of the ship the tonnage mark in figure 1 in the annex to the Third Schedule to these Regulations, in a position in line with the deepest load line to which the ship may be loaded, (no account being taken for this purpose of timber load lines, but otherwise subject to the foregoing provisions of this regulation) as determined in accordance with the Fourth Schedule to these Regulations.

[Third Schedule. Fourth Schedule.]

## **11. Alternative tonnages**

(1) The Minister may, on the application of the owner of a ship, assign to the ship, as an alternative to its gross tonnage and register tonnage ascertained in accordance with these Regulations, the modified gross tonnage and modified register tonnage ascertained in accordance with the provisions of regulation 10 (2) above.

[Third Schedule. Fourth Schedule.]

(2) Where alternative tonnages have been assigned to a ship there shall be placed on each side of that ship a tonnage mark in the form described in the Third Schedule to these Regulations in a position determined in accordance with the provisions of the Fourth Schedule thereof.

(3) The gross tonnage and register tonnage of the ship shall be taken to be respectively the modified gross tonnage and modified register tonnage when the ship is so loaded that the tonnage mark is not submerged; and at all other times the gross and register tonnages of the ship shall be those ascertained under the foregoing provisions of these Regulations, other than this regulation.

## **12. Fishing boats**

(1) Subject to the provisions of paragraph (2) below, nothing in these Regulations shall apply to Nigerian fishing boats.

[L.N. 75 of 1963.]

(2) The First Schedule (Rule II) to these Regulations shall apply where it is necessary to ascertain the gross tonnage of a Nigerian fishing boat, and where ascertained the provisions of the Fourth Schedule to these Regulations shall have effect; and to give effect hereto, regulation 42 of the Merchant Shipping (Fishing Boat) Regulations shall accordingly be amended by substituting for the words "Rule II of the Third Schedule to the Act" the words "the First Schedule (Rule II) to the Merchant Shipping (Tonnage) Regulations".

[First Schedule. Fourth Schedule. L.N. 75 of 1963.]

## **13. Remeasurement of tonnage of ships already registered**

( 1 ) Where the owner of a ship registered under the Act before the coming into operation of these Regulations applies to the Minister in writing in that behalf, the Minister may direct the measurement of the ship in accordance with the provisions of these Regulations; and in any such case, after remeasurement-

- (a) the ship's existing certificate of registry shall be delivered up to the Registrar of the ship's port of registry or of any other port of registry; and
- (b) the registrar on receipt of the surveyor's certificate giving particulars of the ship as remeasured, grant a new certificate of registry in place of the existing certificate and unless the Registrar is the Registrar of the ship's port of registry, he shall forward the surveyor's certificate to the Registrar of the ship's port of registry and notify the latter of the issue of the new certificate.

(2) As soon as may be after due compliance with the requirements of paragraph (1) above, the Registrar of the ship's port of registry shall make all necessary alterations in his register, and record therein the grant of the new certificate.

(3) The failure to comply with the requirement of paragraph (1) above as to delivery up of a ship's existing certificate of registry before taking possession of a new certificate of registry issued pursuant to this regulation shall be an offence in respect of which the owner and the master shall be jointly and severally liable and punishable on summary conviction by a fine of not less than ₦ 100 or more than N200 and where the offence is a continuing one, the penalty shall be increased by ₦10 for every day or part of a day during which the offence continues.

## **14. Space occupied by deck cargo liable to dues**

(1) Where space is occupied by or designed for certain deck cargo to which section 353 of the Act applies, that space shall be ascertained in accordance with the provisions of paragraph 5 of the First Schedule (Rule I) to these Regulations, so however that if-

[First Schedule.]

- (a) a ship has been assigned alternative gross and register tonnages in pursuance of regulation 11(1); or

- (b) the tonnages applicable to the ship are the modified tonnages ascertained in accordance with regulation 10 (1),

no account shall be taken for the purpose of section 353 of the Act aforesaid of any space which is included in the register tonnage ascertained in respect of the ship in accordance with these Regulations but which is not included in the modified register tonnage, to the extent that the tonnage of such space exceeds the difference between those register tonnages.

(2) Goods or stores shall not be carried in any permanently closed-in space on board the ship which has not been included in the register tonnage of the ship other than-

- (a) dry cargo spaces;
- (b) workshops or storerooms appropriated for the use of pumpmen, engineers, electricians, carpenters, and boatswains;
- (c) the lamp room; or
- (d) double bottom tanks,

and it shall be an offence for goods or stores to be so stacked or stored on board ship in contravention of this paragraph, in respect of which the master and the owner of the ship shall, upon summary conviction, be jointly and severally liable to a fine of not less than ₦100 or more than ₦200.

#### **15. Short title, interpretation, etc.**

(1) These Regulations may be cited as the Merchant Shipping (Tonnage) Regulations.

[L.N. 82 of 1970.]

(2) These Regulations shall apply to all Nigerian ships within the meaning of the Act and any other ships to which regulation 1 (2) (b) applies, so however-

- (a) that nothing herein shall affect ships of war, or pleasure yachts;
- (b) that fishing boats shall be affected only by regulation 12 above.

(3) In these Regulations, unless the context otherwise requires-

**"the Act"** means the Merchant Shipping Act;

[Cap. M11 I L.N. 69 of 1964.]

**"crew accommodation"** has the like meaning as in the Merchant Shipping (Crew accommodation) Regulations;

**"dry cargo space"** means space appropriated for the carriage of cargo other than liquid or gaseous matter in bulk;

**"Load Line Rules"** means the Merchant Shipping (Load Line) Rules;

**"permanently closed-in spaces on or above the upper deck"** includes-

[L.N. 81 of 1970.]

**“Propelling machinery space”** space below the upper deck appropriated

- (a) a poop, bridge or forecastle, notwithstanding the presence of an opening in the end transverse bulkhead thereof, unless the opening extends from deck to deck for one half or more of the breadth of the deck in way of the bulkhead;
- (b) a deckhouse notwithstanding the presence of an opening in one of the boundary bulkheads thereof exposed to the weather, unless the opening extends from deck to deck for one half or more of the length of the bulkhead in which it is situated and is four feet or more wide;
- (c) a structure extending from side to side of the ship notwithstanding the presence in it of an opening in the ship's side, unless the opening extends for one half or more of the length of the space which it serves and exceeds in height one third of the distance from deck to deck in way of the opening or 2.5 feet, whichever is the greater;
- (d) a passage way at the ship's side, unless it is four feet wide or more and is completely open to the weather at one end, or both ends, of its length;
- (e) a recess, unless it extends from deck to deck for three feet or more of its width and is exposed to the weather; and
- (f) any space having an opening in the deck over, being a deck exposed to the weather, unless the area of the opening is one quarter or more of the deck area over the space;

for the main and auxiliary propelling machinery of a ship, and includes-

- (a) ventilation, light or escape trunks serving any such space;
- (b) space appropriated for boiler serving such machinery;
- (c) shaft tunnels;
- (d) engineers' storerooms and workshops not exceeding in total tonnage  $\frac{3}{4}$  of one percent of the gross tonnage of the ship;
- (e) soil fuel settling tanks serving the main auxiliary propelling machinery having a total capacity sufficient to provide not less than 24 or more than 96 hours steaming for the ship at the maximum speed,  
And in addition includes if located on or above the upper deck any framed-in space as described in regulation 3(1) (e) and within the gross tonnage of the ship as ascertained in accordance with the regulations;

**"second deck"** means the deck next below the upper deck, being one which-

- (a) is filled as an integral part of the ship's structure; and
- (b) is continuous at least between peak bulkheads, both fore and aft and transversely; and
- (c) has all hatchways fitted with substantial and durable covers,

so however that the second deck shall be taken to be continuous notwithstanding the presence in it of any of the following, that is to say-

- (i) openings serving propelling machinery space or leading to ladderways or stairways;

- (ii) hatch or ventilation trunks, if they do not extend fore and aft from one main transverse bulkhead to another;
- (iii) chain lockers or cofferdams;
- (iv) breaks, the aggregate height of any of which above the line of continuation of the deck, does not exceed four feet;

**"tonnage deck"** in single deck ships means the upper deck and in any other ship means the second deck;

**"upper deck"** means the uppermost deck exposed to sea and weather fitted as an integral part of the ship's structure, being a deck all openings in the weather portions of which are fitted with permanent means of closing, and below which all openings in the sides of the ship are fitted with permanent means of watertight closing, but so however in the case of an open ship that the upper deck shall be taken to be the upper edge of the upper strake of the gunwale.

(2) Tonnage in relation to admeasurement of a ship or space shall be computed in terms of cubic capacity with 100 cubic feet representing I ton; and linear measurements made or taken shall be expressed in feet, so however that parts of a foot shall not be expressed in inches but as decimals of a foot.

## SCHEDULES

### FIRST SCHEDULE

[Regulations 2 (2) and (3); 3; 4; 5; 10 (2); 12 (2) and 14.]

#### *Measurement of tonnage*

### RULE I

#### *Underdeck tonnage*

1. (1) The length of the tonnage deck shall be measured in a straight line in the middle plane of the ship between the points at the forward and after ends of the deck where the underside of the deck, or the line of continuation thereof in way of breaks or discontinuations of the deck meets the inner face of the frames, timbers, ceiling or sparring, as the case may be. Such length so measured is hereafter referred to in this Schedule and in the Second Schedule to these Regulations as the "tonnage length".

(2) In ships which have a break or breaks in a double bottom, the tonnage length shall be measured in parts corresponding to the number and position of such break or breaks.

(3) The tonnage length, or the length of each of the several parts thereof obtained in accordance with sub-paragraph (2), shall be divided into equal parts as shown in the following table so however that if the length of any of the several parts does not exceed 30 feet, that length may be divided into two equal parts-

- (a) length(s) 50 feet or under, into four equal parts;
- (b) length(s) above 50 feet but not exceeding 120 feet, into six equal parts;
- (c) length(s) above 120 feet but not exceeding 180 feet, into eight equal parts;



- (d) length(s) above 180 feet but not exceeding 225 feet, into ten equal parts;
- (e) length(s) above 225 feet, into twelve equal parts.

(4) The transverse area of the ship at each point of division of the tonnage length, or of parts of that length as aforesaid, shall be calculated as follows-

- (a) the depth in the middle plane of the ship from the underside of the tonnage deck to the top of the open floor or double bottom, as the case may be, shall be measured, deducting therefrom the average thickness of ceiling, if fitted, and one third the round of beam. When making the calculation, if the top of the double bottom falls from the middle plane of the ship, there shall be added to the depth the mean of the fall, and if the top of the double bottom rises from the middle plane, a corresponding correction shall be deducted from the depth; and in respect of ships of wooden construction, the lower terminal point of the depth shall be the upper side of the floor timber at the inside of the limber strake, after deducting therefrom the average thickness of ceiling between the bilge planks and the limber strake;
- (b) if the depth so obtained under division (a) above does not exceed 16 feet at the amidship division of the total tonnage length, the depth at each point of division of the tonnage length, or of parts of that length as aforesaid, shall be divided into four equal parts; while depths in excess of 16 feet shall be divided into six equal parts;
- (c) at the point of division between each of the parts obtained under division (b) above, the horizontal breadths to the inner face of the timber, frame, or sparring, as the case may be, shall be measured. Numbering these breadths from the tonnage deck, the even numbered breadths shall be multiplied by four and the others, with the exception of the first and last, by two; these products shall be added together, and to the sum there shall be added the first and last breadths; the quantity thus obtained shall be multiplied by one third of the common interval between the breadths, and the product shall be the transverse area in square feet.

[First Schedule.]

(5) The transverse area obtained under paragraph (4) above shall be numbered from the extreme forward point of measurement of the tonnage length, or of the parts thereof as the case may be; the even numbered areas shall be multiplied by four and the odd numbered areas, other than the first and last, by two; these products shall be added together and to the sum there shall be added the area (if any) of the first and last; the quantity thus obtained shall be multiplied by one third of the common interval between the areas; the product so obtained divided by 100 shall be the underdeck tonnage of the ship exclusive of the tonnage of spaces to be included therein pursuant to the paragraph appendages referred to in (b) of regulation 4 of these Regulations.

*Betweendeck space between the second deck and the upper deck*

2. (1) The betweendeck space between the second deck and the upper deck shall be measured for length in a straight line in the middle plane of the ship between the points at the forward and after ends of the space where the inner surface of the frames, timber, ceiling, or sparring, as the case may be, meets the middle plane of the ship at half the height between the upper surface of the deck and underside of the deck over.

(2) Where a break exists in the second deck or the upper deck, the line of the deck shall be extended through the break parallel to the raised part of the break; and the tonnage of the betweendeck space shall be measured in such a case by reference to the line of the deck so extended.

(3) The length shall be divided into equal parts as provided in paragraph 1(3) of this rule. At each of these points of division the horizontal breadth from the inner face of the frames, timbers or sparring, as the case may be shall be, measured at half the height of the between deck space.

(4) The breadths so obtained shall be numbered from the stem, the stem being number 1.

The even numbered breadths shall be multiplied by four and the odd numbered, other than the first and the last, by two. The products shall be added together and the first and last breadths shall be added to the sum. The resulting quantity shall be multiplied by one third of the common interval between the breadths, and the area thereby found shall be multiplied by the mean height between the upper surface of the deck and the underside of the deck over. The product, when divided by 100, shall be the tonnage of the between deck space.

#### *Breaks in the upper deck*

3. Breaks in the upper deck shall be measured for length in a straight line in the middle plane of the ship between the extremities of the break at half the height of the break, terminal points at the stem or stern being taken as described in paragraph 2 (1) and (2) of this rule. The length so obtained shall be divided into two equal parts for lengths of 50 feet or less, four equal parts for lengths above 50 feet but not more than 225 feet, and six equal parts for lengths over 225 feet. At each of the points of division the horizontal breadth at half the height of the break at the ship's side to the inner face of the frames, timbers, or sparring, as the case may be, shall be measured. Numbering these breadths from the foremost terminal point, the even numbered breadths shall be multiplied by four and the odd numbered, other than the first and last, by two. The products shall be added together and to the sum there shall be added the first and last breadths. The quantity thus obtained shall be multiplied by one third of the common interval between the breadths. The area thus obtained shall be multiplied by the height of the break; and the product, when divided by 100, shall be the tonnage of the break.

[First Schedule.]

#### *Poop, bridge and forecastle*

4. A poop, bridge, or forecastle shall be measured as follows-

The mean length thereof shall be measured at half the height between the upper surface of the deck and the underside of the deck over, terminal points at the stem and stern being taken as described in paragraph 2 (1) and (2) of this Rule. The length so obtained shall be divided into two equal parts for lengths of 50 feet or under, four equal parts for lengths over 50 feet but not exceeding 225 feet, and six equal parts for lengths exceeding 225 feet. At each of the points of division the horizontal breadth shall be measured from the inner face of the frames, timbers or sparring, as the case may be, at half between the upper surface of the deck and the underside of the deck over. Numbering these breadths from the foremost terminal point, the even numbered breadths shall be multiplied by four and the odd numbered, the first and last, by two. The products shall be added together and to the sum there shall be added and first and last breadths. The quantity thus obtained shall be multiplied by one third of the common interval between the breadths, and the area thus obtained shall be multiplied by the mean height of the poop, bridge or forecastle. The product, when divided by 100, shall be the tonnage of the poop, bridge, or forecastle.

#### *Other permanently closed-in spaces on or above the upper deck*

5. Permanently closed-in spaces on or above the upper deck other than those

dealt with in paragraph 4 shall be measured by ascertaining their mean length, breadth and height and the product of multiplying these dimensions together shall, when divided by 100, be the tonnage of the space.

*Propelling machinery's space*

6.(1) Propelling machinery spacer which extends to the Ship'S side and is situated below the upper deck shall be measured as follows-

The mean length shall be measured in each space at half the mean depth, which shall be measured in the middle plane of the ship from the underside of the deck forming the crown of the space to the top of the double bottom or open floors, allowance being made for ceiling if fitted; for amidship spaces three equally spaced breadths shall be used and for five equally spaced breadths for lengths over 30 feet but not exceeding 50 feet, and seven equally spaced breadths for lengths over 50 feet, the breadths being measured from the inner face of the frames, timbers or sparring as the case may be at half the depth of the space at that point. The mean length, mean breadth and mean depth so ascertained shall be multiplied together and the product when divided by 100, shall be the tonnage of the space.

(2) Propelling machinery space which does not extend to the ship's side and is situated below the upper deck shall be measured by ascertaining its mean length, mean breadth and mean depth, and the product of multiplying these dimensions together shall, when divided by 100, be the tonnage of the space.

*Shaft bossings and appendages*

7. The tonnage of shaft bossings and other appendages referred to in paragraph (b) of regulation 4 of these Regulations shall be ascertained by measuring the internal cubic capacity of the space as accurately as practicable and dividing the result by 100.

RULE II

*Measurement of tonnage below the Upper deck where measurement in accordance with rule I is impracticable*  
[First Schedule.]

8. The length of the ship shall be measured on the upper side of the upper deck from the inside of the outer plate or plank at the stem to the aft side of the stern-post, or to the fore side of the rudder stock where no stern-post is fitted. The extreme breadth of the ship shall be measured, excluding rubbers or fenders. The girth, from the upper edge of the upper deck at side on one side of the ship to the same point at the other side, shall be measured on the outside of the ship at the greatest breadth. To half the girth thus measured there shall be added half the aforesaid breadth. The square of the sum shall be multiplied by the aforesaid length. This product multiplied by .0017 in the case of ships built of wood, and by .0018 in the case of other ships, shall be the tonnage of the ship below the upper deck.

9. In any case in which the surveyor is satisfied that by reason of the size of the ship it is not reasonably practicable to measure its girth as provided in paragraph 1 of this rule, the girth shall be ascertained by adding the aforesaid breadth of the ship to twice the depth of the ship from the top of the upper deck at the side of the ship to the bottom of the keel and multiplying this sum by 0.98.

RULE III

*Measurement of open ships*

10. In ascertaining the tonnage of open ships, the upper edge of the upper strake is to form the boundary line of measurement, and the depth shall be taken from an athwartship line, extending from upper edge to upper edge of that strake at each division of the length.

SECOND SCHEDULE  
[Regulations 2 (2); and 4; First Schedule.]

*Limitation of heights of open floors and double bottoms and of depths of frames and side brackets,  
for purposes of measurement of underdeck tonnage*

*(The provisions of this Schedule shall have effect for the purposes of the  
measurement of underdeck tonnage)*

*Open floors*

1. (1) Any part of an open floor, other than a floor in the main space for the propelling machinery of a ship, which is situated above the horizontal line referred to in sub-paragraph (2) below, shall be disregarded for the purposes of measurement of underdeck tonnage, which shall be measured accordingly by reference to that horizontal line.

(2) The horizontal line referred to in sub-paragraph (1) above shall be a line passing through a point in the middle plane of the ship at a height consisting of the maximum height of open floors applicable to a ship of the tonnage length of the ship undergoing measurement, ascertained by reference to columns A and B of Table I annexed to this Schedule and corrected by the addition of a distance equal to the rise of the moulded frame line at the quarter of the breadth of the ship between moulded frame lines at the said maximum height.

(3) The provisions of this paragraph shall apply to ships fitted with longitudinal floors and frames.

*Double bottoms*

2. A double bottom, situated in any part of a ship other than the main space for the propelling machinery, which is of greater height than a height consisting of the maximum height of double bottom applicable to a ship of the tonnage length of the ship undergoing measurement, ascertained by reference to columns A and C of Table I annexed to this Schedule and corrected by the addition of a distance equal to the rise of the moulded frame line at one quarter of the breadth of the ship between moulded frame lines at the said maximum height, shall be treated not as a double bottom, but as an open floor of such height ascertained in accordance with the provisions of paragraph 1 (2) of this Schedule, as would be applicable in the case of a ship of the tonnage length of the ship undergoing measurement.

*Bilge brackets*

3. (1) The horizontal width of bilge brackets measured from the shell of the ship to the inboard toe of the brackets shall not exceed the maximum height-

- (a) of open floor applicable to the ship obtained by reference to columns A and B of Table I annexed to this Schedule, if taken at the level of the top of an open floor; or
- (b) of double bottom applicable to the ship obtained by reference to columns A and C of Table I aforesaid, if taken at the level of the top of a double bottom.

(2) In any case in which underdeck tonnage is measured by reference to a height ascertained and applied in accordance with the provisions of paragraphs 1 and 2 of this Schedule, the lowest breadth used in the measurement of underdeck tonnage areas shall be the breadth between the inner sides of the shell of the ship taken at that height, less twice the maximum height of open floor applicable to the ship obtained by reference to columns A and B of Table I annexed to this Schedule, or twice the width of the bilge bracket, whichever is the less.

*ALLOWANCE for ceiling*

4. Where open floors, double bottoms and bilge brackets or any of them are filled, the fore-going limitations imposed in respect thereof by paragraphs 1 to 3 above are exclusive of any allowance for ceiling.

*Depth of frames*

5. (1) Subject to sub-paragraphs (2) and (3) below, the extent to which the depth of transverse or longitudinal ship side framing in the case of any ship, measured from its shell, exceeds the maximum depth of frame applicable to a ship of the registered breadth of the ship undergoing measurement ascertained by reference to Table II annexed to this Schedule shall be disregarded, and underdeck tonnage shall be measured accordingly by reference to the maximum depth of frame so ascertained.

(2) In the case of a ship in which alternate deep and shallow frames are fitted, the depth of frame used for purposes of measurement, measured from the shell of the ship, shall not exceed whichever is the lesser of the following dimensions-

- (a) twice the depth of the shallow frame; or
- (b) the maximum depth of frame applicable to the ship ascertained as aforesaid.

(3) The limitations hereby imposed are exclusive of any allowance for sparring fitted on the toe of the frames.

SECOND SCHEDULE

ANNEX

<i>A</i>	<i>B</i> <i>Maximum heights of open floors</i>	<i>C</i> <i>Maximum height of double bottom</i>
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The dimensions shown are to be increased by 50 per cent for the foremost 25 per cent and aftermost 15 per cent of the tonnage length of the ship.

<i>in feet</i>	<i>in inches</i>	<i>in inches</i>
Not exceeding 60	23	34,5
80	24	36
100	25	37,5
120	26	39
140	27	40,5
160	28	42
180	29	43,5
200	30	45
220	31	46,5

A	B <i>Maximum height of open floors</i>	C <i>Maximum height of double bottom</i>
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*Tonnage length of a ship*

The dimensions shown are to be increased by 50 per cent for the foremost 25 per cent and aftermost 15 per cent of the tonnage length of the ship.

<i>in</i>	<i>in inches</i>	<i>in</i>
2404	32	48
260	33	49,5
280	34	51
300	35	52,5
320	36	54
340	37	55,5
360	38	57
380	39	58,5
400	40	60
420	41	61,5
440	42	63
460	43	64,5
480	44	66
500	45	67,5
520	46	69
540	47	70,5
560	48	72
440	42	63
460	43	64,5
480	44	66
500	45	67,5
520	46	69
540	47	70,5
560	48	72
580	49	73,5
600	50	75
620	51	76,5
640	52	78
660	53	79,5
680	54	81
700	55	82,5

In the case of ships of intermediate length, the maximum height of floors or double bottoms shall be obtained by interpolation, and in the case of ships exceeding 700 feet, by linear extrapolation.

<i>Registered breadth in feet</i>	<i>Maximum depth of frame in inches</i>
Not exceeding 20	14
30	16
40	18
50	20
60	22
70	25
80	28
90	31
100 and	34

In the case of ships of intermediate

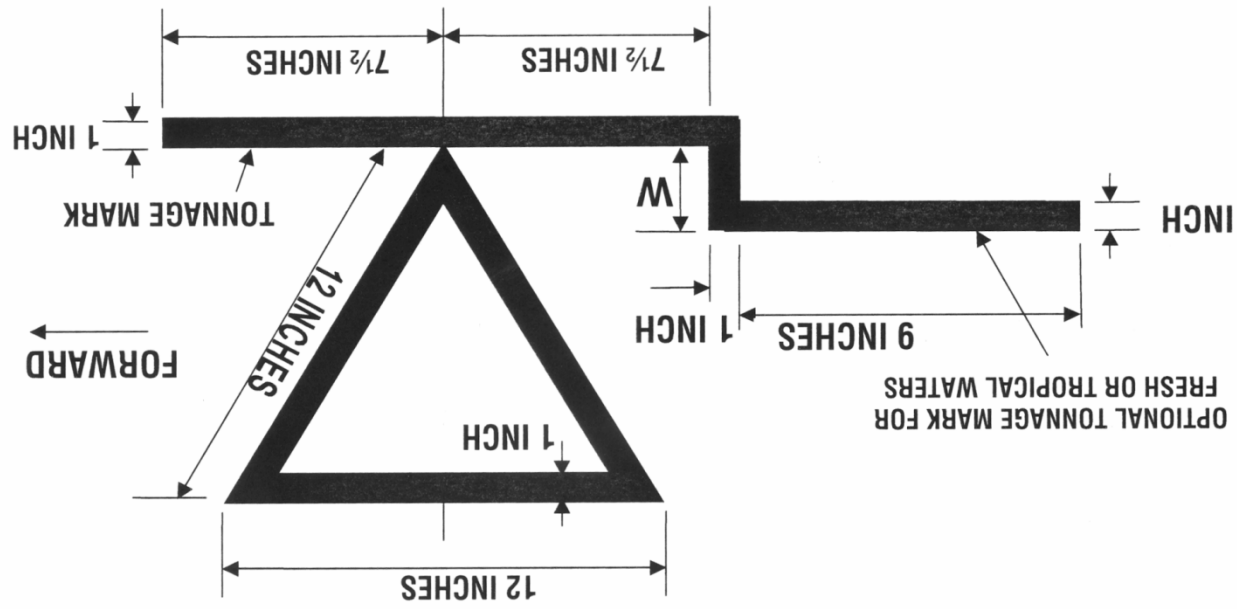
breadths, the maximum depth of frame shall be obtained by interpolation.

**THIRD SCHEDULE**  
[Regulations 10 (3) and 11(2).]

*Tonnage marks*

1. Save as otherwise provided in paragraph 2 below, the tonnage mark in the annex to this Schedule and there shown in Figure 1 shall consist of a horizontal line fifteen inches long and one inch wide upon which shall be placed for identification purposes an inverted equilateral triangle, each side of which is twelve inches long and one inch wide, having its apex in the mid-point of the horizontal line.
2. In the case of a ship intended to operate in fresh or tropical waters as defined in the Load Line Rules (not being a ship on which tonnage marks have been placed in accordance with regulation 10), an additional horizontal line may on the application of the owner of the ship be placed above the tonnage mark described in paragraph 1 above and at a distance of one forty-eighth (1/48th) of the moulded draught to that tonnage mark. This additional line shall be nine inches long and one inch wide measured from a one inch wide vertical line (shown marked "W" in Figure 1 aforesaid) at the after end of, and perpendicular to, that tonnage mark. In such a case, at all such times as the ship so marked is operating in fresh or tropical waters as aforesaid, this additional line shall be taken to be the tonnage mark in lieu of that described in paragraph 1 above.
3. The lines and triangle above-mentioned shall be painted in white or yellow on a dark ground or in black on a light ground, and carefully cut in, centre punched or welded on the sides of the ship. They shall be so kept and maintained as to be plainly visible at all times save when submerged.





FOURTH SCHEDULE  
 [Regulations 10 (3) and 11(2).]

### *Position of tonnage marks*

1. The tonnage mark shall be placed on each side of the ship at a distance below the line where the underside of the second deck stringer plate meets the ship's side plating amidships or, where the deck is stepped, below the line equivalent to that line as shown in Figure 2 as Annex "A" to this Schedule in a position to be ascertained by reference to the Tonnage Mark Table set out as Annex "B" to this Schedule.

2. In the application of the Tonnage Mark Table-

- (a) the length shown as "Lt" in column A is the distance in feet on the second deck between the points at the forward and after ends of the deck where the underside of the deck or line of continuation thereof meets the inner surface of the frames, ceiling, or sparring as the case may be, in the middle plane of the ship, using an equivalent length in cases where the deck is stepped as shown in the aforesaid Figure 2; and
- (b) the depth shown as "Ds" in column A is the depth in feet amidships from the top of the keel to the point at which the underside of the second deck stringer plate meets the ship's side plating, using an equivalent depth as shown in the aforesaid Figure 2 in cases where the deck is stepped;
- (c) the figures 12 to 20 respectively appearing at the top of the columns lettered B to J represent the ratio Lt/Ds, and the figures thereafter set out in each column represent distances in inches from the line where the underside of the second deck stringer plate meets the ship's side plating amidships (or, in cases where the deck is stepped, from the equivalent line thereto as shown in the aforesaid Figure 2) to the point at which the upper edge of the tonnage mark is to be placed.

3. In the case of any ship of intermediate length or having an intermediate Lt/Ds ratio, the relevant distance to be applied shall be obtained by interpolation, and in other cases where necessary by linear extrapolation.

4. The effect relevant distance calculated by reference to the Tonnage Mark Table to be applied in the case of any ship shall be corrected to the nearest half-inch.

5. Subject to paragraph 6 below, in the case of a ship to which load lines have been assigned, the tonnage marks shall, subject to the provisions of regulation 10 of these Regulations, be placed in a position ascertained in accordance with the foregoing provisions of this Schedule, with the apex of the identification triangle at a distance of 21 inches horizontally aft of the centre line of the line of load line disc so however that where a timber load line has been assigned to the ship the distance shall be 42 inches.

6. Where tonnage marks have been assigned they shall in no case be placed above the deepest load line to which the ship may be loaded, and account shall not be taken of timber load lines when giving effect to this provision.

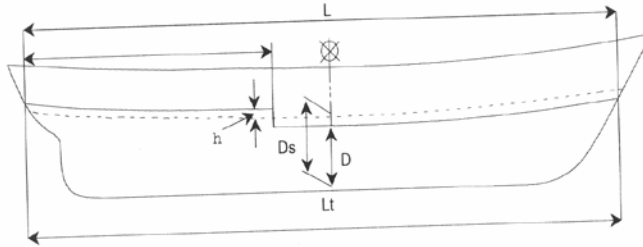
7. In the case of a ship to which load lines have not been assigned, the tonnage marks shall be placed in a position ascertained in accordance with the foregoing provisions of this Schedule with the apex of the identification triangle at the middle of the length shown as "Lt". In every such case the line of the upper deck shall be shown by a deck line corresponding in form to that required by the Load Line Rules, and placed centrally to a vertical line bisecting the identification

FOURTH SCHEDULE

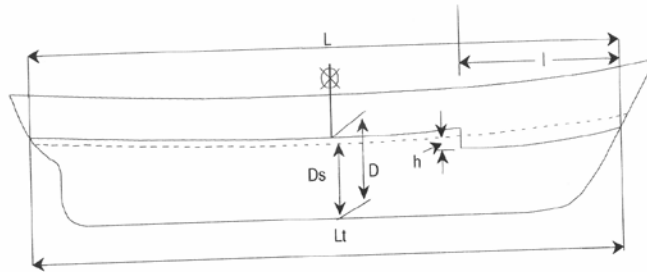
ANNEX A

Figure 2

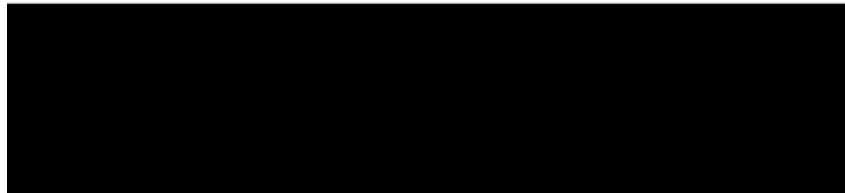
This sketch illustrates how the equivalent second deck should be determined, based on equal longitudinal areas



$$D_s = D + \frac{1}{L} h$$



$$D_s = D - \frac{1}{L} h$$



SCHEDULE

FOURTH

ANNEX B

ANNEX

mark table

Tonnage

E	F	G	H	I	J
15	16	17	18	19	20
<i>Distances in inches</i>					
2,0	2,0	2,0	2,0	2,0	2,0
2,0	2,0	2,0	2,0	2,0	2,0
2,0	2,0	2,0	2,0	2,0	2,0

A	B	C	D
<i>Lt/Ds</i>	12	13	14
<i>Length Lt in feet</i>			
220 and under	2,0	2,0	2,0
230	3,2	2,0	2,0
240	4,7	2,0	2,0

ANNEX B- continued

A	B	C	O	E	F	G	H	I	J
<i>LtDs</i>	12	13	14	15	16	17	18	19	20
<i>Length Lt in feet</i>	<i>Distances in inches</i>								
250	6,3	3,3	2,0	2,0	2,0	2,0	2,0	2,0	2,0
260	8,0	4,8	2,1	2,0	2,0	2,0	2,0	2,0	2,0
270	9,9	6,4	3,5	2,0	2,0	2,0	2,0	2,0	2,0
280	11,8	8,1	4,9	2,1	2,0	2,0	2,0	2,0	2,0
290	13,9	9,9	6,5	3,5	2,0	2,0	2,0	2,0	2,0
300	16,0	11,7	8,1	4,9	2,1	2,0	2,0	2,0	2,0
310	18,3	13,7	9,8	6,4	3,5	2,0	2,0	2,0	2,0
320	20,7	15,8	11,7	8,1	4,9	2,1	2,0	2,0	2,0
330	23,2	18,0	13,6	9,8	6,4	3,5	2,0	2,0	2,0
340	25,9	20,4	15,7	11,6	8,1	4,9	2,1	2,0	2,0
350	28,7	22,9	17,9	13,6	9,8	6,5	3,6	2,0	2,0
360	31,7	25,5	20,2	15,7	11,7	8,2	5,0	2,2	2,0
370	34,7	28,3	22,7	17,9	13,6	9,9	6,6	3,7	2,0
380	38,0	31,1	25,3	20,2	15,7	11,8	8,3	5,2	2,4
390	41,3	34,1	27,9	22,6	17,9	13,8	10,1	6,8	3,8
400	44,8	37,2	30,7	25,0	20,1	15,8	11,9	8,4	5,3
410	48,2	40,3	33,5	27,7	22,6	18,1	14,0	10,4	7,2
420	51,5	43,4	36,4	30,4	25,2	20,6	16,4	12,7	9,4
430	54,8	46,5	39,4	33,3	27,9	23,2	19,0	15,2	11,8
440	58,4	49,9	42,6	36,4	30,9	26,0	21,7	17,8	14,4
450	62,1	53,4	46,0	39,6	33,9	29,0	24,6	20,6	17,1
460	65,9	57,0	49,5	42,9	37,1	32,1	27,6	23,5	19,9
470	69,8	60,7	53,0	46,3	40,4	35,2	30,6	26,5	22,8
480	73,7	64,4	56,5	49,7	43,7	38,4	33,7	29,5	25,7
490	77,8	68,1	60,0	53,0	46,9	41,5	36,7	32,4	28,5
500	81,2	71,6	63,4	56,2	50,0	44,5	39,6	35,2	31,2
510	84,9	75,1	66,7	59,4	53,0	47,4	42,4	37,9	33,9
520	88,4	78,4	69,9	62,4	55,9	50,2	45,1	40,5	36,4
530	91,8	81,6	72,9	65,3	58,7	52,9	47,7	43,0	38,8
540	95,2	84,8	75,9	68,1	61,4	55,5	50,2	45,4	41,2

ANNEX B- continued

A	B	C	D	E	F	G	H	I	J
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<i>Lt/Ds</i>	12	13	14	15	16	17	18	19	20
<i>Length Lt in feet</i>	<i>Distances in inches</i>								
550	98,4	87,8	78,8	70,9	64,0	58,0	52,6	47,8	43,4
560	101,6	90,8	81,6	73,6	66,6	60,5	55,0	50,1	45,6
570	104,8	93,8	84,4	76,3	69,2	62,9	57,3	52,3	47,8
580	107,9	96,8	87,2	78,9	71,7	65,3	59,6	54,5	49,9
590	111,0	99,7	90,0	81,5	74,2	67,7	61,9	56,7	52,0
600	114,0	102,5	92,6	84,0	76,5	69,9	64,0	58,8	54,0
610	117,0	105,3	95,2	86,5	78,9	72,1	66,2	60,8	56,0
620	120,0	108,0	97,8	88,9	81,2	74,4	68,3	62,8	58,0
630	122,9	110,7	100,4	91,3	83,5	76,6	70,4	64,8	59,9
640	125,7	113,4	102,9	93,7	85,8	78,7	72,4	66,8	61,7
650	128,6	116,1	105,5	96,1	88,0	80,8	74,4	68,7	63,6
660	131,4	118,7	107,8	98,3	90,1	82,8	76,3	70,6	65,3
670	134,2	121,2	110,2	100,6	92,2	84,8	78,3	72,4	67,1
680	136,9	123,8	112,6	102,9	94,3	86,8	80,2	74,2	68,9
690	139,6	126,3	115,0	105,1	96,4	88,8	82,1	76,0	70,6
700	142,3	128,8	117,3	107,3	98,5	90,8	83,9	77,8	72,3
710	144,9	131,3	119,6	109,4	100,5	92,7	85,7	79,5	73,9
720	147,5	133,7	121,8	111,5	102,5	94,6	87,5	81,2	75,5
730	150,1	136,1	124,0	113,6	104,5	96,5	89,3	82,9	77,1
740	152,7	138,5	126,2	115,7	106,5	98,3	91,1	84,5	78,7
750	155,3	140,8	128,8	117,8	108,4	100,1	92,8	86,1	80,3
760	157,8	143,1	130,6	119,7	110,3	101,9	94,4	87,8	81,7
770	160,2	145,4	132,7	121,7	112,1	103,6	96,0	89,3	83,2
780	162,6	147,6	134,8	123,7	113,9	105,3	97,6	90,8	84,7
790	165,1	149,9	136,9	125,6	115,7	107,0	99,2	92,3	86,1
800	167,5	152,1	138,9	127,4	117,4	108,6	100,8	93,8	87,4

**MERCHANT SHIPPING (RADIO) RULES**

ARRANGEMENT OF RULES

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**MERCHANT SHIPPING (RADIO) RULES**

[LN. 22 of 1968.]

under section 146

*[28th February, 1969]*

[Commencement.]

PART I

*General*

**1. Short title, application and revocation**

(1) These Rules may be cited as the Merchant Shipping (Radio) Rules.

[L.N. 68 of 1964.]

(2) So much of the Merchant Shipping (Radio and Direction-Finders) Rules 1964 as are applicable to the Merchant Shipping (Radio) Rules 1968 are hereby revoked.

[S.1. 1952/1956.]

(3) For the avoidance of doubt, the Merchant Shipping (Radio) Rules 1952 of the United Kingdom to the extent to which they apply to the Merchant Shipping (Radio and Direction-Finders) Rules 1964 shall be deemed to have been revoked with effect from 11 June 1964; and the entry in the Fourth Schedule to the Merchant Shipping Act shall be deleted accordingly.

**2. Interpretation**

In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say-

"**the Act**" means the Merchant Shipping Act;

[Cap. M11.]



**"cargo ship"** means a ship other than a passenger ship;

**"Minister"** means the Minister for Transport;

**"connected"** means electrically connected;

**"existing installation"** means-

- (a) an installation wholly installed before the date on which these Rules come into operation; and
- (b) an installation, part of which was installed before the said date, and the rest of which consists, either of parts installed in replacement of identical parts, or parts which comply with the relative requirements of these Rules;

**"fishing boat"** has the same meaning as in section 2 of the Act;  
[Cap.M11.]

**"interference"** has the same meaning as in section 3 of the Wireless Telegraphy Act;  
[Cap. W5.]

**"mile"** means a nautical mile of 6,080 feet;

**"Nigerian ship"** has the same meaning as it has in section 2 of the Act;

**"operating position"** in relation to any equipment, means the position normally occupied by a person when operating that equipment;

**"radiotelegraph operator"** means a person who has had experience at sea as an operator of radiotelegraph apparatus on board a fishing boat, or a ship to which these Rules do not apply;

**"radiotelegraph ship"** means a ship, being a ship to which these Rules apply, which is provided with a radiotelegraph installation and which is not a radiotelephone ship;

**"radiotelephone ship"** means a cargo ship, being a ship to which these Rules apply, of not less than 300 tons but less than 1,600 tons, the owner of which has given the Minister notice in writing (which has not been withdrawn) that the ship is provided with a radiotelephone installation in compliance with these Rules;

**"radio watch"**, in the case of radiotelegraph ships, means listening for signalling on the international distress frequency of 500 kc/s, and in the case of radiotelephone ships, means listening for signalling on the international distress frequency of 2182 kc/s;

**"silence periods"** means the periods of three minutes, beginning, for the purposes of radiotelegraphy, at fifteen minutes and at 45 minutes after each hour, and for the purposes of radiotelephony, at each hour and at thirty minutes after each hour, in every case determined according to Greenwich mean time;

**"ship"** includes a ship propelled by electricity or other mechanical power;

**"tons"** means gross tons;

In relation to classes of emissions

- (a) **"Class A1"** means telegraphy by on-off keying without the use of a modulating audio frequency;
- (b) **"Class A2"** means telegraphy by the on-off keying of an amplitude-modulating audio-frequency or audio frequencies, or of the on-off keying of the modulated emission;
- (c) **"Class A3"** means double-sideband amplitude modulated telephony; and
- (d) **"Class B"** means damped waves.

### 3. Ships to which these Rules apply

These Rules shall apply to ships which are either sea-going Nigerian ships, or other sea-going ships while they are within any port in Nigeria-

Provided that in either case such ships are not-

- (a) troop-ships registered in a country other than Nigeria;
- (b) ships propelled otherwise than by mechanical means;
- (c) pleasure yachts;
- (d) fishing boats; or
- (e) cargo ships of less than 300 tons.

### 4. Transitional provisions

These Rules shall have effect subject to the transitional provisions contained in the First Schedule to these Rules.

[First Schedule.]

### 5. Classification of ships

The ships to which these Rules apply shall be classified as follows-

CLASS I.-Ships carrying more than 250 passengers or ships in respect of which there is in force a certificate issued by the Minister, or by any other authority empowered in that behalf by the laws of any country other than Nigeria, to the effect that such ships are fit to carry more than 250 passengers and which-

- (a) in the case of Nigerian ships, are at sea for more than sixteen hours between two consecutive ports; or
- (b) in the case of ships other than Nigerian ships, arrive at a port in Nigeria having been at sea for more than sixteen hours since last leaving port, or are ships in respect of which clearance or transire is sought from a port in Nigeria engaged on a voyage requiring more than sixteen hours at sea before reaching port.

CLASS II-

- (a) passenger ships other than those of Class I;
- (b) cargo ships of 1,600 tons and upwards.

CLASS III.-Cargo ships of 500 tons and upwards but of less than 1,600 tons.

CLASS IV.-Cargo ships of 300 tons and upwards but of less than 500 tons.

## **6. Provision of radio installations**

(1) Every ship of Class I or Class II shall be provided with a radiotelegraph installation which shall include the equipment specified in the Second Schedule to these Rules:

[Second Schedule.]

Provided that the radiotelegraph loudspeaker watchkeeping receiver may be combined with the reserve radiotelegraph receiver or with the radiotelegraph auto-alarm equipment specified in the Seventh Schedule to these Rules in a single instrument, if that instrument is capable of complying with the requirements of Parts IV and VI of the Second Schedule or, as the case may be, with the requirements of Part VI of the Second Schedule and of the Seventh Schedule to these Rules.

[Seventh Schedule.]

(2) Every ship of Class III or Class IV shall be provided with a radiotelephone installation which shall include the equipment specified in Parts I and II of the Third Schedule to these Rules or with a radiotelegraph installation which shall include the equipment specified in the Second Schedule to these Rules:

Provided that the main and reserve radiotelegraph transmitters in a ship of Class III or Class IV may be combined in a single instrument, if that instrument is capable of complying with the requirements of Parts I and III of the Second Schedule.

## **7. Climatic and durability tests**

(1) Every equipment the requirements of which are specified in the Fourth Schedule to these Rules, other than test measuring instruments provided in accordance with rule 16 or paragraph (if) of rule 26 of these Rules, shall be free from mechanical defects and comply with the said requirements in the following circumstances, that is to say while undergoing the vibration, dry heat and low temperature tests required by the Fourth Schedule to these Rules; when subjected to the damp heat test required by the said Schedule; and immediately after undergoing such of the other tests required by the said Schedule as are applicable to the equipment in the circumstances.

(2) Any such equipment which is intended for use in the open or in an open boat shall be such that after undergoing the mould growth test required by the Fourth Schedule to these Rules, no mould growth shall be present on it.

[Fourth Schedule.]

## **8. Interference with reception**

(1) While a ship is at sea there shall be no interference or mechanical noise produced by the radio installation required by these Rules or by other equipment in the ship sufficient at any time to prevent the effective reception of radio signals by means of such installation.

(2) Any ship to which these Rules apply which is provided with a radiotelegraph installation not being an existing installation, shall also be provided with a communal aerial system for all broadcast receivers where it is impracticable to erect efficient and properly

installed aerials which do not interfere with the efficiency of such radiotelegraph installation.

## **9. High voltage parts**

(1) All parts and wiring of the equipment specified in these Rules in which the direct and alternating voltages (other than radio frequency voltages) combine at any time to give an instantaneous voltage greater than 50 volts shall be protected from accidental access.

(2) All parts and wiring of the equipment specified in these Rules (other than the parts and wiring of a rotating machine) in which the direct and alternating voltages (other than radio frequency voltages) combine at any time an instantaneous voltage greater than-

- (a) 50 volts in the case of equipment specified in the Third Schedule and the Fifth Schedule to these Rules; or  
[Third Schedule. Fifth Schedule.]
- (b) 250 volts in the case of other equipment, shall be isolated automatically from all sources of electrical energy when the means of protection are removed.

## **10. Charging of batteries**

If batteries are provided as a source of electrical energy for any part of the equipment required by these Rules, means shall be provided on board every ship to which these Rules apply for the charging of such batteries from the ship's source of electrical energy.

## **PART II**

### *Radiotelegraphy*

## **11. Electrical independence of main and reserve radiotelegraph equipments**

Subject to the provisions of rule 6 (2) of these Rules, the main and reserve radiotelegraph equipment provided on board a radiotelegraph ship shall be electrically independent of each other.

## **12. Radiotelegraph room**

(1) Every radiotelegraph installation provided on board a radiotelegraph ship shall be installed in one or more radiotelegraph rooms. Such radiotelegraph rooms shall not be used for a purpose other than that associated with the function or duty of the radio officer. Such radiotelegraph rooms shall-

- (a) be in such a position that there will be no disturbance, caused by extraneous noises or otherwise, to the effective reception of radio signals;
- (b) be situated as high as practicable in the ship;
- (c) be of such dimensions and sufficient to enable efficient operation at all times of the radiotelegraph equipment installed therein; and
- (d) be adequately ventilated.

(2) Every radiotelegraph installation provided on board a radiotelegraph ship shall be installed in such manner as to be protected from disturbance to its effectiveness by water or by extremes of temperature and shall at all times, when the ship is at sea, be readily accessible both for immediate use and for repair.

(3) Every radiotelegraph room shall be provided with-

- (a) an efficient two-way means of calling as well as voice-communication with the bridge and any other place from which the ship is normally navigated; and the means of communication shall be by a voicepipe or a telephone or some other means equally efficient in any event independent of the main communication system of the ship and of the ship's main source of electrical energy;
- (b) a reliable clock, equipped with a dial not less than five inches in diameter and a centre seconds hand, the face of which shall be marked to indicate the silence periods; and the clock shall be securely mounted so that the entire dial can be easily and accurately observed from the radiotelegraph operating position and, if the ship is provided with radiotelegraph auto-alarm equipment, from the position normally occupied by a person testing the radiotelegraph auto-alarm equipment;
- (c) an electric lamp, operated from the source of electrical energy required by rule 13 (2) of these Rules and permanently arranged so as to be capable of providing adequate illumination of the operating controls of the main and reserve radiotelegraph installations and of the clock required by this rule; and every such lamp shall be controlled by two-way switches placed respectively near the entrance to the radiotelegraph room as well as the radiotelegraph operating position and shall be clearly labelled to indicate their purpose;
- (d) an additional electric lamp, for use as an inspection lamp, operated from the source of electrical energy mentioned in subparagraph (c) above, and provided with a flexible lead of sufficient length to enable all parts of the radiotelegraph installation to be easily seen;
- (e) a chair capable of being fixed at the radiotelegraph operating position.

(4) A complete list of spare equipment and spare parts carried on board the ship for the maintenance of the radiotelegraph installation shall always be made available in every radiotelegraph room and shall indicate where such equipment and parts are kept.

(5) A calibration table or calibration curve for each transmitter and receiver forming part of the radiotelegraph installation shall always be made available in a radiotelegraph room, unless the transmitter or receiver as the case may be, is directly calibrated.

(6) A complete diagram of the wiring of the radiotelegraph installation shall always be made available in a radiotelegraph room:

Provided that this requirement shall not apply to an existing radiotelegraph installation in a ship of Class IV.

### **13. Aerials**

(1) Every radiotelegraph ship shall be fitted with a main aerial and a reserve aerial:

Provided that the Minister may exempt any ship from the requirement of a reserve aerial if he is satisfied that the fitting of such an aerial is impracticable or unreasonable in the circumstances. Any ship so exempted shall carry-

- (a) if the main aerial is a supported wire aerial, a spare aerial completely assembled for rapid replacement of the main aerial; or
- (b) if the main aerial is not a supported wire aerial, a spare aerial complete with supporting structures and capable of rapid erection while the ship is at sea.

(2) In the case of a ship of Class I, Class II or Class III, each of the halyards used for supporting such main aerial shall be fitted with a safety loop between the masthead or other aerial support and an aerial insulator. Such safety loop shall consist of part of the halyard of not less than three feet long, the loop being closed by a link of not more than one foot three inches long with a breaking load of not more than one third of the breaking load of the aerial or the halyard, whichever is less.

(3) A rigging plan of such aerials shall be available in the radiotelegraph operating room and shall show the following-

- (a) elevation and plan views of the aerials;
- (b) the measurements of the aerials; and
- (c) the height of the aerials in metres measured in the manner specified in the Eleventh Schedule to these Rules.

[Eleventh Schedule.]

(4) The main aerial and the reserve aerial (if any) shall, where practicable, be so rigged that damage to the one shall not affect the efficiency of the other.

(5) Means shall be provided for quick connection of-

- (a) either the main aerial or reserve aerial (if any) to the main transmitter and also to the reserve transmitter; and
- (b) the main and reserve receivers, the radiotelegraph auto-alarm equipment and the loudspeaker watchkeeping receivers, to any aerial with which they may be used.

#### **14. Range of transmitters**

(1) The normal range of the radiotelegraph transmitters provided in accordance with the foregoing provisions of these Rules when connected to the main aerial shall not be less than-

(a) in the case of a ship of class I, 175 miles for the main transmitter and 150 miles for the reserve transmitter;

(b) in the case of a ship of class II, 150 miles for the main transmitter and 100 miles for the reserve transmitter;

(c) in the case of a ship of class III, 100 miles for the main transmitter and 75 miles for the reserve transmitter;

(d) in the case of a ship of class IV, 75 miles for the main transmitter and 75 miles for the reserve transmitter.

(2) The normal range of a transmitter for the purposes of these Rules shall be determined, at the option of the owner of the ship, either by calculation or by test.

(3) For the purposes of these Rules the normal range of a radiotelegraph transmitter, when determined by calculation on a frequency of 500 kc/s, shall be calculated in the manner specified in the Eleventh Schedule to these Rules.

[Eleventh Schedule.]

(4) For the purposes of these Rules, the normal range of a radiotelegraph transmitter, when determined by test, shall be the distance to which signals can be transmitted by such transmitter over the sea by day under normal conditions on a frequency of 500 kc/s so as to set up at the receiver a total root mean square field of at least 50 microvolts per metre.

## **15. Supply of electrical energy**

(1) There shall be available in every radiotelegraph ship, while the ship is at sea and at all reasonable times when she is in port, a supply of electrical energy from the ship's main source of electrical energy sufficient for the operation of the main radiotelegraph equipment in accordance with these Rules and for testing purposes and for the charging of any batteries which are a source of electrical energy for the radiotelegraph installation. The rated voltage of the supply of electrical energy for the main equipment shall be maintained within plus or minus ten per cent. The supply of electrical energy shall, if it is a direct current supply, be of correct polarity:

Provided that in any ship not engaged on an international voyage the aforesaid supply of electrical energy may be derived from a battery, and in that case a duplicate battery shall be provided for that purpose.

(2) The reserve equipment shall include a source of electrical energy, independent of the propelling power of the ship and of the ship's electrical installation, and situated as high as practicable in the ship. This source of electrical energy shall be capable of being brought into immediate operation by means of a switchboard which shall be capable of being illuminated by an electric lamp and shall be situated in the radiotelegraph room or be readily accessible therefrom. It shall be of such capacity and shall be maintained at all times when the ship is at sea in such condition as to be able to supply continuously for a period of six hours, whether or not it is in use for any other purpose, a total current equal to the sum of-

- (a) the current required to operate the reserve transmitter with the key up;
- (b) three fifths of the difference between the current required to operate the reserve transmitter with the key down and the current required to operate it with the key up;
- (c) the current required to operate the reserve receiver; and
- (d) the current consumed by the lamps required by this paragraph and by paragraph (c) of rule 12 (3) of these Rules.

(3) The source of electrical energy provided under paragraph (2) of this rule shall not be used at any time except for the operation of-

- (a) the reserve transmitter and receiver;

- (b) the lamps required by paragraph (2) of this rule and by paragraphs (c) and (d) of rule 12 (3) of these Rules;
- (c) the automatic keying device;
- (d) a radiotelegraph auto-alarm equipment;
- (e) a direction-finder.

(4) Notwithstanding the provisions of paragraph (3) of this rule, in any ship of Class III or Class IV the reserve source of electrical energy required by paragraph (2) of this rule may, if the Minister so permits, be used to supply any low-power emergency circuits which are wholly confined to the upper part of the ship:

Provided that such circuits shall be capable of supplying the additional load or loads without falling below the capacity required by paragraph (2) of this rule.

#### **16. Tools, measuring instruments, spare parts, etc.**

Every radiotelegraph ship shall be provided with the tools, measuring instruments, spare parts and such other materials as are specified in Part I of the Sixth Schedule to these Rules.

[Sixth Schedule.]

#### **17. Provision of radio officers**

Every radiotelegraph ship which upon proceeding to sea is not provided with a radiotelegraph auto-alarm equipment complying with the requirements specified in the Seventh Schedule to these Rules shall be provided with radio officers as follows-

CLASS I.-two radio officers.

CLASS H.-one radio officer.

CLASS III.-one radio officer.

CLASS IV.-one radio officer.

#### **18. Qualifications of radio officers**

( 1 ) For the purposes of these Rules, no person shall be qualified to be a radio officer on board a Nigerian ship unless he holds a valid certificate of proficiency or competence in radiotelegraphy of the first or second class grade granted by the Minister for Communications or an equivalent certificate granted by the Postmaster-General of the United Kingdom or by an authority empowered in that behalf in some other part of the Commonwealth or in the Irish Republic and recognised as the equivalent of such a certificate granted by him. In the case of at least one of the radio officers on board a Nigerian passenger ship the certificate required under paragraph (1) of this rule shall be of the first class grade.

(2) For the purposes of paragraph (1) of this rule, no certificate of proficiency or competence shall be deemed to be valid at any date if granted more than two years before such date and either-

- (a) the holder's periods of experience do not total three months; or



(b) the holder's last experience occurred more than two years before that date, unless the holder satisfies the Issuing Authority by re-examination or otherwise that he still possesses all the qualifications described in his certificate. For the purposes of this paragraph the expression "**experience**" means experience as the operator of radiotelegraph apparatus-

- (i) at sea, as a radio officer or a radiotelegraph operator; or
- (ii) on land, as an operator at a radiotelegraph station maintained on and for communication with ships.

(3) At least one of the radio operators on board a Nigerian ship of Class I or Class II shall be a person who has had experience at sea as a radio officer or radiotelegraph operator for a total of not less than-

- (a) two years, in the case of ships of Class I;
- (b) one year, in the case of ships of Class II (a);
- (c) six months, in the case of ships of Class II (b), being ships of 1,600 tons and upwards but under 3,000 tons.

(4) For the purposes of these Rules, no person shall be deemed to be a radio officer on board ship not registered in Nigeria unless he holds a valid certificate of proficiency or competence in radiotelegraphy granted by an authority empowered in that behalf and recognised by the Minister as being the equivalent of such a certificate granted by him.

## **19. Radio watch**

(1) Subject to the provisions of rule 20 (1) of these Rules radio watch shall be maintained at sea on board every radiotelegraph ship by a radio officer as follows-

- (a) if the ship upon proceeding to sea is not provided with a radiotelegraph auto-alarm equipment complying with the requirements specified in the Seventh Schedule to these Rules, a continuous watch;
- (b) if the ship upon proceeding to sea is provided with a radiotelegraph auto-alarm equipment as aforesaid-
  - (i) in the case of a ship of Class I, a watch of sixteen hours a day at the times specified in column 4 of the Eighth Schedule to these Rules in relation to the zone in which the ship then is;
  - (ii) in the case of a ship of Class II, Class III or Class IV, a watch of eight hours a day at the times specified in column 5 of the Eighth Schedule to these Rules in relation to the zone in which the ship then is.

(2) Any radiotelegraph auto-alarm equipment provided on board a radiotelegraph ship shall be in operation at all times at which a radio watch is not maintained:

Provided that if the ship is fitted with a direction-finder in compliance with the Merchant Shipping (Direction-Finders) Rules under the Act and if-

- (a) it has been proved by test that the aerial of the radiotelegraph auto-alarm equipment when in operation affects the accuracy of radio

bearings obtained by means of the direction-finder; and

- (b) it is impracticable to erect an aerial for the radiotelegraph auto-alarm equipment in any position on the ship without affecting the accuracy of those bearings when the equipment is in operation,

then this rule shall apply during such time as radio bearings are being determined by means of the direction-finder.

## **20. Watch keeping and other duties of radio officers**

(1) Every radio officer on board a radiotelegraph ship shall keep radio watch by means of headphone reception throughout his period of duty except when another radio officer keeps radio watch by headphone reception:

Provided that-

- (a) radio watch may be maintained by means of loudspeaker reception; or
- (b) if loud-speaker reception is impracticable, radio watch may be dispensed with except during a silence period,

for such periods as may be necessary to enable the radio officer to perform other duties in compliance with these Rules or with the Merchant Shipping (Direction-Finders) Rules under the Act or to handle traffic on another frequency.

(2) Subject to the provisions of rule 19 of these Rules, every radio officer on board a radiotelegraph ship provided with a radiotelegraph auto-alarm equipment complying with the requirements specified in the Seventh Schedule to these Rules shall, whenever radio watch ceases to be maintained during or at the end of his period of duty, connect the radiotelegraph auto-alarm equipment with the ship's main aerial, or with any other efficient aerial, and shall put the radiotelegraph auto-alarm equipment into operation. Every radio officer who leaves a radiotelegraph auto-alarm equipment in operation when he goes off duty shall before going off duty-

- (a) test the efficiency of the radiotelegraph auto-alarm equipment; and
- (b) immediately inform the master or the officer in charge of the navigation of the ship if the radiotelegraph auto-alarm equipment is found not to be operating effectively.

(3) Every radio officer who finds a radiotelegraph auto-alarm equipment connected to an aerial when he goes on duty shall immediately test the efficiency of the radiotelegraph auto-alarm equipment before making any adjustment thereto.

(4) While a radiotelegraph ship is at sea, the radio officer, or if there is more than one, the first radio officer, shall cause the following tests to be made-

- (a) a test once a day of the reserve radiotelegraph transmitter connected with the artificial aerial provided in accordance with paragraph 7 of Part III of the Second Schedule to these Rules;

[Second Schedule.]

- (b) if the ship is engaged on an international voyage, a test once during every voyage of the reserve radiotelegraph transmitter connected with the reserve aerial (if any);

- (c) a test once a day by voltmeter and once a month by hydrometer of any batteries which are a source of electrical energy for the radiotelegraph installation;

- (d) a test once a day of any other source of electrical energy provided for the reserve radiotelegraph equipment;

- (e) a test once a day of the audible alarm circuits and of the bells forming part of the radiotelegraph auto-alarm equipment; and
- if) a test once a day to check the proper functioning of the radiotelegraph auto-alarm receiver connected to its normal aerial, by listening to signals received by means of that receiver, and by comparing them with similar signals received on a frequency of 500 kc/s by means of the main receiver.

(5) While a radiotelegraph ship is at sea, the radio officer, or if there is more than one, the first radio officer, shall take all reasonable steps to cause the equipment referred to in these Rules to be properly maintained and when necessary to be repaired and adjusted. Such officer shall arrange for all batteries, being a source of electrical energy for any part of the radiotelegraph installation, which are not fully charged to be fully charged as soon as possible.

## **21. Restriction in the use of the reserve transmitter**

The transmitter forming part of the reserve radiotelegraph equipment shall not be used to transmit messages other than those relating to the safety of life at sea, unless such transmitter complies with the additional requirements specified in paragraph 6 of Part III of the Second Schedule to these Rules.

[Second Schedule. Part III.]

## **22. Radiotelegraph log book**

(1) A radiotelegraph log book in the form specified in the Ninth Schedule to these Rules shall be kept in a radiotelegraph room on board every Nigerian radiotelegraph ship and shall be available for inspection by any person authorised in that behalf by the Minister.

(2) Every radio officer on board such a ship shall, when on duty, enter in such log book-

- (a) his name;
- (b) the times at which he goes on and off duty;
- (c) the identifying number of each message transmitted or received by him, together with the time and date of such transmission or reception, the station to which each message is transmitted by him and the station from which each message is received by him; and
- (d) a record of all incidents occurring during his period of duty which relates to the radiotelegraph installation and the operation thereof and which would appear to him to be of importance to the safety of life at sea; in particular, he shall make the following entries-
  - (i) the full text of all messages transmitted or received by him which relate to immediate assistance required by persons in distress at sea;
  - (ii) the full text of all messages transmitted or received by him which are preceded by a signal in general international use as an urgency signal or a safety signal;

- (iii) a record of the radio watch maintained by him during each of the si- lence periods;
- (iv) a record of any incident occurring during his period of duty which affects the efficiency of the radiotelegraph installation; and
- (v) a record of the tests conducted by him in accordance with paragraphs (2) and (3) of rule 20 of these Rules and of the results of such tests.

(3) The radio officer, or, if there is more than one, the first radio officer, shall cause the following entries to be made in such log book-

- (a) a record of the tests conducted in accordance with rule 20 (4) and rule 33 (1) of these Rules;
- (b) a record of the charging of any batteries used as a source of electrical energy for the radiotelegraph installation; and
- (c) if the ship is provided with a radiotelegraph auto-alarm equipment, details of any failure or repair thereof.

(4) The radio officer, or, if there is more than one, the first radio officer, shall cause an entry to be made in such log book recording the time shown by the clock in each radiotelegraph room in comparison with Greenwich mean time and any correction made in respect of that clock at least once a day when the station is open.

(5) The radio officer, or, if there is more than one, the first radio officer, shall, if the ship's Rules permit, cause an entry to be made in such log book recording in latitude and longitude, or by reference to a place, the approximate position of the ship at least once per day when the station is open.

(6) If there is more than one radio officer, the first radio officer shall inspect and sign each day the entries for that day in such log book.

(7) The master of the ship shall inspect and sign each day's entries in such log book.

(8) Section 121 of the Act (which provides for the delivery of the official log book to the Superintendent) and section 118 of the Act (which provides, among other things, for the custody of the official log book) shall apply to the radiotelegraph log book as they apply to the official log book.

### PART III

#### *Radiotelephony*

#### **23. Aerial**

(1) Every radiotelephone ship shall be fitted with an aerial and in addition shall carry-

- (a) if the main aerial is a supported wire aerial, a spare aerial completely assembled for rapid replacement of the main aerial;
- (b) if the main aerial is not a supported wire aerial, a spare aerial complete with supporting structures and capable of rapid erection while the ship is at sea.

(2) Each of the halyards used for supporting the aerial on a radiotelephone ship of Class III shall be fitted with a safety loop between the masthead or other aerial support

and an aerial insulator. Such safety loop shall consist of a part of the halyard not less than three feet long, the loop being closed by a link not more than one foot three inches long with a breaking load of not more than one third of the breaking load of the aerial or the halyard, whichever is less.

(3) A rigging plan of the fitted aerial shall be available on board and shall show-

- (a) elevation and plan views of the aerial;
- (b) the measurements of the aerial; and
- (c) the height of the aerial in metres measured in the manner specified in rule 24 (3) of these Rules.

#### **24. Range of transmitter**

(1) The normal range of the radiotelephone transmitter provided in accordance with the foregoing provisions of these Rules, shall not be less than 150 miles.

(2) The normal range of the radiotelephone transmitter for the purposes of these Rules, shall be determined at the option of the owner of the ship either by calculation or by test.

(3) For the purposes of these Rules, the normal range of a radiotelephone transmitter, when determined by calculation on a frequency of 2182 kc/s, shall be calculated by ascertaining the product of the root mean square current in amperes at the base of the aerial and the maximum height of the aerial measured from the lead-out insulator. The transmitter shall be deemed to comply with the requirements of this rule if the product so ascertained is not less than-

- (a) 7.5 metre-amperes where the aerial has a horizontal top-length of not less than one half of its maximum height measured from the lead-out insulator;
- (b) 12.8 metre-amperes in the case of any other aerial.

(4) For the purposes of these Rules the normal range of a radiotelephone transmitter, when determined by test, shall be the distance to which signals can be transmitted by such transmitter over the sea by day under normal conditions on a frequency of 2182 kc/s so as to set up at the receiver by the unmodulated carrier a total root mean square field strength of at least 25 microvolts per metre.

#### **25. Supply of electrical energy**

(1) There shall be available in every radiotelephone ship while the ship is at sea and at all reasonable times when she is in port, a supply of electrical energy sufficient to operate the radiotelephone installation in accordance with these Rules, and for testing purposes and for the charging of any batteries which are a source of electrical energy for the radiotelephone installation. The supply of electrical energy shall, if it is a direct current supply, be of correct polarity. In the case of a radiotelephone installation installed in a radiotelephone ship of Class III on or after 19 November, 1952 and in the case of a radiotelephone installation on a ship of Class IV which is not an existing installation, a reserve source of electrical energy shall be provided in the upper part of the ship unless the main source of electrical energy is so situated. Each source of electrical energy provided in compliance with this rule shall be of such capacity as to be able to supply continuously for a period of six hours a total current equal to the sum of-

- (a) one half of the current required to operate the radiotelephone transmitter for the transmission of speech;
- (b) the current required to operate the radiotelephone receiver; and
- (c) the current consumed by the electric lamp required by paragraph (d) of rule 26 of these Rules.

(2) If a single battery is provided for the foregoing purpose, means shall also be provided for either-

- (a) operating the radiotelephone installation from the ship's main source of electrical energy; or
- (b) float-charging the battery while it is in use, in which case there shall be adequate protection against voltage rise.

Such means shall be so designed as not to require the earthing of the ship's main source of electrical energy and adequate filtering shall, where necessary, be provided to prevent mainsborne interference from entering the radio equipment.

(3) A reserve source of electrical energy provided in compliance with paragraph (1) of this rule shall not be used at any time except for the operation of-

- (a) the radiotelephone installation;
- (b) the electric lamp required by paragraph (d) of rule 26.

(4) Notwithstanding the provisions of paragraph (3) of this rule, in any radiotelephone ship a reserve source of electrical energy provided in compliance with paragraph (1) of this rule may, if the Minister so permits, be used to supply-

- (a) a direction-finder, if fitted; and
- (b) low-power emergency circuits which are wholly confined to the upper part of the ship,

on condition that the said source is capable of supplying the additional load or loads without falling below the capacity required by paragraph (1) of this rule.

(5) When any battery provided for the radiotelephone installation is not in use, it shall be capable of being fully charged within a period of not more than sixteen hours by the means for charging required by rule 10 of these Rules.

## **26. Miscellaneous requirements**

The following provisions shall apply to every radiotelephone ship-

- (a) the radiotelephone installation required by these rules shall be installed-
  - (i) as high as practicable in the ship; and
  - (ii) in a position where there is least disturbance by extraneous noise or otherwise to the effective reception of radio signals;
- (b) an efficient two-way means of communication independent of the ship's main communication system and main source of electrical energy shall be provided between the place at which the aforesaid radiotelephone installation is installed and any other place from which the ship is normally navigated;

- (c) a reliable clock shall be securely mounted in such a position that the entire dial can be easily and accurately observed from the operating position of the afore- said radiotelephone installation;
- (d) a reliable emergency lamp shall be provided which shall be independent of the main lighting system of the ship, and shall be arranged so as to be capable of providing adequate illumination of the aforesaid radiotelephone installation, the clock required by paragraph (c) of this rule and the card of instructions required by paragraph (e) of this rule. If a reserve source of electrical energy is provided in compliance with rule 25 of these Rules the emergency lamp shall be an electric lamp operated from the aforesaid source and shall be controlled by two-way switches placed respectively near an entrance to the room in which the said radiotelephone installation is installed and at the operating position thereof in that room. These switches shall be clearly labelled to indicate their purpose;
- (e) a card of instructions giving a clear summary of the radiotelephone distress, urgency and safety procedures, shall be displayed in full view of the radiotelephone operating position.
- (F) the tools, measuring instrument, spare parts and other material specified in Part II of the Sixth Schedule to these Rules shall be provided and shall be made readily available.

[Sixth Schedule. Part 11.]

## **27. Provision and qualifications of radiotelephone operator**

(1) Every radiotelephone ship shall be provided with at least one radiotelephone operator.

(2) For the purposes of these Rules, no person shall be qualified to be a radiotelephone operator on board a Nigerian ship unless he holds a valid certificate of proficiency or competence in radiotelephony or radiotelegraphy granted by the Minister for Communications or an equivalent certificate granted by the Postmaster-General of the United Kingdom or by an authority empowered in that behalf in any other part of the Commonwealth or Irish Republic and recognised as the equivalent of such certificate granted by him.

(3) For the purposes of these Rules, no person shall be deemed to be a radiotelephone operator on board a ship registered in a country other than Nigeria unless he holds a valid certificate of proficiency or competence in radiotelephony or radiotelegraphy granted under the laws of the country in which the ship is registered and recognised by the Minister for Communications as the equivalent of such a certificate issued by him.

## **28. Radio watch**

(1) Subject to the provisions of paragraph (2) of this rule, while a radiotelephone ship is at sea, continuous radio watch shall be maintained by a radiotelephone operator or by the master or by an officer or member of the crew appointed to keep radio watch at the place on board from which the ship is normally navigated.



(2) Radio watch may be discontinued-

- (a) when the receiver forming part of the radiotelephone installation required by rule 6 of these Rules is being used for traffic on a frequency other than 2182 kc/s and when a second receiver complying with the requirements specified in Part III of the Third Schedule to these Rules is not available; or
- (b) when, in the opinion of the master of the ship, conditions are such that maintenance of radio watch would interfere with the safe navigation of the ship.

(3) Notwithstanding the provisions of paragraph (2) (b) of this rule, radio watch shall, as far as practicable, be maintained during the silence periods.

### **29. Duties of radiotelephone operator**

(1) Every radiotelephone operator shall be familiar with the radiotelephone distress, urgency and safety procedures as given in the card of instructions required by paragraph (e) of rule 26 of these Rules.

(2) While a radiotelephone ship is at sea, the radiotelephone operator, or if there is more than one, one designated by the master, shall arrange for any batteries which are a source of electrical energy for the radiotelephone installation to be tested once a day and be fully-charged as soon as possible.

### **30. Radiotelephone log book**

(1) A radiotelephone log book in the form specified in the Tenth Schedule to these Rules shall be kept at the place where radio watch is maintained in every radiotelephone ship and shall be available for inspection by any person authorised in that behalf by the Minister.

(2) Every radiotelephone operator shall, when keeping radio watch in compliance with rule 28 (1) of these Rules, enter in such log book-

- (a) his name;
- (b) the times at which he begins and ends his periods of radio watch;
- (c) the time at which radio watch is for any reason discontinued, together with the reason and the time at which radio watch is resumed;
- (d) a summary of communications exchanged between the ship station and coast stations or other ship stations;
- (e) a record of all incidents occurring during his period of radio watch relating to the radiotelephone installation and the operation thereof, and which appear to him to be of importance to the safety of life at sea; in particular, he shall make the following entries-
  - (i) the general sense of all messages transmitted and received by him which relate to immediate assistance required by persons in distress at sea;
  - (ii) the general sense of all messages transmitted and received by him which are preceded by a signal in general international use as an urgency signal or a safety signal;
  - (iii) a record of the radio watch maintained by him during each of the silence periods;

- (iv) a record of any incident occurring during his period of radio watch which affects the efficiency of the radiotelephone installation; and
- (v) if the ship's Rules permit, a record in latitude and longitude, or by reference to a place, a record of the approximate position of the ship at least once per day when the station is open.

(3) Every radiotelephone operator shall enter in such log book a record of the tests conducted in accordance with rule 29 (2) and rule 33 (3) of these Rules.

(4) The master and every officer or member of the crew shall, when keeping radio watch in compliance with rule 28 (1) of these Rules, enter in such log book-

- (a) his name;
- (b) the times at which he begins and ends his periods of radio watch;
- (c) the times at which radio watch is for any reason discontinued, together with the reason, and the time at which radio watch is resumed;
- (d) a summary of communications exchanged between the ship station and coast stations or other ship stations;
- (e) a record of all incidents occurring during his period of radio watch relating to the radiotelephone installation and the operation thereof, and which appear to him to be of importance to the safety of life at sea; in particular, he shall make the following entries-
  - (i) the general sense of all messages transmitted and received by him which relate to immediate assistance required by persons in distress at sea;
  - (ii) the general sense of all messages transmitted and received by him which are preceded by a signal in general international use as an urgency signal or a safety signal;
  - (iii) a record of the radio watch maintained by him during each of the silence periods;
  - (iv) a record of any incident occurring during his period of radio watch which affects the efficiency of the radiotelephone installation; and
  - (v) if the ship's Rules permit, a record in latitude and longitude, or by reference to a place, a record of the approximate position of the ship at least once per day when the station is open.

(5) The radiotelephone operator or, if there is more than one, the one designated by the master, shall inspect and sign each day the entries for that day in the log book.

(6) The master of the ship shall inspect and sign each day's entries in the log book.

(7) Section 121 of the Act (which provides for the delivery of the official log book to the Superintendent) and section 118 of the Act (which provides, among other things, for the custody of the official log book) shall apply to the radiotelephone log book as they apply to the official log book.

## PART IV

### *Radio equipment for lifeboats and survival craft*

#### **31. Motor lifeboat fixed radio equipment**

(1) The equipment required by rule 31 (1) (a) of the Merchant Shipping (Life-Saving Appliances) Rules shall comply with the specification set forth in Part 1 of the Fifth Schedule to these Rules.

[Fifth Schedule. Part I.]

(2) The battery included in such equipment shall not be used for any purpose other than the operation of such equipment and the searchlight provided in compliance with the aforesaid Rules.

#### **32. Portable radio equipment for survival craft**

The equipment required by rule 5 (7), rule 6 (11), rule 10 (10) and rule 11 (6) of the Merchant Shipping (Life-Saving Appliances) Rules shall comply with the specification set forth in Part 11 of the Fifth Schedule to these Rules.

[Fifth Schedule. Part 11.]

#### **33. Test of radio equipment for lifeboats and survival craft**

(1) When a radiotelegraph ship provided with the equipment referred to in rule 31 or rule 32 of these Rules is at sea, the radio officer, or if there is more than one, the first radio officer, shall at least once every seven days, arrange for the transmitter forming part of such installation or equipment to be tested with the artificial aerial provided in accordance with paragraph 9 of Part I or paragraph 9 of Part II of the Fifth Schedule to these Rules and arrange for any batteries, other than self-priming batteries, which are a source of electrical energy for such installation or equipment to be tested by voltmeter and hydrometer and brought up to fully-charged condition as soon as possible.

(2) The radio officer making the tests referred to in paragraph (1) of this rule shall enter the results of such tests in the radiotelegraph log book.

(3) When a radiotelephone ship provided with the equipment referred to in rule 32 of these Rules is at sea, the radiotelephone operator, or if there is more than one, the one designated by the master shall, at least once every seven days test the transmitter forming part of such equipment with the artificial aerial provided in accordance with paragraph 9 of Part II of the Fifth Schedule to these Rules.

(4) The radiotelephone operator making the test referred to in paragraph (3) of this rule shall enter the results in the radiotelephone log book.

## SCHEDULES

### FIRST SCHEDULE

[Rule 4.]

#### *Transitional provisions*

1. As to rule 6. Subject to the provisions of paragraph 2 of this Schedule, any ship which is provided with radiotelegraph equipment which forms part of an existing installation or which

is installed before 28 February, 1968 shall not be required to be provided with the equipment specified in the Second Schedule to these Rules if the radiotelegraph equipment provided in the ship complies with the requirements of the Second Schedule to the Merchant Shipping (Radio and Direction Finders) Rules which would have been applicable if the said Rules had not been revoked.

2. As to rule 6. Nothing in rule 6 (1) of these Rules shall require the automatic keying device forming part of an existing installation to comply with the requirements of Part V of the Second Schedule to these Rules before 28 February, 1968.

3. As to rule 6. Any ship of Class III or Class IV which is provided with radiotelephone equipment forming part of an existing installation or which is installed before 28 February, 1968 shall not be required to be provided with the equipment specified in Part of the Third Schedule to these Rules if the radiotelephone equipment provided in the ship in the case of a Class III ship complies with the requirements of the Third Schedule to the Merchant Shipping (Radio and Direction-Finders) Rules which would have been applicable if the said Rules had not been revoked.

4. As to rule 6. Nothing in rule 6 (2) of these Rules shall require the device for the radiotelephone alarm signal specified in Part II of the Third Schedule to these Rules to be provided before 28 February, 1968.

5. As to rule 7. Nothing in rule 7 of these Rules shall apply to any equipment forming part of an existing installation or which is installed before 28 February, 1968 (not being a radiotelegraph auto-alarm equipment to which paragraph 9 of this Schedule applies) if it complies with the requirements of the Fourth Schedule to the Merchant Shipping (Radio and Direction Finders) Rules which would have been applicable if the said Rules had not been revoked.

6. As to rule 9. Nothing in rule 9 of these Rules shall require any parts or wiring in an existing installation to be isolated automatically from all sources of electrical energy when the means of protection referred to therein are removed in the case of a ship of Class IV or before 1 September, 1966 in the case of ships of Class I, II or III.

7. As to rule 11. Nothing in rule 11 of these Rules shall require the main equipment and reserve equipment to form part of a radiotelegraph installation being in the case of a ship of Class III an installation fitted before 19 November, 1954 or, in the case of a ship of Class IV an existing installation, to be electrically independent of each other if the installation complies with the following requirements that is to say-

- (a) the main receiver and the reserve receiver are electrically independent of each other;
- (b) the transmitter complies with the requirements (in the case of the main and reserve transmitters) of Parts I and III of the Second Schedule to these Rules, or, with the requirements set down in paragraph 1 of this Schedule;
- (c) the transmitter is capable of operation both from the main source of electrical energy required by rule 15 (1) of these Rules and from the reserve source of energy required by rule 15 (2).

8. As to rule 12. Nothing in rule 12 (6) of these Rules shall require the diagram referred to therein to be available before 28 February, 1967 in the case of radiotelegraph installations fitted before 19 November, 1952.

9. As to rule 7, rule 17 and rule 19. Nothing in rules 7, 17 or 19 of these Rules shall apply to-

- (a) a radiotelegraph auto-alarm equipment which forms part of an existing installation or which is installed before 28 February, 1968 if it complies with the requirements of the Fourth Schedule and the Seventh Schedule to the Merchant Shipping (Radio and Direction-Finders) Rules which would have been applicable if the said Rules had not been revoked; or

- (b) a radiotelegraph auto-alarm equipment which forms part of an existing installation and which does not comply with the Fourth Schedule and the Seventh Schedule to the Merchant Shipping (Radio and Direction-Finders) Rules before 28 February, 1968:

Provided that the radiation from the radiotelegraph auto-alarm receiver shall not exceed 0.1 microvolt per metre at a distance of one mile from the receiver.

**10.** As to rule 24. Nothing in rule 24 of these Rules shall in the case of a radiotelephone ship of Class IV require the transmitter forming part of an existing installation to exceed a normal range of 75 miles. The transmitter shall be deemed to comply with this provision if the product ascertained in the manner specified in paragraph (3) of the aforesaid Rule is not less than-

- (a) 3.25 metre-amperes if the aerial has a horizontal top-length of not less than one-half of its maximum height measured from the lead-out insulator;
- (b) 5.5 metre-amperes in the case of any other aerial.

**11.** As to rule 31. Subject to the provisions of paragraph 12 of this Schedule, any ship which is provided with radiotelegraph equipment which forms part of an existing installation or which is installed before 28 February 1968 shall not be required to be provided with the equipment specified in Part I of the Fifth Schedule to these Rules if the radiotelegraph equipment complies with the requirements of Part I of the Fifth Schedule to the Merchant Shipping (Radio and Direction-Finders) Rules which would have been applicable if the said Rules had not been revoked.

**12.** As to rule 31. Nothing in rule 31 of these Rules shall require any automatic keying device forming part of an existing radiotelegraph installation in a motor lifeboat to comply with the requirements of Part V of the Second Schedule to these Rules before 28 February 1968.

**13.** As to rule 32. Any portable radio equipment for lifeboats provided before 28 February 1968 in a ship to which these Rules apply which complies with such of the requirements of the Merchant Shipping (Radio and Direction-Finders) Rules as would have been applicable if the said Rules had not been revoked, shall be treated as complying with the requirements applicable to the portable radio equipment for survival-craft specified in Part II of the Fifth Schedule to these Rules:

Provided that when the equipment is intended for use in a liferaft it shall comply with the requirements of Part III of the Fifth Schedule to these Rules.

## SECOND SCHEDULE

[Rule 6 (1).]

### *Radiotelegraph installation*

#### PART I

### *Main radiotelegraph transmitter*

**1. Performance.**-In addition to compliance with the provisions of this Schedule, the main radiotelegraph transmitter provided on board a ship registered in Nigeria shall comply with the Performance Specification for a Main Radiotelegraph Transmitter issued by the Minister for Communications or with a Performance Specification for a Main Medium Frequency Radiotelegraph Transmitter 1965 issued by the Postmaster-General of the United Kingdom.

**2. General.**- The main radiotelegraph transmitter (in this Part of this Schedule referred to as "the transmitter") shall be provided with any equipment which may be necessary to enable it to be operated from the source of electrical energy referred to in rule 15 (1) of these Rules and

shall be capable of being tuned to the main and reserve aerials referred to in rule 12 of these Rules.

**3. Frequency range and classes of emission-s-** The transmitter shall be capable of transmitting Class A 1 and Class A2 emissions on 500 kc/s and at least four other spot frequencies in the range 405 to 525 kc/s.

**4. Modulation-s-** When Class A2 emissions are being transmitted, the transmitter shall have a depth of modulation of not less than seventy per cent and a note frequency between 450 and 1,350 cis.

(1) It shall be possible for an operator operating a transmitter to change from one frequency to another within a period not exceeding ten seconds.

(2) The transmitter shall be ready for full-power operation within sixty seconds of switching on.

(3) The transmitter shall be capable of being used in conjunction with the automatic keying device specified in Part V of this Schedule.

(4) There shall be provided, in conjunction with an associated receiver, listening -through facilities at normal signalling speeds.

## PART II

### *Main radiotelegraph receiver*

**1. Peifomance.-**In addition to compliance with the provisions of this Part of this Schedule, the main radiotelegraph receiver provided on board a ship registered in Nigeria shall comply with the Performance Specification for a Main Radio Receiver issued by the Minister for Communications or with a Performance Specification for a Main Radio Receiver issued by the Postmaster-General of the United Kingdom.

**2. General.-**(1) The main radiotelegraph receiver (in this Part of this Schedule referred to as "the receiver") shall be capable of being operated from the source of electrical energy referred to in rule 15 (1) of these Rules.

(2) The receiver shall consist either of a single unit or of separate units each of which is capable of reception on one or more sections of the frequency ranges specified in paragraph 3 of this Part of this Schedule. Each unit of the receiver shall bear a plate stating the frequency range it is intended to cover.

(3) The receiver shall not employ any vibrators or primary batteries.

**3. Frequency range and classes of emission.-**The receiver shall be capable of receiving signals within the frequency ranges and of the classes of emission specified in the following table.

<i>Frequency Range (inclusive)</i>	<i>Class of Emission</i>
15kc/s- 160 kc/s	A1
160 kc/s-,500kc/s	A1, A2
1,500kc/s-4Mc/s	A1, A2,A3
4Mc/s-28Mcls	A1, A2, A3

**4. Receptionfacilities.-**The receiver shall be capable of headphone and loudspeaker reception throughout the frequency range specified in paragraph 3 of this Part of this Schedule. The loudspeaker shall be rendered inoperative when reception is by headphones.

5. *Sensitivity.*-The receiver shall have sufficient sensitivity to produce signals in headphones or by means of a loudspeaker when the receiver input is as low as 50 microvolts.



6. *Controls.*-The receiver shall be provided with-

- (1) means for reducing the receiver sensitivity when the telegraph key is depressed so as to permit listening-through at normal signalling speeds when an associated transmitter is operating in the same frequency band;
- (2) necessary manual controls for the adjustment of radio and/or intermediate frequency gain and of audio frequency gain;
- (3) means for enabling the operator to tune to any frequency in the same maritime mobile band within five and fifteen seconds respectively if the frequencies are in different bands;
- (4) a tuning scale calibrated directly in frequency;
- (5) a logging scale or other approved means for the accurate resetting of tune; and
- (6) a fine control, the knob of which shall be at least two inches in diameter, unless the frequency is adjustable in steps of 100 *cis* or less.

7. *Radiation.*-The receiver, when in use, shall not produce a field exceeding 0.1 microvolt per metre at a distance of one mile from the receiver.

### PART III

#### *Reserve radiotelegraph transmitter*

1. *Performance.*-In addition to compliance with the provisions of this Part of this Schedule, the reserve radiotelegraph transmitter provided on board a ship registered in Nigeria shall comply with the Performance Specification for a Reserve Radiotelegraph Transmitter issued by the Minister for Communications or with a Performance Specification for a Reserve Radiotelegraph Transmitter 1964 issued by the Postmaster-General of the United Kingdom.

2. *General.*-The reserve radiotelegraph transmitter (in this Part of this Schedule referred to as "the transmitter") shall be provided with any equipment which may be necessary to enable it to be operated from the reserve source of electrical energy referred to in rule 15 (2) of these Rules, and shall be capable of being tuned to the main and reserve aerials referred to in rule 13 of these Rules.

[Second Schedule.]

3. *Frequency and class of emission.*- The transmitter shall be capable of transmitting Class A2 emissions on the frequency of 500 kc/s.

4. *Modulation*=-: The transmitter shall have a depth of modulation of not less than 70 per cent and a note frequency of between 450 and 1,350 *cis*.

5. *Operating facilities.*-(1) The transmitter shall deliver 50 watts or at least 75 per cent of its full output, whichever is the greater, within six seconds of switching on.

(2) The transmitter shall be capable of being used in conjunction with the automatic keying device specified in Part V of this Schedule.

6. *Use for normal communications.*-If the transmitter is to be used otherwise than in an emergency or for the tests required by rule 20 (4) of these Rules, paragraph 3 and subparagraphs (1) and (4) of paragraph 5 of Part I of this Schedule shall apply in relation to it as they apply in relation to the main radiotelegraph transmitter.

7. *Artificial aerial.*-An artificial aerial shall be provided for testing the transmitter on full power.

## PART IV

### *Reserve radiotelegraph receiver*

**1. Performance.**-In addition to compliance with the provisions of this Part of this Schedule the reserve radiotelegraph receiver provided on board a ship registered in Nigeria shall comply with the Performance Specification for a Reserve Radiotelegraph Receiver issued by the Minister for Communications or with a Performance Specification for a Reserve Radiotelegraph Receiver 1964 issued by the Postmaster-General of the United Kingdom.

**2. Frequency range and classes of emission.**-The reserve radiotelegraph receiver (in this Part of this Schedule referred to as "the receiver") shall be capable of receiving-

- (a) Class Aland A2 emissions of frequencies in the range 405 to 535 kc/s, and
- (b) Class A I, A2 and A3 emissions on frequencies in the range 1605 to 3800 kc/s and throughout each of the maritime mobile bands between 4 and 23 Mc/s.

**3. Reception facilities.**-(1) The receiver shall be capable of both headphone and loud-speaker reception throughout the frequency ranges specified in paragraph 2 of this Part of this Schedule. The loudspeaker shall be rendered inoperative when reception is by headphones.

(2) When an associated transmitter is operated in the same frequency band, means shall be provided for reducing the receiver gain when the telegraph key is depressed, so as to permit listening through at normal signalling speeds.

**4. Sensitivity.**-The receiver shall have sufficient sensitivity to produce signals in headphones or by means of a loudspeaker when the receiver input is as low as 100 microvolts.

**5. Source of electricity energy.**-The receiver shall be capable of operation both from the main source of electrical energy required by rule 15 (1) of these Rules and the reserve source of electrical energy required by rule 15 (2). Arrangements for quickly changing from one source of electrical energy to the other shall be incorporated. No vibrators or primary cells shall be employed.

**6. Controls.**-The receiver shall be provided with-

- (1) necessary manual controls for the adjustment of radio and/or intermediate frequency gain and of audio frequency gain;
- (2) a selectivity switch, suitably marked; and
- (3) means for switching off the automatic gain control, and such means may be combined with the functions of a service switch.

**7. Radiation.**-The receiver, when in use, shall not produce a field exceeding 0.1 microvolt per metre at a distance of one mile from the receiver.

## PART V

### *Radiotelegraph automatic keying device*

**1. Performance.**-In addition to compliance with the provisions of this Part of this Schedule the radiotelegraph automatic keying device provided on board a ship registered in Nigeria shall comply with the Performance Specification for an Automatic Keying Device issued by the Minister for Communications or with the Performance Specification for an Automatic Keying Device 1964 issued by the Postmaster-General of the United Kingdom.

2. *General.*-(1) The radiotelegraph automatic keying device (in this Part of this Schedule referred to as "the device") shall be capable of sending automatically the signals specified in

paragraph 3 of this Part of this Schedule when switched into circuit in place of the manual key.

(2) Means shall be provided for the quick connection and disconnection of the device, as required, to and from the main radiotelegraph transmitter, the reserve radiotelegraph transmitter and the radiotelegraph auto-alarm test signal generator referred to in paragraph 5 of the Seventh Schedule to these Rules.

(3) If the device is electrically operated it shall be suitable for operation from the reserve source of electrical energy required by rule 14 (2) of these Rules.

3. *Signals.*- The device shall be capable of keying only the following signals when switched into circuit-

- (1) the radiotelegraph alarm signals consisting of twelve four-second dashes separated by one-second spaces, the length of the dashes and spaces being maintained within a tolerance of plus or minus 0.2 second;
- (2) the radiotelegraph distress call consisting of the following signals in the following order-
  - (a) the radiotelegraph distress signals SOS, sent three times;
  - (b) the word DE;
  - (c) the ship's call sign, sent three times; and
  - (d) two dashes, each of ten to fifteen seconds duration.

4. *Operating Facilities.*-The device shall be suitable for operation by an unskilled person.

## PART VI

### *Radiotelegraph loudspeaker watchkeeping receiver*

1. *Performance.*-In addition to compliance with the provisions of this Part of this Schedule, the radiotelegraph loudspeaker watchkeeping receiver provided on board a ship registered in Nigeria shall comply with the Performance Specification for a Radiotelegraph Loudspeaker Watchkeeping Receiver issued by the Minister for Communications or with the Performance Specification for a Radiotelegraph Loudspeaker Watchkeeping Receiver 1964 issued by the Postmaster-General of the United Kingdom.

2. *General.*-(1) The radiotelegraph loudspeaker watchkeeping receiver (in this Part of this Schedule referred to as "the receiver") shall be fixed in tune on a frequency of 500 kc/s and shall be suitable for the reception of Class A2 emissions in the range 496 to 504 kc/s.

(2) The receiver shall include a loudspeaker.

(3) Provision shall be made for protecting the receiver when the ship's transmitter is radiating on 500 kc/s.

3. *Selectivity.*- The selectivity preceding the final detector shall satisfy the following requirements with the automatic gain control inoperative-

Frequency	Discrimination (db relative to maximum
-----------	--

	response
496 to 504	Not more than 3
Below 487 and above 513	At least 40
Below 475 and above 525	At least 80



4. *Standard output level.*- The standard audio frequency output level shall be 50 milliwatts into a resistance substantially equal to the modulus of the impedance of the loudspeaker at 1000 c/s.

[Second Schedule.]

5. *Controls.*-(1) The receiver shall be provided with a manual gain control and an automatic gain control. Subject to the provisions of sub-paragraph (2) of this paragraph no controls other than a manual gain control and an on-off switch shall be available at the exterior of the receiver.

(2) If the receiver facilities are incorporated in a combined receiver, that is to say, in a reserve radiotelegraph receiver complying with the requirements of Part IV of this Schedule or a radiotelegraph auto-alarm equipment complying with the requirements of the Seventh Schedule to these Rules-

- (a) it shall be possible readily to set such combined receiver to the loudspeaker watch keeping condition. If this setting is not by means of a single control, a positive indication shall be given by means of a lamp or lamps when the receiver is in the 500 kc/s loudspeaker watchkeeping condition;
- (b) when the combined receiver is in the loudspeaker watchkeeping condition, controls of the reserve radiotelegraph receiver or radiotelegraph auto-alarm equipment, as the case may be, other than those referred to in sub-paragraph (1) of this paragraph, shall not affect its operation; and
- (c) controls of the combined receiver which affect the operation when in a loudspeaker watchkeeping condition, shall be clearly labelled.

6. *Radiation.*- The receiver, when in use, shall not produce a field exceeding 0.1 microvolt per metre at a distance of one mile from the receiver.

### THIRD SCHEDULE

[Rule 6 (2).]

#### *Radiotelephone installation*

##### PART I

#### *Main radiotelephone installation*

1. *Performance.*-In addition to compliance with the provisions of this Part of this Schedule the main radiotelephone installation provided on board a ship registered in Nigeria shall comply with the Performance Specification for a Radio Equipment for use in Ships Compulsorily Fitted for Radiotelephony issued by the Minister for Communications with the Performance Specification for a Radiotelephony 1965 issued by the Postmaster-General of the United Kingdom.

2. *General.*-In this Part of this Schedule the expression "the equipment" includes a radiotelephone transmitter and receiver and all other equipment necessary for the operation of the installation, but does not include an aerial or a source of electrical energy.

3. *Frequency ranges and classes of emission.*-(1) The equipment shall be capable of transmitting Class A3 emissions of a frequency for 2182 kc/s and of transmitting telephony on at least eight other spot frequencies.

(2) The equipment shall be capable of receiving Class A2 and A3 emissions on a frequency 2182 kc/s and at least 20 other spot frequencies in the range 1605 to 3800 kc/s. (3) Independent selection of transmit and receive frequencies shall be provided.

**4. Transmitter.**-(1) The transmitter shall be provided with a device for generating the radiotelephone alarm signal specified in Part II of this Schedule.

(2) In normal operation the transmitter shall have a depth of modulation on 2182 kc/s of not less than 70 per cent at peak intensity.

**5. Receiver.**-(1) The receiver shall have sufficient sensitivity to produce signals by means of a loudspeaker when the receiver input is as low as 50 microvolts.

(2) The receiver, when in use, shall not produce a field exceeding 0.1 microvolt per metre at a distance of one mile from the receiver.

**6. Source of electrical energy.**- The equipment shall be capable of operation from the source of electrical energy required by rule 24 of these Rules.

**7. Operating facilities.**-(1) The equipment shall be capable of being changed rapidly from "transmit" to "receive" and *vice versa* and means shall be provided for protecting the receiver from damage when the equipment is transmitting.

(2) It shall be possible for an operator to change the transmitter from operation on any frequency to operation on any other frequency in a period not exceeding ten seconds.

(3) The transmitter shall be ready for full-power operation within sixty seconds of switching on.

(4) The receiver shall have provision for both telephone receiver and loudspeaker reception.

**8. Controls.**-All controls shall be of such size as to permit normal adjustments to be performed by a person wearing thick gloves.

## PART II

### *Radiotelephone alarm signal generating device*

**1. Performance.**-In addition to compliance with the provisions of this Part of this Schedule the radiotelephone alarm signal generating device provided on board a ship registered in Nigeria shall comply with the Performance Specification for a Radiotelephone (Audio Frequency) Alarm Generating Device issued by the Minister for Communications or with the Performance Specification for a Radiotelephone Alarm Signal Generating Device (Audio Frequency) 1964 issued by the Postmaster-General of the United Kingdom.

**2. General.**-(1) The radiotelephone alarm signal generating device (in this Part of this Schedule referred to as "the device") shall be capable of generating the radiotelephone alarm signal specified in paragraph 3 of this Part of this Schedule.

(2) The device shall be ready to generate the radiotelephone alarm signal within a period of 30 seconds from the time the device is energised and shall be capable of generating for a period of not less than thirty and not more than sixty seconds.

(3) After generating the radiotelephone alarm signal the device shall be ready to repeat the signal after an interval of not more than two minutes.

(4) Means shall be provided for the device to be taken out of service at any time.

**3. Alarm signal.**- The radiotelephone alarm signal referred to in paragraph 2 (1) of this Part of this Schedule shall consist of two substantially sinusoidal tones, one having a frequency of 2200 c/s plus or minus 1.5 per cent and the



a frequency of 1300 C/S plus or minus 1.5 per cent, produced alternately; the duration of each tone shall be 250 milliseconds plus or minus 50 milliseconds; the interval between successive tones shall not exceed 50 milliseconds; the ratio of the amplitude of the stronger tone to that of the weaker shall be within the range 1 to 1.2.

**4. Controls.**-(1) Not more than two operating controls shall be available at the exterior of the device. Each control shall be clearly labelled to show its purpose and shall be such as to permit normal operation to be carried out by a person wearing thick gloves.

(2) Controls, where provided, for the adjustment of frequency, duration or level of the signal elements shall be preset controls not available at the exterior of the device.

### PART III

#### *Radiotelephone loudspeaker watchkeeping receiver*

**1. Performance.**-In addition to compliance with the provisions of this Part of this Schedule the radiotelephone loudspeaker watchkeeping receiver provided on board a ship registered in Nigeria shall comply with the Performance Specification for a Radiotelephone Loudspeaker Watch keeping Receiver on 2181 kc/s Receiver (2182 kc/s) for Loudspeaker Watch keeping 1964 issued by the Postmaster-General of the United Kingdom.

**2. General.**-(1) The radiotelephone loudspeaker watch keeping receiver (in this Part of this Schedule referred to as "the receiver") shall be fixed in tune on a frequency of 2182 kc/s and shall be suitable for the reception of Class A2 and A3 emissions except when the ship's own radiotelephone transmitter is radiating on 2182 kc/s.

(2) The receiver shall include a loudspeaker.

(3) Provision shall be made for protecting the receiver and muting its output when the ship's transmitter is radiating on 2182 kc/s.

**3. Selectivity.**-The selectivity preceding the detector shall satisfy the following requirements- *Frequency (kc/s)*

<i>Frequency (kc/s)</i>	<i>Discrimination (db relative to maximum response)</i>
2178,5 to 2185,5 inclusive	Not more than 6
Below 2172 and above 2192	At least 30
Below 2162 and above 2202	At least 60
Below 2142 and above 2222	At least 80

**4. Sensitivity.**-The receiver shall have sufficient sensitivity to produce signals by means of a loudspeaker when the receiver input is as low as fifty microvolts.

**5. Controls.**-(1) The receiver shall be provided with-

- (a) a manual control labelled "Range" for the adjustment of radio frequency or intermediate frequency gain, or both;
- (b) a preset control not available at the exterior of the receiver, for the adjustment of radio frequency or intermediate frequency gain, or both;

#### *Merchant Shipping Act*

- (c) manual control labelled "Volume" for the adjustment of audio frequency gain;
- and

- (d) a preset control not available at the exterior of the receiver, for the adjustment of audio frequency gain.

(2) With the exception of the controls specified in sub-paragraphs (a) and (c) of the preceding paragraph and a receiver on-off switch, no other control shall be available at the exterior of the receiver.

6. *Radiation.*-The receiver when in use shall not produce a field exceeding 0.1 microvolt per metre at a distance of 1.6 kilo metre from the receiver.

FOURTH SCHEDULE

[Rule 7.]

*Climatic and durability tests*

1. In this Schedule-

- (1) references to Class B equipment shall be construed as references to equipment appropriated for use only below deck or in a deckhouse or other similar compartment;
- (2) references to Class X equipment shall be construed as references to equipment appropriated for use or storage in the open or in an open boat.

2. Class B and Class X equipment shall be subjected to tests conducted in the order in which they appear in the following Table-

Nature of test	Classes equipment to which the test shall be applied
Visual Inspection and Performance Test .....	B and X
Inspection under Vibration .....	B and X
Bump Test .....	B and X
Dry Heat Cycle .....	B and X
Damp Heat Cycle .....	B and X
Low Temperature Cycle.....	B and X
Rain Test .....	Band X
.....	X
Immersion Test .....	X
Corrosion Test .....	B and X
Mould Growth Test .....	X
Visual Inspection and Performance Test .....	

3. The tests

referred to in paragraph 2 of this Schedule shall be conducted respectively in the manner described in the Performance Specification for the Climatic or Durability Testing of Marine Radio Equipment issued by the Minister for Communications or with the Performance

Specification of the Climatic and Durability Testing of Marine Radio Equipment 1965 issued by the Postmaster-General of the United Kingdom.

FIFTH SCHEDULE

[Rule 31.]

*Radio equipment for lifeboats and survival craft*

PART I

*Motor lifeboat fixed radio equipment*

*1. Performance.*-In addition to compliance with the provisions of this Part of this Schedule the motor lifeboat fixed radio equipment provided on board a ship registered in Nigeria shall comply with the Performance Specification for a Motor Lifeboat (Fixed) Radio Equipment issued by the Minister for Communications or with the Performance Specification for a Motor Lifeboat Radio Equipment 1964 issued by the Postmaster-General of the United Kingdom.

*2. General.*-The motor lifeboat fixed radio equipment (in this Part of this Schedule referred to as "the equipment") shall be so designed that it can be used in an emergency by an unskilled person.

[Second Schedule.]

*3. Transmitter.*-(1) The equipment shall include a transmitter capable of sending continuously, but not simultaneously, Class A2 emissions on frequencies of 500 and 8364 kc/s and Class A3 emissions on a frequency of 2182 ks/s.

(2) In addition to a key for manual transmissions, the transmitter shall be provided with the automatic keying device specified in Part V of the Second Schedule to these Rules.

(3) When Class A2 emissions are being transmitted, the carrier wave shall be modulated to a depth of 100 per cent by an approximately rectangular wave of frequency between 450 and 1350 cis so that the carrier wave is switched on for thirty to fifty per cent of the modulation cycle.

(4) When Class A3 emissions are being transmitted, full modulation of the carrier wave by speech shall be possible.

(5) On the frequency of 500 kc/s the transmitter shall have a minimum normal range of 25 miles using the aerial referred to in paragraph 6 of this Part of this Schedule. For the purposes of this Part of this Schedule the normal range of the transmitter shall be calculated in accordance with the manner specified in the Eleventh Schedule to these Rules.

*4. Receiver.*-(1) The equipment shall include a receiver tunable over the ranges 488 to 513 kc/s and 8320 to 8745 kc/s for reception of Class A1 and A2 emissions.

(2) The receiver shall also be capable of receiving Class A3 emissions on a spot frequency of 2182 kc/s.

(3) A manual gain control shall be provided.

(4) Reception shall be by watertight headphones shrouded to exclude noise.

*5. Source of electrical energy.*-(1) The equipment shall include a battery, composed of secondary cells, having a capacity such that, after continuously operating the transmitter (under full-power mark condition) for four hours, the voltage under full-load conditions shall not fall by more than ten per cent.

(2) The battery shall not supply power to any engine starting-motor or ignition system.

(3) If it is intended to operate a searchlight from the battery, the capacity thereof shall be sufficient to provide for the additional load of the searchlight.

(4) The battery shall be capable of being recharged without being removed from the lifeboat-

(a) from a dynamo driven by the lifeboat's engine; and

(b) from the ship's main source of electrical energy:

Provided that this in no way interferes with the launching of the lifeboat.

*6. Aerial.*-The equipment shall include a single-wire aerial of high conductivity stranded or braided wire capable of being supported by the lifeboat mast without the use of top-masts at a height of at least 22 feet above the waterline.

**7. Controls.**- The controls shall be clearly marked and be of such size (in no case smaller than two inches in diameter) as will permit normal adjustments to be made by a person wearing thick gloves.

**8. Operating facilities.**- The transmitter shall be ready for full-power operation within thirty seconds of switching on.

**9. Artificial aerial.**-An artificial aerial shall be provided for testing the transmitter on full power.

PART II  
[Rule 32.]

*Portable radio equipment for survival craft*

**1. Performance.**-In addition to compliance with the provisions of this Part of this Schedule, the portable radio equipment for survival craft provided on board a ship registered in Nigeria shall comply with the Performance Specification for a (Survival Craft) Man-Powered Portable Radio Equipment issued by the Minister for Communications or with the Performance Specification for a Man-Powered Portable Radio Equipment for Survival Craft 1964 issued by the Postmaster-General of the United Kingdom.

**2. General.**-(1) The portable radio equipment for survival craft (in this Part of this Schedule referred to as "the equipment") shall be capable of use in both lifeboats and liferafts.

(2) The equipment shall be so designed that it can be used in an emergency by an unskilled person.

(3) The entire equipment, including the aerials specified in paragraph 6 of this Part of this Schedule, shall be contained in a single unit and shall not exceed thirty pounds in weight.

(4) The equipment shall be watertight and capable of floating in water. Means shall be provided on the equipment for lowering but it shall be capable of being dropped in the stored condition from a height of thirty feet into water without damage.

(5) Provision shall be made for securing the equipment, in the operating condition, to the operator.

**3. Transmitter.**-(1) The equipment shall include a transmitter capable of sending continuously, but not simultaneously, Class A2 emissions on 500 and 8364 kc/s and Class A3 emissions on a frequency of 2182 kc/s.

(2) The equipment shall supply power of at least 10 watts input to the anode of the final stage or a radio frequency output of at least 2.0 watts (A2 emission) at 500 kc/s into an

artificial aerial having an effective resistance of fifteen ohms and 100 picofarads capacitance in series.

(3) In addition to a key for manual transmission, the transmitter shall be provided with an automatic keying device for the transmission of the radiotelegraph alarm and distress signals and two dashes each of ten to fifteen seconds duration.

(4) The facilities for transmission on the frequency of 2182 kc/s shall include a device for the generation of the radiotelephone alarm signal specified in Part II of the Third Schedule to these Rules except that the duration of the radiotelephone alarm signal may be determined by manual control.

(5) When Class A2 emissions are being transmitted, the carrier wave shall be modulated to a depth of 100 per cent by an approximately rectangular wave of frequency between 450 and 1350 c/s so that the carrier wave is switched on for thirty to fifty per cent of a modulation cycle.

(6) When Class A3 emissions are being transmitted, full modulation of the carrier wave by speech shall be possible.

**4. Receiver.**-(1) The equipment shall include a receiver capable of receiving on 500 and 2182 kc/s.

(2) When the receiver is operating on 500 kc/s it shall be fixed, tuned, and suitable for reception of Class A2 emissions over the band 495 to 505 kc/s.

(3) When the receiver is operating on 2182 kc/s it shall be fixed, tuned, and suitable for reception of Class A3 emissions over the band 2177 to 2187 kc/s.

(4) The receiver shall be used with headphones which are watertight and of a form designed to exclude extraneous noise. These headphones shall be permanently attached to the receiver.

**5. Man-powered generator.**-(1) The equipment shall include a man-powered generator capable of generating all the required electrical power.

(2) Means shall be provided, visible at all times, to indicate that the generator is being operated within the normal range of generator speeds.

(3) The generator shall be so designed that it can be operated by one person or by two persons simultaneously, and that it cannot be rotated in the wrong direction.

**6. Aerial.**-The equipment shall include-

- (a) a single-wire aerial consisting of between 25 and thirty feet of high conductivity stranded or braided wire capable of being supported from a lifeboat mast without the use of top-masts at the maximum practicable height; and
- (b) a collapsible rod aerial of at least sixteen feet in height or an alternative aerial of approved design, the base of which should not be greater than two inches in diameter, capable of being easily and quickly installed in a lifeboat and in a liferaft.

**7. Controls.**-(1) All manual controls shall be of such size and form as to permit normal adjustment being performed by a person wearing thick gloves. The number of manual controls shall be kept to a minimum.

(2) The equipment shall incorporate manual send/receive switching and where necessary, in order to provide rapid changeover from "receive" to "send" there shall be a "transmitter standby" switch position.

(3) The operation of the manual controls shall not impede and shall not be impeded by the generation of electrical energy.

**8. Operating facilities.**-The transmitter shall be ready for full-power operation within thirty seconds of switching on.

**9. Transmitter testing.**-There shall be provided-

- (a) an artificial aerial within the equipment for short-period testing of the transmitter on full power; and
- (b) means for testing the automatic transmission facilities without the generation of radio-frequency energy.

## SIXTH SCHEDULE

[Rule 16.]

*Tools, measuring instruments, spare parts, etc.*

## PART I

## *Radiotelegraph ships*

### TOOLS

- 1 contact burnisher;
- 1 6 in. smooth file;
- 1 jointing knife;
- 1 pair 7 in. wireman's insulated pliers;
- 1 pair 6 in. long-nose pliers with side cutters;
- 1 insulated screwdriver, not less than 8 in. in length, with  $\frac{1}{4}$  in. blade;
- 1 insulated grub screwdriver with  $\frac{1}{8}$  in. blade;
- 1 watch screwdriver with  $\frac{1}{16}$  in. blade;
- 1 set of spanners (flat and box) sizes 0, 2, 4, 6 and 8 B.A.;
- 1 spanner adjustable to 1 in. gap;
- 1 1,4 in. hand drill;
- 1 set of high-speed twist drills, tapping and clearance sizes 0-8 B.A.;
- 1 clamp vice;

1 electric soldering iron to suit ship's voltage with a power consumption of not less than 40 watts or more than 70 watts; 1 electric soldering iron to suit ship's voltage with a power consumption of not more than 25 watts;

- 1 dusting brush;
- 1  $\frac{1}{2}$  lb. ball pane hammer;
- 1 hacksaw and blades;

A tool box or compartment for containing the foregoing tools and capable of being locked.

### MEASURING INSTRUMENTS

- 1 hydrometer;
- 1 dipping fahrenheit thermometer;

An ammeter capable of measuring direct current from 1 milliampere to 500 milliamperes; a voltmeter capable of measuring alternating and direct current voltage from 1 volt to 1,000 volts; and an ohmmeter capable of measuring resistance from 10 ohms to 20,000 ohms:

Provided that a measuring instrument in which the requirements for an ammeter, a voltmeter and an ohmmeter specified above are combined, may be substituted for the said instruments.

### SPARE PARTS AND SPARE EQUIPMENT

- 1 set of brushes for each machine installed;
- 3 cartridges for each cartridge fuse in use;
- 1 main aerial made up (wire only);
- 1 safety loop for aerial;
- 50 per cent of the number of insulators in use (excluding lead-in insulators);
- 100 per cent of the number of shackles and thimbles in use;
- 12 bulldog grips to suit the aerial wire;
- 1 set of telephones and leads (with plugs if used) for each type of telephone and leads in use;

1 valve for each two of the first six of each type of valves in use, and then 1 valve for each additional 3 valves or part of 3 valves of that type in use;

- 3 vibrators for each type of vibrator in use;
- 1 indicator lamp for each indicator lamp in use;
- 1 emergency lamp;
- 1 charging mat if a mat-type charging unit is in use.

### MISCELLANEOUS ITEMS

- 4 ozs. petroleum jelly;
- 3 sheets glass paper;
- 8 ozs. resin-cored solder;
- 4 ozs. insulating tape;
- 2 ozs. lubricating oil for general purposes;
  - (a) ½ pint lubricating oil;
    - ½ lb. grease suitable for machine in use;
    - 10 yards of each rating of fuse wire, 1 ampere, 5 ampere and 15 ampere;
    - 1 length of aerial wire equal to the length of the reserve aerial plus 10 feet (uncut);
    - 4 ozs. copper binding wire;
    - 6 yards flexible wire (5 ampere) for adjustable connections;
    - 4 ozs. trichloroethylene for contact cleaning.
  - (b) Where special nuts and screws are used for fastening, suitable tools shall be provided.
  - (c) These items need not be provided in ships other than those engaged on international voyages.
  - (d) These items need only be supplied where a machine lubricated with oil forms part of the installation.

## PART II

[Rule 26 (f).]

### *Radiotelephone ships*

#### TOOLS

- 1 6 in. smooth file;
- 1 jointing knife;
  - (a) 1 insulated screwdriver, not less than 8 in. in length, with ¼ in. blade;
  - (b) 1 spanner adjustable to 1 inch gap;
- 1 hacksaw and blades.

#### MEASURING INSTRUMENTS

- 1 hydrometer.

#### SPARE PARTS AND SPARE EQUIPMENT

- 50 per cent of the number of insulators in use (excluding lead-in insulators).

#### MISCELLANEOUS ITEMS

- 10 yards of each rating of fuse wire, 1 ampere, 5 ampere and 15 ampere.
  - (a) Where special nuts and screws are used for fastening, suitable tools shall be provided.

## SEVENTH SCHEDULE

[Rule 17.]

### *Radiotelegraph auto-alarm equipment*

*I. Performance.*-In addition to compliance with the provisions of this Part of this Schedule, the radiotelegraph auto-alarm equipment provided on board a ship registered in Nigeria shall comply with the Performance Specification for a Radiotelegraph Auto-Alarm Equipment issued by the Minister for Communications or with the Performance Specification for a Radiotelegraph Automatic Alarm Equipment for Ships 1964 issued by the Postmaster-General of the United Kingdom.

**2. General.**-(1) The radiotelegraph auto-alarm equipment (in this Schedule referred to as "the equipment") shall-

- (a) include an audible alarm system, a receiver, a test signal generator, monitoring facilities and a selector;
- (b) in the absence of interference of any kind be capable, without manual adjustment, of giving audible warning of the receipt of a radiotelegraph alarm signal transmitted on a frequency of 500 kc/s and consisting of a series of twelve consecutive dashes, each with a duration of four seconds and separated by intervals of one second, in each case subject to the tolerances specified in paragraph 7 of this Schedule, provided that the strength of the signal at the receiver input is greater than 100 microvolts and not less than 1 volt.

[Seventh Schedule.]

(2) In order that the equipment shall distinguish an alarm signal in the presence of interfering signals, automatic control of receiver gain shall be provided.

**3. Audible alarm system.**-(1) An audible alarm system shall have provision to operate simultaneously a bell on the bridge, a bell in the radiotelegraph room and a bell in the sleeping room of the radio officer.

(2) The audible alarms shall be actuated by a radiotelegraph alarm signal or shall operate in the event of a sustained failure of the power supply.

(3) Only one switch for stopping the audible alarms shall be provided and this shall be situated in the radiotelegraph room.

**4. Receiver.**-(1) The receiver shall be suitable for the reception of Class A 1 emissions and of Class A2 and B emissions having a note frequency between 400 and 1400 c/s, the carrier wave being in the frequency range 496 kc/s to 504 kc/s.

(2) The radio frequency response of the receiver shall be uniform to within 3db in the frequency band 496 to 504 kc/s.

(3) The receiver, when in use, shall not produce a field exceeding 0.1 microvolt per metre at a distance of one mile from the receiver.

**5. Testing signal generator.**-For the purpose of regularly testing the equipment it shall include a generator pre tuned to a frequency within plus or minus 3 kc/s of 500 kc/s, a manual key of a non-locking type and means for connecting the automatic keying device specified in Part V of the Second Schedule of these Rules.

**6. Monitoring facilities.**-The receiver shall have provision for headphone and loudspeaker reception of Class A2 emissions.

**7. Selector.**-(1) The selector in conjunction with the receiver shall-

- (a) accept dashes of from 3.5 seconds to 6.0 seconds duration and spaces between dashes of not more than 1.5 seconds duration; and
- (b) reject dashes of a duration of 3.4 seconds or less or dashes of 6.2 seconds or greater and spaces between dashes of 1.6 seconds or greater duration.

(2) The selector shall actuate the audible alarms only after correct registration of a chosen number of consecutive dashes. The chosen number of consecutive dashes shall be either three or four. Correct registration of the fourth consecutive dash may include any time of duration of the fourth dash greater than 3.5 seconds.



Table of watch hours

Zones (1)	Western limits (2)	Eastern limits (3)	Hours of Greenwich mean time			
			16 hours (4)		8 hours (5)	
			Fro	To	Fro	To
A.-Eastern Atlantic Ocean Mediterranean, North Sea, Baltic.	Meridian of 30° West Coast of Greenland.	Meridian of 30° E. to the South of the coast of Africa, Eastern limits of the Mediterranean, of the Black Sea, and of the Baltic, Meridian of 30° E. northwards from the coastline of Norway.	0h	6h	8h	10h
			8h	14h	12h	14h
			16h	18h	16h	18h
			20h	22h	20h	22h

Zones (1)	Western (2)	Eastern limits (3)	Hours of Greenwich mean time			
			16 hours (4)		8 hours (5)	
			Fro	To	From	To
B.-Western Ocean, Arctic Ocean.	Eastern limit of Zone A.	Meridian of 80° E. Western coast of Sri Lanka to Adam's Bridge, thence westward round the coast of India, Meridian 80° E. to line of the U.S.S.R.	0h	2h	4h	6h
			4h	10h	8h	10h
			12h	14h	12h	14h
			16h	18h	16h	18h
			20h	24h		
C.-Eastern Ocean, China Sea, Western Pacific Ocean, Eastern Arctic Ocean.	Eastern limit of Zone B.	Meridian of 160° E. as far as the coast of Kamchatka, Meridian of 160° E northwards from the coastline of the U.S.S.R.	0h	6h	0h	2h
			8h	10h	4h	6h
			12h	14h	8h	10h
			16h	22h	12h	14h
D.-Central Ocean.	Eastern limit of Zone C.	Meridian of 140° W.	0h	2h	0h	2h
			4h	6h	4h	6h
			8h	10h	8h	10h
			12h	18h	20h	22h
			20h	24h		
E.-Eastern Ocean.	Eastern limit of Zone D.	Meridian of 90° W. as far as the coast of Central America, thence Western coast Central America and of North	0h	2h	0h	2h
			4h	6h	4h	6h
			8h	14h	16h	18h
			16h	22h	20h	22h
F.- Western Ocean and of Mexico.	Meridian of Gulf of Eastern North	Meridian of 30° coast of Greenland.	0h	2h	0h	2h
			4h	10h	12h	14h
			12h	18h	16h	18h
			20h	22h	20h	22h

Form of radiotelegraph log book

PART I

Radiotelegraph log

<i>Name of ship</i>	<i>Office number and international call sign</i>	<i>Port of registry</i>	<i>Gross tonnage</i>

Name of company operating the Radio  
Service.....

<i>Port at which and date when voyage commenced</i>	<i>Nature of the voyage or employment</i>	<i>Port at which date when voyage terminated</i>
Date..... ..... Port..... .....		Date..... ..... Port..... .....

Delivered to the Superintendent of the Mercantile Marine Office  
at.....  
The Port.....on the .....day  
of.....20.....

Together with Radiotelegraph Log Part II, serial  
numbers.....

To.....

.....  
.....*Master*  
*Countersigned*  
.....  
..... *Address* *Superintendent*

SECTION A

Particulars of radio staff

PART I-continued

<i>Name</i>	<i>Home address</i>	<i>Certificate number and class</i>

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SECTION B

*Particulars of batteries on board*

<i>Battery number</i>	<i>Number of cells</i>	<i>Type</i>	<i>Date supplied</i>	<i>Voltage and amper-hour capacity</i>	<i>Purpose for which used</i>

SECTION C

*Daily examination of batteries*

<i>Date</i>	<i>Battery number</i>	<i>Voltage off load</i>	<i>Voltage on load</i>	<i>Remarks</i>

SECTION D

*Monthly report of batteries*

<i>Date</i>	<i>Battery number and cell number</i>	<i>Specific gravity as measured</i>		<i>Remarks</i>	<i>Date</i>	<i>Battery number and cell number</i>	<i>Specific gravity as measured</i>		<i>Remarks</i>
		<i>Before charge</i>	<i>After charge</i>				<i>Before charge</i>	<i>After charge</i>	

PART II

*Radiotelegraph log*

Serial No..... from ..... to  
.....

Name of Company operating the Radio  
Service.....

S.S.  
.....

<i>Name of ship</i>	<i>Official number and international call sign</i>	<i>Port of registry</i>	<i>Gross tonnage</i>

M.V.....

SECTION C

Diary of the radiotelegraph service

<i>Date and time (G.M.T)</i>	<i>Station from</i>	<i>Station to</i>	<i>Full details of calls signals and distress working by rule 21</i>	<i>Frequency</i>

Form of radiotelephone log book

Radiotelephone log

<i>Name of ship</i>	<i>Official number</i>	<i>Port of registry</i>	<i>Gross tonnage</i>

Name of Company operating the Radio Service

.....

Period covered by log.....from .....

to.....

Delivered to the Superintendent of the Mercantile Marine Office at the Port of

.....

..... on the..... day of

.....20 .....

.....

.....*Master*

*Countersigned*

.....

.....*Address*

*superintendent*

SECTION A

<i>Name</i>	<i>Home address</i>	<i>Certificate number nad class</i>

S.S.....

.....

M.V.....

.....

SECTION B

*Diary of the radiotelephone service*

<i>Date and time</i>	<i>Station from</i>	<i>Station to</i>	<i>Frequency used</i>	<i>Record of workin as prescribed by rrule 29</i>

ELEVENTH SCHEDULE

[Rule 14.]

Range of radiotelegraph transmitters

1. For the purposes of this Schedule the normal range of a radiotelegraph transmitter when determined by calculation on a frequency of 500 kc/s, shall be calculated in the manner specified in paragraph 2 or paragraph 3 of this Schedule.

2. (1) In the case of all types of transmitting aerials, except "L" and "T" types, the product of (Ie) the effective radiation current in amperes, and (He) the effective height in metres of

the aerial, shall be calculated and converted to miles in accordance with the following table-

<i>Product in Metre-ampres</i>	<i>Equivalent in miles</i>
56.....	.....
..... 175	
44.....	.....
..... 150	
21.....	.....
..... 100	
15.....	.....
..... 75	
5.....	.....
.....	

(2) The effective radiation current (Ie) shall be obtained by multiplying the root mean square (RMS) current in amperes fed into the aerial system by a factor

$$\frac{Cr}{-----}$$

Ct

which shall be determined by the ratio of the radiation capacitance (Cr) to the total measured capacitance (Ct).

(3) The radiation capacitance (Cr) shall be obtained from the product of the radiation length (Lr) and capacitance per unit length as given in the following table-

<i>Radiation length (Lr)</i>	<i>Feet/per metre</i>
25	15.4
35	14.0
50	12.9
70	11.9
100	11.1
200	9.8
400	8.7
600	8.2
800	7.8
1,500	7.2
3,000	6.6

6,000	6.0
10,000	5.7

(4) The radiation length shall be as follows-

- (a) Single vertical aerial without capacitive loading radiation length (Lr) = measured length of aerial in metres;
- (b) Single vertical aerial with top capacitive loading radiation length (Lr) = measured length of aerial + 2 times the diameter of loading structure in metres;
- (c) Other types of aerial radiation length (Lr) = total length of conductor (vertical and horizontal).

(5) The radiation capacitance of N similar vertical aerials joined in parallel shall be taken to be

N times the radiation capacitance of one, provided the spacing between them is greater than

$$\frac{Lr}{4}$$

(6) The total capacitance (Ct) of the aerial shall be obtained by measurement using a capacitance bridge.

7. The ratio

$$\frac{Cr}{Ct}$$

shall be multiplied by the measured RMS current in amperes fed into the aerial system to give the effective radiation current (Ie).

(8) The effective height of the aerial (He) shall be obtained by measurement of the vertical distance from the load line mark indicating the greatest depth to which the ship may at any time or any place be submerged in accordance with the Load Line Rules 1964 or, if there is no such mark on the ship, from the mean level of the surface of the water in which the ship is afloat, to the base of the aerial, plus half the radiation length (Lr) of the aerial or its physical height, whichever is the smaller.

3. In the case of transmitting aerials of the "L" and "T" types, the product of the root mean square current in amperes at the base of the main aerial mark indicating the greatest depth to which the ship may at any time or place be submerged in accordance with the Load Line Rules 1964 or, if there is no such mark on the ship, from the mean level of the surface of the water in which the ship is afloat, shall be converted to miles in accordance with the following table-

<i>Product in miles metre-amperes</i>	<i>Equivalent in</i>
102 .....	175
76 .....	150
45 .....	100
34 .....	75
10 .....	25



## MERCHANT SHIPPING (COLLISION ) RULES

### ARRANGMENT OF RULES

#### RULE

1. Rules for prevention of collision at sea.
2. Short title and repeal

### SCHEDULE

International Regulation for preventing Collisions at sea approved by  
the International Conference on the 1972 Convention on the International  
Regulation for preventing Collision at sea

## MERCHANT SHIPPING (COLLISION ) RULES

[L.N. 6 OF 1974]

Under section 214

[1<sup>st</sup> January 1976]

[Commencement.]

### **1. Rules for prevention of collisions at sea**

The International Regulation for Preventing Collisions at Sea, 1972, which were approved by the International Conference on Revision on Revision of the International Regulation for preventing Collision at Sea 1972, as set out in the Schedule to these Rules and of Regulations amending the Same which may from timeto be approved by the said International Conference, shall be the Rules And of Regulations amending the same which may from time to time to be approved by the said Shipping Act with respect to ships and to aircraft on the surface of the water for the prevention Collisions.

[Cap.M11.]

## 2. Short title and repeal

(1) These Rules may be cited as the Merchant Shipping (Collision) Rules.

L.N.133 of 1965]

(2) The Merchant Shipping ( Collision) Rules 1965 shall stand repealed as from  
the afore-

Mentioned date.

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### Transitional provisions

*International Regulation for Preventing Collisions at Sea approved by the International Conference On the International Conference on the 1972 Convention on the International Regulations for Preventing Collisions at Sea*

#### PART A

#### General

#### Rule 1

#### Application

- (a) These Rules shall apply to all vessels upon the high seas and in all waters connected therewith navigable by seagoing vessels.
- (b) Nothing in these Rules shall interfere with the operation of special Rules made by an appropriate authority for roadsteads, harbours, rivers, lakes or inland waterways connected with the high seas and navigable by seagoing vessels. Such special Rules shall conform as closely as possible to these Rules.

c) Nothing in these Rules shall interfere with the operation of any special Rules made by the government of any State with respect to additional station or signal lights or whistle signals for ships of war and vessels proceeding under convoy, or with respect to additional station or signal lights for fishing vessels engaged in fishing as a fleet. These additional station or signal lights or whistle signals shall, so far as possible, be such that they cannot be mistaken for any light or signal authorised elsewhere under these Rules.

(d) Traffic separation schemes may be adopted by the Organisation for the purpose of these Rules.

(e) Whenever the government concerned shall have determined that a vessel of special construction or purpose cannot comply fully with the provisions of any of these Rules with respect to the number, position, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, without interfering with the special function of the vessel, such vessel shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes, as well as to the

disposition and characteristics of sound signalling appliances, as her government shall have determined to be the closest possible compliance with these Rules in respect to that vessel.

## RULE 2

### *Responsibility*

(a) Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with these Rules or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

(b) In construing and complying with these Rules, due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from these Rules necessary to avoid immediate danger.

## RULE 3

### *General definitions*

For the purpose of these Rules, except where the context otherwise requires-

- (a) the word "**vessel**" includes every description of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water;
- (b) the term "power-driven vessel" means any vessel propelled by machinery;
- (c) the term "**sailing vessel**" means any vessel under sail provided that propelling machinery, if fitted, is not being used;
- (d) the term "**vessel engaged in fishing**" means any vessel fishing with nets, lines, trawls or other fishing apparatus which restrict manoeuvrability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict manoeuvrability;
- (e) the word "**seaplane**" includes any aircraft designed to maneuver on the water;
- (f) the term "vessel not under command" means a vessel which through some exceptional circumstance is unable to manoeuvre as required by these Rules and is therefore unable to keep out of the way of another vessel;
- (g) the term "**vessel restricted in her ability to manoeuvre**" means a vessel which from the nature of her work is restricted in her ability to manoeuvre as required by these Rules and therefore is unable to keep out of the way of another vessel;
- (h) the following vessels shall be regarded as vessels restricted in their ability to manoeuvre-
  - (i) a vessel engaged in laying, servicing or picking up a navigation mark, submarine cable or pipeline;
  - (ii) a vessel engaged in dredging, surveying or underwater operations;
  - (iii) a vessel engaged in replenishment or transferring persons, provisions or cargo while underway;
  - (iv) a vessel engaged in the launching or recovery of aircraft;
  - (v) a vessel engaged in minesweeping operations;
  - (vi) a vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course;
- (i) the term "**vessel constrained by her draught**" means a power-driven vessel which because of her draught in relation to the available depth of water is severely restricted in her ability to deviate from the course she is following;
- (j) the term "**underway**" means that a vessel means that a vessel is not an anchor, or made fast to the shore, or ground;
- (k) the word "**length**" and "**breadth**" of a vessel means her length overall and greatest breadth;
- (l) vessels shall be deemed to be in sight of one another only when one can be observed visually from the other;
- (m) the term "**restricted visibility**" means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar causes.

## PART B

### *Steering and sailing rules*

#### SECTION 1

##### *Conduct of vessels in any conditions of visibility*

###### RULE 4

###### *Application*

Rules in this section apply in any condition of visibility.

###### RULES

###### *Look-out*

Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

###### RULE 6

###### *Safe speed*

(1) Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

(2) In determining a safe speed the following factors shall be among those taken into account-

(a) by all vessels-

- (i) the state of visibility;
- (ii) the traffic density, including concentrations of fishing vessels or any other vessels;
- (iii) the manoeuvrability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;
- (iv) at night, the presence of background light such as from shore lights or from back-scatter of her own lights;
- (v) the state of wind, sea and current, and the proximity of navigational hazards;
- (vi) the draught in relation to the available depth of water;

(b) additionally, by vessels with operational radar-

- (i) the characteristics, efficiency and limitations of the radar equipment;
- (ii) any constraints imposed by the radar range scale in use;
- (iii) the effect on radar detection of the sea state, weather and other sources of interference;
- (iv) the possibility that small vessels, ice and other floating objects may not be detected by radar at an adequate range;

- (v) the number, location and movement of vessels detected by radar
- (vi) the more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.

## RULE 7

### *Risk of collision*

- (a) Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. **If** there is any doubt, such risk shall be deemed to exist.
- (b) Proper use shall be made of radar equipment if fitted and operational, including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observation of detected objects.
- (c) Assumptions shall not be made on the basis of scanty information, especially scanty radar information.
- (d) **In** determining if risk of collision exists, the following considerations shall be among those taken into account-
  - (i) such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change;
  - (ii) such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow or when approaching a vessel at close range.

## RULE 8

### *Action to avoid collision*

- (a) Any action taken to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship
- (b) Any alteration of course and/ or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alterations of course and/or speed should be avoided
- (c) If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.
- (d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.
- (e) If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.

## RULE 9

### *Narrow channels*

(a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

(b) A vessel of less than 20 metres in length or a sailing vessel shall not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within such channel or fairway. The latter vessel may use the sound signal prescribed in rule 34 (d) if in doubt as to the intention of the crossing vessel.

(e) (i) In a narrow channel or fairway when overtaking can take place only if the vessel to be overtaken has to take action to permit safe passing, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in rule 34 (c) (i). The vessel to be overtaken shall, if in agreement, sound the appropriate signal prescribed in rule 34 (c) (ii) and take steps to permit safe passing. If in doubt she may sound the signals prescribed in rule 34 (d).

(ii) This rule shall not relieve the overtaking vessel of her obligation under rule 13.

(f) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction, shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in rule 34 (e).

(g) Any vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

## RULE 10

### *Traffic separation schemes*

(a) This rule applies to traffic separation schemes adopted by the Organisation.

(b) A vessel using a traffic separation scheme shall-

(i) proceed in the appropriate traffic lane in the general direction of traffic flow for that lane;

(ii) so far as practicable keep clear of a traffic separation line or separation zone;

(iii) normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from the side shall do so at as small an angle to the general direction of traffic flow as practicable.

(c) A vessel shall so far as practicable avoid crossing traffic lanes, but if obliged to do so shall cross as nearly as practicable at right angles to the general direction of traffic flow.

(d) Inshore traffic zones shall not normally be used by through traffic which can safely use the appropriate traffic lane within the adjacent traffic separation scheme.

(e) A vessel, other than a crossing vessel, shall not normally enter a separation zone or cross a separation line except-

- (i) in case of emergency to avoid immediate danger;
- (ii) to engage in fishing within a separation zone.

(f) A vessel navigating in areas near the terminations of traffic separation schemes shall do so with particular caution.

(g) A vessel shall so far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.

(h) A vessel not using a traffic separation scheme shall avoid it by as wide a margin as is practicable.

(i) A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.

(j) A vessel less than 20 metres in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

## SECTION II

### *Conduct of vessels in sight of one another*

#### RULE 11

##### *Application*

Rules in this section apply to vessels in sight of one another.

#### RULE 12

##### *Sailing vessels*

(a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows-

- (i) when each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other; which is to leeward;
- (iii) if a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind the port or on the starboard side, she shall keep out of the way of the other.

(b) For the purposes of this rule the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

#### RULE 13

##### *Overtaking*

(a) Notwithstanding anything contained in the rules of this section any vessel overtaking any other shall keep out of the way of the vessel being overtaken.

(b) A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the stem light of that vessel but neither of her sidelights.

(c) When a vessel is in any doubt as to whether she is overtaking another, she shall assume that this is the case and act accordingly.



(d) Any subsequent alteration of the bearing between the two vessels shall not make the overtaking vessel a crossing vessel within the meaning of these Rules or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

#### RULE 14

##### *"Head-on situation"*

(a) When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision, each shall alter her course to starboard so that each shall pass on the port side of the other.

(b) Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line and/or both sidelights and by day she observes the corresponding aspect of the other vessel.

(c) When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

#### RULE 15

##### *"Crossing situation"*

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

#### RULE 16

##### *Action by "give-way" vessel*

Every vessel which is directed by these Rules to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

#### RULE 17

##### *Action by "stand-on" vessel*

(a) (i) Where by any of these Rules, one of two vessels is to keep out of the way, the other shall keep her course and speed.

(ii) The latter vessel may however take action to avoid collision by her manoeuvre alone, as soon as it becomes apparent to her that the vessel required to keep of ; alteration of course

#### RULE 18

##### *Responsibilities between vessels*

Except where rules 9, 10 and 13 otherwise require-

(a) A power-driven vessel underway shall keep out of the way of-

- (i) a vessel not under command;
- (ii) vessel restricted in her ability to manoeuvre;
- (iii) a vessel engaged in fishing;
- (iv) a sailing vessel.

(b) A sailing vessel underway shall keep out of the way of-

- (i) a vessel not under command;
- (ii) a vessel restricted in her ability to manoeuvre;
- (iii) a vessel engaged in fishing.

(c) A vessel engaged in fishing underway shall, so far as possible, keep out of the way of--

- (i) a vessel not under command;
- (ii) a vessel restricted in her ability to manoeuvre.

(d) (i) Any vessel other than a vessel not under command or a vessel restricted in her ability to manoeuvre shall, if the circumstances of the case admit, avoid impeding the safe passage of a vessel constrained by her draught, exhibiting the signals of rule 28.

(ii) A vessel constrained by her draught shall navigate with particular caution having full regard to her special condition.

(e) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the rules of this Part.

### SECTION III

#### *Conduct of vessels in restricted visibility*

#### RULE 19

#### *Conduct of vessels in restricted visibility*

(a) This rule applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.

(b) Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate manoeuvre.

(c) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with rules of section I of this Part.

(d) A vessel which detects by radar alone the presence of another vessel shall determine if a close-quarters situation is developing and/or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided--

- (i) an alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken;
- (ii) an alteration of course towards a vessel abeam or abaft the beam.

(e) Except where it has been determined that a risk of collision does not exist, every vessel which hears apparently forward of her beam the fog signal of another vessel, or which cannot avoid a close-quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on her course. She shall, if necessary, take all her way off and in any event navigate with extreme caution until danger of collision is over.

## PART

### *Lights and shapes*

#### RULE 20

##### *Application*

- (a) Rules in this Part shall be complied with in all weathers.
- (b) The rules concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out.
- (c) The lights prescribed by these Rules shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary.
- (d) The rules concerning shapes shall be complied with by day.
- (e) The lights and shapes specified in these Rules shall comply with the provisions of Annex I to these Regulations.

#### RULE 21

##### *Definitions*

- (a) "**masthead light**" means a white light placed over the fore and aft centreline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel.
- (b) "**sidelights**" means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. In a vessel of less than 20 metres in length the sidelights may be combined in one lantern carried on the fore and aft centreline of the vessel.
- (c) "**sternlight**" means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel.
- (d) "**towing light**" means a yellow light having the same characteristics as the "sternlight" defined in paragraph (c).
- (e) "**all-round light**" means a light showing an unbroken light over an arc of the horizon of 360 degrees.
- (f) "**flashing light**" means a light flashing at regular intervals at a frequency of 120 flashes or more per minute.

#### RULE 22

##### *Visibility of lights*

The lights prescribed in these Rules shall have an intensity as specified in section 8 of Annex I so as to be visible at the following minimum ranges-

- (a) In vessels of 50 metres or more in length-
  - (i) a masthead light, 6 miles;
  - (ii) a sidelight, 3 miles;
  - (iii) a stern light, 3 miles;
  - (iv) a towing light, 3 miles;
  - (v) a white, red, green or yellow all-round light, 3 miles.
- (b) In vessels of 12 metres or more in length but less than 50 metres in length-
  - (i) a masthead light, 3 miles; except that where the length of the vessel is less than 20 metres, 3 miles;
  - (ii) a sidelight, 2 miles;
  - (iii) a stern light, 2 miles;
  - (iv) a towing light, 2 miles;
  - (v) a white, red, green or yellow all-round light, 2 miles.
- (c) In vessels of less than 12 metres in length-
  - (i) a masthead light, 2 miles;
  - (ii) a sidelight, 1 mile;
  - (iii) a stern light, 2 miles;
  - (iv) a towing light, 2 miles;
  - (v) a white, red, green or yellow all-round light, 2 miles.

## RULE 23

### *Power-driven vessels underway*

- (a) A power-driven vessel underway shall exhibit-
  - (i) a masthead light forward;
  - (ii) a second masthead light abaft of and higher than the forward one; except that a vessel of less than 50 metres in length shall not be obliged to exhibit such light but may do so;
  - (iii) sidelights;
  - (iv) a stemlight.

(b) An air-cushion vessel when operating in the non-displacement mode shall, in addition to the lights prescribed in paragraph (a) of this rule, exhibit an all-round flashing yellow light.

(c) A power-driven vessel of less than 7 metres in length and whose maximum speed does not exceed 7 knots may, in lieu of the lights prescribed in paragraph (a) of this rule, exhibit an all-round white light. Such vessel shall, if practicable, also exhibit sidelights.

## RULE 24

### *Towing and pushing*

- (a) A power-driven vessel when towing shall exhibit-
  - (i) instead of the light prescribed in rule 23 (a) (i), two masthead lights forward in a vertical line. When the length of the tow, measuring from the stem of the towing vessel to the after end of the tow, exceeds 200 metres, three such lights;

- (ii) sidelights;
- (iii) astemlight;
- (iv) a towing light in a vertical line above the stemlight;
- (v) a diamond shape where it can best be seen, when the length of the tow exceeds 200 metres.

(b) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power driven vessel and exhibit the lights prescribed in rule 23.

(c) A power-driven vessel when pushing ahead or towing alongside, except in the case of a composite unit, shall exhibit-

- (i) instead of the light prescribed in rule 23 (a) (i), two masthead lights forward in a vertical line;
- (ii) sidelights;
- (iii) a stemlight.

(d) A power-driven vessel to which paragraphs (a) and (c) above apply shall also comply with rule 23 (a) (ii).

(e) A vessel or object being towed shall exhibit-

- (i) sidelights;
- (ii) a stern light;
- (iii) a diamond shape where it can best be seen, when the length or the tow exceeds 200 metres.

(f) Provided that any number of vessels being towed or pushed in group shall be lighted as one vessel-

- (i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights;
- (ii) a vessel being towed alongside, shall exhibit a stern light and at the forward end, sidelights.

(g) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights prescribed in paragraph (e) above, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of the unlighted vessel or object.

## RULE 25

### *Sailing vessels underway and vessels under oars*

(a) A sailing vessel underway shall exhibit-

- (i) sidelights;
- (ii) a sternlight.

(b) In a sailing vessel less than 12 metres in length the light prescribed in paragraph (a) of this rule may be in a combined lantern carried at or near the top of the mast where it can best be seen.

(c) A sailing vessel underway may, in addition to the lights prescribed in paragraph (a) of this rule, exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall

not be exhibited in conjunction with the combined lantern permitted by paragraph (b) of this rule.

(d) (i) A sailing vessel less than 7 metres in length shall, if practicable, exhibit the lights prescribed in paragraph (a) or (b), but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(ii) A vessel under oars may exhibit the lights prescribed in this rule for sailing vessels, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(e) A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downwards.

## RULE 26

### *Fishing vessels*

(a) A vessel engaged in fishing, whether underway or at anchor, shall exhibit only the lights and shapes prescribed in this Rule.

(b) When engaged in trawling, by which is meant the dragging through the water of a dredge net or other apparatus used as a fishing appliance, a vessel shall exhibit-

(i) two all-round lights in a vertical line, the upper being green and the lower white or a shape consisting of two cones with their apexes together in a vertical line one above the other; a vessel of less than 20 metres in length may instead of this shape exhibit a basket;

(ii) a masthead light abaft of and higher than the all-round green light; a vessel less than 5 metres in length shall not be obliged to exhibit such a light but may do so;

(iii) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a stem light.

(c) A vessel engaged in fishing, other than trawling, shall exhibit-

(i) two all-round lights in a vertical line, the upper being red and the lower white or a shape consisting of two cones with apexes together in a vertical line one above the other; a vessel less than 20 metres in length may instead of this shape exhibit a basket;

(ii) when there is outlying gear extending more than 150 metres horizontally from the vessel, an all-round white light or a cone apex upwards in the direction of the gear;

(iii) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a stemlight.

(d) A vessel engaged in fishing in close proximity to other vessels may exhibit the additional signals described in Annex II.

(e) A vessel when not engaged in fishing shall not exhibit the lights or shapes prescribed in this rule, but only those prescribed for a vessel of her length.

## RULE 27

*Vessels not under command or restricted in their ability to manoeuvre*

(a) A vessel not under command shall exhibit-

- (i) two all-round red lights in a vertical line where they can best be seen;
- (ii) two balls or similar shapes in a vertical line where they can best be seen;
- (iii) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a stemlight.

(b) A vessel restricted in her ability to manoeuvre, except a vessel engaged in mine-sweeping operations, shall exhibit-

- (i) three all-round lights in a vertical line where they can best be seen. The highest and lowest of these shapes shall be red and the middle light shall be white;
- (ii) three shapes in a vertical line where they can best be seen. The highest and lowest of these shapes shall be balls and the middle one a diamond;
- (iii) when making way through the water, in addition to the lights prescribed in sub-paragraph (i), masthead lights, sidelights and stemlight;
- (iv) when at anchor, in addition to the lights or shape prescribed in sub-paragraphs (i) and (ii), the lights or shape prescribed in rule 30.

(c) A vessel engaged in a towing operation such as renders her unable to deviate from her course shall, in addition to the lights prescribed in sub-paragraph (b) (i) and the shapes prescribed in sub-paragraph (b) (ii) of this rule, exhibit the lights or shape prescribed by rule 24 (a).

(d) A vessel engaged in dredging or underwater operations, restricted in her ability to manoeuvre, shall exhibit the lights and shapes prescribed in paragraph (b) of this Rule and shall in addition, when an obstruction exists, exhibit-

- (i) two all-round red lights or two balls in a vertical line to indicate the side on which the obstruction exists;
- (ii) two all-round green lights or two diamonds in a vertical line to indicate the side on which another vessel may pass;
- (iii) when making way through the water, in addition to the lights prescribed in this paragraph, masthead lights, sidelights and a sternlight;
- (iv) a vessel to which this paragraph applies when at anchor shall exhibit the lights prescribed in sub-paragraphs (i) and (ii) instead of the lights or shape prescribed in rule 30.

(e) Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit the shapes prescribed in paragraph (c), a rigid replica of the International Code flag "A" not less than 1 metre in height shall be exhibited. Measures shall be taken to ensure all-round visibility.

if) A vessel engaged in minesweeping operations shall, in addition to the lights prescribed for a power-driven vessel in rule 23 exhibit three all-round green lights or three balls.

One of these lights or shapes shall be exhibited at or near the foremast head and one at each

end of the foreyard. These lights or shapes indicate that it is dangerous for another vessel to approach closer than 1,000 metres astern or 500 metres on either side of the minesweeper.

(g) Vessels less than 7 metres in length shall not be required to exhibit the lights prescribed in this rule.

(h) The signals prescribed in this rule are not signals of vessels in distress and requiring assistance. Such signals are contained in Annex IV to these Regulations.

## RULE 28

### *Vessels constrained by their draught*

A vessel constrained by her draught may in addition to the lights prescribed for power-driven vessels in rule 23 exhibit where they can best be seen three all-round red lights in a vertical line, or a cylinder.

## RULE 29

### *Pilot vessels*

(a) A vessel engaged on pilotage duty shall exhibit-

- (i) at or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red;
- (ii) when underway, in addition, sidelights and a sternlight;
- (iii) when at anchor, in addition to the lights prescribed in sub-paragraph (i), the anchor light, lights or shape.

(b) A pilot vessel when not engaged on pilotage duty shall exhibit the lights or shapes prescribed for a similar vessel of her length.

## RULE 30

### *Pilot vessels*

#### *Anchored vessels and vessels aground*

(a) A vessel at anchor shall exhibit where it can best be seen-

- (i) in the fore part, an all-round white light or one ball;
- (ii) at or near the stern and at a lower level than the light required by sub-paragraph (i), an all-round white light.

(b) A vessel less than 50 metres in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in paragraph (a).

(c) A vessel at anchor may, and a vessel of 100 metres and more in length, shall also use the available working or equivalent lights to illuminate her decks.

(d) A vessel aground shall exhibit the lights prescribed in paragraph (a) or (b) and in addition, where they can best be seen-

- (i) two all-round red lights in a vertical line;
- (ii) three balls in a vertical line.



- (e) A vessel less than 7 metres in length, when at anchor or aground, not in or near a narrow channel, fairway or anchorage, or where other vessels normally navigate, shall not be required to exhibit the lights or shapes prescribed in paragraph (a), (b) or (d).

#### RULE31

##### *Seaplanes*

Where it is impracticable for a seaplane to exhibit lights and shapes of the characteristics or in the positions prescribed in the Rules of this Part she shall exhibit lights and shapes as closely similar in characteristics and position as is possible.

#### PART D

##### *Sound and light signals*

#### RULE 32

##### *Definitions*

- (a) The word "**whistle**" means any sound signalling appliance capable of producing the prescribed blasts and which complies with the specifications in Annex III to these Regulations.
- (b) The term "**short blast**" means a blast of about one second's duration.
- (c) The term "**prolonged blast**" means a blast of from four to six seconds' duration.

#### RULE33

##### *Equipment for sound signals*

- (a) A vessel 12 metres or more in length shall be provided with a whistle and a bell and a vessel of 100 metres or more in length shall, in addition, be provided with a gong, the tone and sound of which cannot be confused with that of the bell. The whistle, bell and gong shall comply with the specifications in Annex III to these Regulations. The bell or gong or both may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the required signals shall always be possible.
- (b) A vessel less than 12 metres in length shall not be obliged to carry the sound signalling appliances prescribed in paragraph (a) of this Rule but if she does not, she shall be provided with some other means of making an efficient sound signal.

#### RULE 34

##### *Manoeuvring and warning signals*

- (a) When vessels are in sight of one another, a power-driven vessel underway, when manoeuvring as authorised or required by these Rules, shall indicate that manoeuvre by the following signals on her whistle-

one short blast to mean "I am altering my course to starboard";  
two short blasts to mean "I am altering my course to port";  
three short blasts to mean "I am operating astern propulsion".

(b) Any vessel may supplement the whistle signals prescribed in paragraph (a) by light signals, repeated as appropriate, whilst the manoeuvre is being carried out-

- (i) these light signals shall have the following significance one flash to mean "I am altering my course to starboard"; two flashes to mean "I am altering my course to port"; three flashes to mean "I am operating astern propulsion";
- (ii) the duration of each flash shall be about one second, the interval between flashes shall be about one second, and the interval between successive signals shall be not less than ten seconds;
- (iii) the light used for this signal shall, if fitted, be an all-round white light, visible at a minimum range of 5 miles, and shall comply with the provisions of Annex I.

(e) When in sight of one another in a narrow channel or fairway-

- (i) the vessel intending to overtake another shall in compliance with rule 9 (e) (i) indicate her intention by the following signals on her whistle:  
two prolonged blasts followed by one short blast to mean "I intend to overtake you on your starboard side";  
two prolonged blasts followed by two short blasts to mean "I intend to overtake you on your port side".
- (ii) the vessel about to be overtaken when acting in accordance with rule 9 (e) (i) shall indicate her agreement by the following signal on her whistle:  
one prolonged, one short, one prolonged and one short blast, in that order.

(d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. Such signal may be supplemented by a light signal of at least five short and rapid flashes.

(e) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. Such signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

(f) If whistles are fitted on a vessel at a distance apart of more than 100 metres, one whistle only shall be used for giving manoeuvring and warning signals.

## RULE 35

### *Sound signals in restricted visibility*

In or near an area of restricted visibility, whether by day or night, the signals prescribed in this rule shall be used as follows-

- (a) a power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes one prolonged blast;
- (b) a power-driven vessel underway but stopped and making no way through the water shall sound at intervals of not more than 2 minutes two prolonged blasts in succession with an interval of about 2 seconds between them;
- (c) a vessel not under command, a vessel restricted in her ability to manoeuvre, a vessel constrained by her draught, a sailing vessel, a vessel engaged in fishing and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in paragraphs (a) or (b), sound at intervals of not more than 2 minutes three blasts in succession, namely one prolonged followed by two short blasts;
- (d) a vessel towed or, if more than one vessel is towed, the last vessel of the tow, if manned, shall at intervals of not more than 2 minutes sound four blasts in succession, namely one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel;
- (e) when a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in paragraphs (a) or (b);
- (f) a vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about 5 seconds. In a vessel of 100 metres or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about 5 seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession, namely one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel;
- (g) a vessel aground shall give the bell signal and if required the gong signal prescribed in paragraph (f) and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal;
- (h) a vessel less than 12 metres in length shall not be obliged to give the above-mentioned signals but, if she does not, shall make some other efficient sound signal at intervals of not more than 2 minutes;
- (i) a pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in paragraphs (a), (b) or (f), sound an identity signal consisting of four short blasts.

If necessary to attract the attention of another vessel any vessel may make light or sound signals that cannot be mistaken for any signal authorised elsewhere in these Rules, or may direct the beam of her searchlight in the direction of the danger, in such a way as not to embarrass any vessel.

### RULE37

#### *Distress signals*

When a vessel is in distress and requires assistance she shall use or exhibit the signals prescribed in Annex IV to these Regulations.

### PARTE

#### *Exemptions*

### RULE38

#### *Exemptions*

Any vessel (or class of vessels), provided that she complies with the requirements 01' the International Regulations For Preventing Collisions at Sea, 1960, the keel of which is laid or which is at a corresponding stage of construction before the entry into force of these Regulations, may be exempted from compliance therewith as follows-

- (a) the installation of lights with ranges prescribed in rule 22, until four years after the date of entry into force of these Regulations;
- (b) the installation of lights with colour specifications as prescribed in section 7 of Annex I, until four years after the date of entry into force of these Regulations;
- (c) the repositioning of lights as a result of conversion from Imperial to metric units and rounding off measurement figures, permanent exemption;
- (d)
  - (i) the repositioning of masthead lights on vessels less than 150 metres in length, resulting from the prescriptions of section 3 (a) of Annex I, permanent exemption;
  - (ii) the repositioning of masthead lights on vessels, 150 metres or more in length, resulting from the prescriptions of section 3 (a) of Annex I, until nine years after the date of entry into force of these Regulations;
- (e) the repositioning of masthead lights resulting from the prescriptions of section (b) of Annex I, until nine years after the date of entry into force of these Regulations;
- (f) the repositioning of sidelights resulting from the prescriptions of section 3 (b) of Annex 1, until nine years after the date of entry into force of these Regulations;
- (g) the requirements for sound signal appliances prescribed in Annex III, until nine years after the date of entry into force of these Regulations.

## ANNEX I

### *Positioning and technical details of lights and shapes*

#### **1. Definition**

The term "**height above the hull**" means height above the uppermost continuous deck.

#### **2. Vertical positioning and spacing of lights**

(a) On a power-driven vessel 20 metres or more in length the mast head lights shall be placed as follows-

- (i) the forward masthead light, or if only one masthead light is carried then that light, at a height above the hull of not less than 6 metres, and, if, the breadth of the vessel exceeds 6 metres, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 12 metres;
- (ii) when two masthead lights are carried the after one shall be at least 4.5 metres vertically higher than the forward one.

(b) The vertical separation of masthead lights of power-driven vessels shall be such that in all normal conditions of trim the after light shall be seen over and separate from the forward light at a distance of 1,000 metres from the stem when viewed from sea level.

(c) The masthead light of a power-driven vessel of 12 metres but less than 20 metres in length shall be placed at a height above the gunwale of not less than 2.5 metres.

(d) A power-driven vessel less than 12 metres in length may carry the uppermost light at a height less than 2.5 metres above the gunwale. When however a masthead light is carried in addition to sidelights and a stern light, then such masthead light shall be carried at least 1 metre higher than the sidelights.

(e) One of the two or three masthead lights prescribed for a power-driven vessel when engaged in towing or pushing another vessel shall be placed in the same position as the forward masthead light of a power-driven vessel.

(f) In all circumstances the masthead light or lights shall be so placed as to be above and clear of all other lights and obstructions.

(g) The sidelights of a power-driven vessel shall be placed at a height above the hull not greater than three quarters of that of the forward masthead light. They shall not be so low as to be interfered with by deck lights.

(h) The sidelights, if in a combined lantern and when carried on a power-driven vessel less than 20 metres in length, shall be placed not less than 1 metre below the masthead light.

(i) When the Rules prescribe two or three lights to be carried in a vertical line, they shall be spaced as follows-

- (i) on a vessel 20 metres in length or more such lights shall be spaced not less than 2 metres apart, and the lowest of these lights shall, except where a towing light is required, not be less than 4 metres above the hull;
- (ii) on a vessel less than 20 metres in length such lights shall be spaced not less than 1 metre apart and the lowest of these lights shall, except where a towing light is required, not be less than 2 metres above the gunwale;
- (iii) when three lights are carried they shall be equally spaced.

(j) The lower of the two all-round lights prescribed for a fishing vessel when engaged in fishing shall be at a height above the sidelights not less than twice the distance between the two vertical lights.

(k) The forward anchor light, when two are carried, shall not be less than 4.5 metres above the after one. On a vessel more than 50 metres in length this forward anchor light shall not be less than 6 metres above the hull.

### **3. Horizontal positioning and spacing of lights**

(a) When two masthead lights are prescribed for a power-driven vessel, the horizontal distance between them shall not be less than one half of the length of the vessel but shall not need to be more than 100 metres. The forward light shall be placed not more than one quarter of the length of the vessel from the stem.

(b) On a vessel 20 metres or more in length the sidelights shall not be fitted in front of the forward masthead lights. They shall be situated at or near the side of the vessel.

### **4. Details of location of direction-indicating lights for fishing vessels, dredgers and vessels engaged in underwater operations**

(a) The light indicating the direction of the outlying gear from a vessel engaged in fishing as prescribed in rule 26 (c) (ii) shall be located at a horizontal distance of not less than 2 metres and not more than 6 metres away from the two all-round red and white lights. This light shall be placed not higher than the all-round white light prescribed in rule 26 (c) (i) and not lower than the sidelights.

(b) The lights and shapes on a vessel engaged in dredging or underwater operations to indicate the obstructed side and/or the side on which it is safe to pass, as prescribed in rule 27 (d) (i) and (ii), shall be exhibited at the maximum practical horizontal distance, but in no case less than 2 metres, from the lights or shapes prescribed in rule 27 (b) (i) and (ii). In no case shall the upper of these lights or shapes be at a greater height than the lower of the three lights or shapes prescribed in rule 27 (b) (i) and (ii).

### **5. Screens for sidelights**

The sidelights shall be fitted with inboard screens painted matt black, and meeting the requirements of Section 9 of this Annex. With a combined lantern, using a single vertical filament and a very narrow division between the green and red sections, external screens need not be fitted.

## 6. Shapes

(a) Shapes shall be black and of the following sizes-

- (i) a ball shall have a diameter of not less than 0.6 metre;
- (ii) a cone shall have a base diameter of not less than 0.6 metre and a height equal to its diameter;
- (iii) a cylinder shall have a diameter of at least 0.6 metre and a height of twice its diameter;
- (iv) a diamond shape shall consist of two cones as defined in (ii) above having a common base.

(b) The vertical distance between shapes shall be at least 1.5 metre.

(c) In a vessel less than 20 metres in length, shapes of lesser dimensions but commensurate with the size of the vessel, may be used and the distance apart may be correspondingly reduced.

## 7. Colour specification of lights

The chromaticity of all navigation lights shall conform to the following standards, which lie within the boundaries of the area of the diagram specified for each colour by the International Commission on Illumination (CIE).

The boundaries of the area for each colour are given by indicating the corner coordinates, which are as follows

(i) *White*

x	0,525	0,452	0,310	0,310	0,443
Y	0,440	0,440	0,348	0,283	0,382

(ii) *Green*

x	0,009	0,300	0,203
Y	0,723	0,511	0,356

(iii)	X	0,680	0,660	0,735	0,721
	Y	0,382	0,382	0,425	0,259

(iv)	Yellow	x	0,612	0,618	0,575	0,575
		Y	0,382	0,382	0,425	0,406

## 8 Intensity of lights

(a) The minimum luminous intensity of lights shall be calculated by using the formula-

$$I = 3.43 \times 10^6 \times T \times D^2 \times K^{-D}$$

Where I is luminous intensity in candales under service conditions;

T is threshold factor  $2 \times 10^{-7}$

D is the range of visibility (luminous range) of the light in nautical miles;

K is the atmospheric transmissivity;

For prescribed lights the value of K shall be 0.8, corresponding to a meteorological visibility of approximately 13 nautical miles.

(b) Aselection of figures derived from the formula is given in the following table-

<i>Range of K=0.8 visibility (luminous range) of light in nautical miles</i>	<i>Luminious intergrity of light in candelas for</i>
D	I
1	0,9
2	4,3
3	12
4	27
5	52
6	94

NOTE- The maximum luminous intensity of navigation lights shall be limited to avoid undue glare.

### **9. Horizontal sectors**

(a) (i) In the forward direction, sidelights as fitted on the vessel must show the minimum required intensities. The intensities must decrease to reach practical cut-off between  $1^\circ$  and  $3^\circ$  outside the prescribed sectors.

(ii) For stemlights and masthead lights and at  $22.5^\circ$  abaft the beam for sidelights, the minimum required intensities shall be maintained over the arc of the horizon up to  $5^\circ$  within the limits of the sectors prescribed in rule 21. From  $5^\circ$  within the prescribed sectors the intensity may decrease by  $5^\circ$  per cent up to the prescribed limits; it shall decrease steadily to reach practical cut-off at not more than  $5^\circ$  outside the prescribed limits.

(b) All-round lights shall be so located as not to be obscured by masts, topmasts or structures within angular sectors of more than  $6^\circ$ , except anchor lights, which need not be placed at an impracticable height above the hull.

### **10. Vertical sectors**

(a) The vertical sectors of electric lights, with the exception of lights on sailing vessels shall ensure that-

- (i) at least the required minimum intensity is maintained at all angles from  $5^\circ$  above to  $5^\circ$  below the horizontal;
- (ii) at least 60 per cent of the required minimum intensity is maintained from  $7.5^\circ$  above to  $7.5^\circ$  below the horizontal.



(b) In the case of sailing vessels, the vertical sectors of electric lights shall ensure that-

- (i) at least the required minimum intensity is maintained at all angles from 5° above to 5° below the horizontal;
- (ii) at least 50 per cent of the required minimum intensity is maintained from 25° above to 25° below the horizontal.

(c) In the case of lights other than electric, these specifications shall be met as closely as possible.

### **11. Intensity of non-electric lights**

Non-electric lights shall so far as practicable comply with the minimum intensities, as specified in the Table given in Section 8.

### **12. Manoeuvring light**

Notwithstanding the provisions of paragraph 2 (j), the manoeuvring light described in rule 34 (b) shall be placed in the same fore and aft vertical plane as the masthead light or lights and, where practicable, at a minimum height of 2 metres vertically above the forward masthead light, provided that it shall be carried not less than 2 metres vertically above or be-

low the after masthead light. On a vessel where only one masthead light is carried the manoeuvring light, if fitted, shall be carried where it can best be seen, not less than 2 metres vertically apart from the masthead light.

### **13. Approval**

The construction of lanterns and shapes and the installation of lanterns on board the vessel shall be to the satisfaction of the appropriate authority of the State where the vessel is registered.

## **ANNEX II**

### *Additional signals for fishing vessels fishing in close proximity*

#### **1. General**

The lights mentioned herein shall, if exhibited in pursuance of rule 26 (d) be placed where they can best be seen. They shall be at least 0.9 metres apart but at a lower level than lights prescribed in rule 26 (b) (i) and (c) (i). The lights shall be visible all round the horizon at a distance of at least 1 mile but at a lesser distance than the lights prescribed by these Rules for fishing vessels.

#### **2. Signals for trawlers**

(a) Vessels, when engaged in trawling, whether using demersal or pelagic gear; may exhibit-

- (i) when shooting their nets:  
two white lights in a vertical line;
  - (ii) when hauling their nets:  
one white light over one red light in a vertical line;
  - (iii) when the net has come fast upon an obstruction:  
two red lights in a vertical line.
- (b) Each vessel engaged in pair trawling may exhibit-
- (i) by night, a searchlight directed forward and in the direction of the other vessel of the pair;
  - (ii) vessels engaged in pair trawling when shooting or hauling their nets or when their nets have come fast upon an obstruction may exhibit the lights prescribed in 2 (a) above.

### 3. Signals for purse seiners

Vessels engaged in fishing with purse seine gear may exhibit two yellow lights, in a vertical line. These lights shall flash alternately every second and with equal light and occultation duration. Three lights may be exhibited only when the vessel is hampered by its fishing gear.

## ANNEX III

### *Technical details of sound signal appliances*

#### 1. Whistles

##### (a) Frequencies and range of audibility

The fundamental frequency of the signal shall lie within the range 70-700 Hz.

The range of audibility of the signal from a whistle shall be determined by those frequencies, which may include the fundamental and/or one or more higher frequencies, which lie within the range 180-700 Hz ( $\pm 1\%$ ) and which provide the sound pressure levels specified in paragraph 1 (c).

##### (b) Limits of fundamental frequencies

To ensure a wide variety of whistle characteristics, the fundamental frequency of a whistle shall be between the following limits-

- (i) 70-200 Hz, for a vessel 200 metres or more in length;
- (ii) 130-350 Hz, for a vessel 75 metres but less than 200 metres in length;
- (iii) 250-700 Hz, for a vessel less than 75 metres in length.

##### (c) Sound signal intensity and range of audibility

A whistle fitted in a vessel shall provide in the direction of maximum intensity of the whistle and at distance of 1 metre from it, a sound pressure level in at least one 1/3rd-octave band within the range of frequencies 180-700 Hz ( $\pm 1\%$ ) of not less than the appropriate figure given in the table below.

<i>Length of vessel in metres</i>	<i>1/3rd-octave band level at</i>	<i>Audibility range in</i>
-----------------------------------	-----------------------------------	----------------------------

	<i>1 metre in dB referred to <math>2 \times 10^{-5}</math> <math>N/m^2</math></i>	<i>nautical miles</i>
200 or more	143	2
75 but less than 200	138	1,5
20 but less than 75	130	1
Less than 20	120	0,5

The range of audibility in the table above is for information and is approximately the range at which a whistle may be heard on its forward axis with 90 per cent probability in conditions of still air on board a vessel having average background noise level at the listening posts (taken to be 68 dB in the octave band centred on 250 Hz and 63 dB in the octave band centre on 500 Hz). In practice, the range at which a whistle may be heard is extremely variable and depends critically on weather conditions; the value given can be regarded as typical but under conditions of strong wind or high ambient noise level at the listening post the range may be much reduced.

*(d) Directional properties*

The sound pressure level of a directional whistle shall be not more than 4 dB below the sound pressure level on the axis at any direction in the horizontal plane within  $\pm 45^\circ$  of the axis. The sound pressure level at any other direction in the horizontal plane shall be not more than 10 dB below the sound pressure level on the axis, so that the range in any direction will be at least half the range on the forward axis. The sound pressure level shall be measured in that third-octave band which determines the audibility range.

*(e) Positioning of whistles*

When a directional whistle is to be used as the only whistle on a vessel, it shall be installed with its maximum intensity directed straight ahead.

A whistle shall be placed as high as practicable on a vessel, in order to reduce interception of the emitted sound by obstructions and also to minimise hearing damage risk to personnel. The sound pressure level of the vessel's own signal at listening posts shall not exceed 110 dB (A) and so far as practicable should not exceed 100 dB (A).

*(j) Fitting of more than one whistle*

If on a vessel, whistles are fitted at a distance apart of more than 100 metres, it shall be so arranged that they are not sounded simultaneously.

*(g) Combined whistle systems*

If due to the presence of obstructions, the sound field of a single whistle or of one of the whistles referred to in (j) above is likely to have a zone of greatly reduced signal level, it is recommended that a combined whistle system be fitted so as to overcome this reduction. For the purposes of the Rules a combined whistle system is to be regarded as a single whistle. The whistles of a combined system shall be located at a distance apart of not more than 10

metres

and arranged to be sounded simultaneously. The frequency of anyone whistle shall differ from those of the others by at least 10Hz.

## **2. Bells or gong**

### *(a) Intensity of signal*

A bell or gong, or other device having similar sound characteristics shall produce a sound pressure level of not less than 110 dB at 1 metre.

### *(b) Construction*

Bells and gongs shall be made of corrosion-resistant material and designed to give a clear tone. The diameter of the mouth of the bell shall be not less than 300 mm for vessels of more than 20 metres in length, and shall be not less than 200 mm for vessels of 12 to 20 metres in length. Where practicable, a power-driven bell striker is recommended to ensure constant force but manual operation shall be possible. The mass of the striker shall be not less than 3 per cent of the mass of the bell.

## **3. Approval**

The construction of sound signal appliances, their performance and their installation on board the vessel shall be to the satisfaction of the appropriate Authority of the State where the vessel is registered.

## ANNEX IV

### *Distress signals*

**1.** The following signals, used or exhibited either together or separately, indicate distress and need of assistance-

- (a)* a gun or other explosive signal fired at intervals of about a minute;
- (b)* a continuous sounding with any fog-signalling apparatus;
- (c)* rockets or shells, throwing red stars, fired one at a time at short intervals;
- (d)* a signal made by radiotelegraphy or by any other signalling method consisting of the group ... --- ... (SOS) in the Morse Code;
- (e)* a signal sent by radiotelephony consisting of the spoken word "May-day";
- (f)* the International Code Signal of distress indicated by N.C.;
- (g)* a signal consisting of a square flag having above or below it a ball or anything resembling a ball;
- (h)* flames on the vessel (as from a burning tar barrel, oil barrel, etc.);
- (i)* a rocket parachute flare or a hand flare showing a red light;
- (j)* a smoke signal giving off orange-coloured smoke;
- (k)* slowly and repeatedly raising and lowering arms outstretched to each side;
- (I)** the radiotelegraph alarm signal;
- (m)* the radiotelephone alarm signal;
- (n)* signals transmitted by emergency position-indicating radio beacons.

2. The use or exhibition of any of the foregoing signals, except for the purpose of indicating distress and need of assistance and the use of other signals which may be confused with any of the above signals, is prohibited.

3. Attention is drawn to the relevant sections of the International Code of Signals, the Merchant Ship Search and Rescue Manual and the following signals-

- (a) a piece of orange-coloured canvas with either a black square and circle or other appropriate symbol (for identification from the air);
- (b) a dye marker.

## MERCHANT SHIPPING (FEES) REGULATIONS

### ARRANGEMENT OF REGULATIONS

#### REGULATION

1. Fees payable for shipping services.
2. Interpretation.
3. Short title and repeals.

#### SCHEDULE

## MERCHANT SHIPPING (FEES) REGULATIONS

under section 408

*[27th September, 1979]*

[Commencement.]

### 1. Fees payable for shipping services

There shall be paid to the proper officer in respect of the services mentioned in the first column of the Schedule to these Regulations the fees specified in the second column of the said Schedule.

[Schedule.]

### 2. Interpretation

In these Regulations, unless the context otherwise requires-

"**endorsement**" means an endorsement on a steam certificate to the effect that the holder of the certificate is qualified to serve on board a motor vessel of a specified grade or of a grade on which he would not, but for the endorsement, be qualified to serve;

"**tonnes**" means gross tonnes;

"**proper officer**" means a Superintendent as defined in the Act.

### 3. Short title and repeals

(1) These Regulations may be cited as the Merchant Shipping (Fees) Regulations.

[L.N. 42 of 1979.]

(2) The Merchant Shipping (Fees) Regulations 1965 are hereby repealed and the Merchant Shipping (Fees) (Amendment) Regulations 1968 are consequentially repealed.  
 [L.N. 12 of 1968.]

SCHEDULE

PART I

*Fees for engagement and discharge of seamen services*

(a) For the engagement or discharge of seamen before a proper officer the following fees are payable-

	<del>₦</del>	k
for each of the first 100 men engaged .....	1	
95		
for each man engaged in excess of 100 but not in excess of 500 men .....	1	
20		
for each man engaged in excess of 500 .....	0	
60		
for each of the first 100 men discharged .....	1	
95		
for each man discharged in excess of 100 but not in excess of 500 men...	1	
20		
for each man discharged in excess of 500 men. ....	0	
60		

(b) For the engagement and discharge of seamen on board ship the fees specified in this paragraph shall be charged in addition to those specified in paragraph

(a) above and the minimum fee for any visit of a proper officer to a ship for

the purpose of the engagement or discharge of seamen shall be .....	15	
00		
for each of the first 35 men engaged or discharged .....	0	
90		
for each visit of a proper officer to the ship .....	33	
00		
if more than 35 men but not more than 100 men are engaged or discharged for every 50 men or fraction thereof engaged or discharged in excess of 100	9	
00		

Provided that if any seaman is re-engaged on board a ship immediately after his discharge from that ship, the additional fee payable by reason of his re-engagement on board ship shall be half that specified above.

(c) For attendance on board, at the request of an officer of the ship, to render a service independent of the number of seamen on board (e.g. to attest the insertion of a new clause in an agreement) ..... 15 ....00

(d) Overtime charges-

For attendance at the Mercantile Marine Office or on board ship  
(including  
time-spent travelling to and from the ship) outside the usual office hours  
the

following special charges are payable in addition to the ordinary fees-

week-days from 6 a.m. to 8 a.m. per hour .....	14	....	67
week-days from 3 p.m. to 6 p.m. per hour .....	14	....	67
week-days from 6 p.m. to 6 a.m. per hour .....	29	....	25
Saturdays, Sundays or public holidays .....	29	....	25

A service rendered in less than one hour shall be charged for as if it had lasted for one hour, but for services exceeding one hour, if the period in excess of an exact number of hours is 30 minutes or less such excess period shall be charged at half the relevant fees. If the period in excess of one hour is more than 30 minutes such excess period will be charged as if it were one hour. Overtime charges shall be limited to a maximum of 10 hours in anyone transaction.

## PART II

### *Fees for examination for certificates of competency*

- (a) For examination for the award of a certificate of competency on each occasion on which a candidate presents himself for examination as a-

	<del>₦</del> k
(i) Master (foreign-going) .....	56 00
(ii) First mate (foreign-going) .....	36 00
(iii) Second mate (foreign-going) .....	32 00
(iv) Master (home trade) .....	36 00
(v) Mate (home trade) .....	24 00
(vi) Tug master (foreign-going) .....	36 00
(vii) Master (off-shore) .....	24 00
(viii) Mate (off-shore) .....	12 00

If the examination for signalling is taken separately from the main examination, an additional fee of ~~₦~~8.00 shall be payable as follows-

(ix) Rivermaster .....	6 00
(x) Boatswain .....	4 00
(xi) Quartermaster .....	2 00
(xii) Riverman .....	2 00
(xiii) Power-driven small-craft operator .....	1 00
(xiv) Able seaman .....	1 50
(xv) Lifeboatman .....	1 50
(xvi) Yacht master (coastal) .....	40 00

If the candidate for a certificate of competency as a master or mate is re-examined in the written but not in the oral part of the examination. or *vice versa*, one half of the specified fee subject to a minimum of ~~₦~~8.00 shall be payable.

(b) For examination for the award of a certificate of competency on each occasion on which a

candidate presents himself for examination as a first class engineer-

	₦	K
(i) for the full examination .....	56	00
(ii) for Part A or Part B or a portion of either part .....	28	00
(iii) for endorsement of a first class certificate .....	24	00

second class engineer-

(i) for the full examination .....	32	00
(ii) for endorsement of a second class certificate .....	16	00
(iii) for endorsement of a second class certificate .....	16	00

third class engineer-

(i) for the endorsement of a third class certificate .....	6	00
(ii) marine engineering assistant .....	6	00
(iii) for the endorsement of a marine engineering assistant .....	6	00
(iv) motorman .....	2	50
(v) for endorsement of a motorman's certificate .....	2	50

(c) For examination for the award of a certificate of competency on each occasion on which a candidate presents himself for examination as a-

(i) Skipper (fishing) .....	36	00
(ii) Mate (fishing) .....	16	00
(iii) Coxswain (fishing) .....	3	00
(iv) Motorman (fishing), Grade I .....	6	00
(v) Motorman (fishing), Grade II .....	2	50
(vi) Endorsement of motorman (fishing) certificate, Grade II .....	2	50
(vii) Endorsement of marine engineering assistant's certificate .....	2	50

### PART III

#### *Survey fees*

(1) Passenger ships-

(a) for a passenger certificate, a general safety certificate, or a passenger certificate combined with a safety certificate-

	₦	
	k	
(i) ships not exceeding 19.60 tonnes .....	60	
		00
(ii) ships exceeding 19.60 but not exceeding 49.00 tonnes .....	120	
		00
(iii) ships exceeding 49.00 but not exceeding 98.000 tonnes.....	195	
		00



(iv) ships exceeding 98.00 but not exceeding 294.00 tonnes .....	337
50	
(v) ships exceeding 294.00 but not exceeding 588.00 tonnes .....	420
00	
(vi) ships exceeding 588.00 tonnes .....	420
00	

An additional charge of ~~₦~~27.50 shall be levied for every 294 tonnes or part thereof in excess of 588 tonnes.

(b) for a passenger certificate, a general safety certificate, or a passenger certificate, being a cetificate issued in substitution for an existing certificate of the same kind-

	₦	k
(i) changing the limits or giving additional limits within which the ship may ply .....	60	
00		
(ii) decreasing the number of passengers .....	60	
00		
(iii) increasing the number of passengers .....	60	
00		
		for every
	200,	or
	fraction of	200 extra
		passengers
(iv) changing the ownership of the ship .....	28	
50		
(v) for any other change in the certificate .....	60	
00		

(c) for a passenger certificate, a general safety certificate or a passenger certificate combined with a safety certificate, where the ship is required by the Radio Rules to be provided with a radio installation-

(i) ships not exceeding 1568.00 tonnes .....	56
25	
(ii) ships exceeding 1568.00 tonnes .....	111
00	

The fees specified in this paragraph shall be in addition to the fees prescribed in paragraph

(1) (a) of this Part.

(2) Ships not carrying passengers-

(a) for a safety-equipment certificate or a qualified safety equipment certificate together with an exemption certificate-

(i) ships not exceeding 19.60 tonnes .....	52
50	

(ii) ships exceeding 19.60 but not exceeding 98.00 tonnes .....	90
00	
(iii) ships exceeding 98.00 but not exceeding 490.00 tonnes .....	112
50	
(iv) ships exceeding 490.00 tonnes .....	150
00	
(a) for a radio certificate, or a qualified radio certificate together with an exemption certificate-	
(i) ships not exceeding 1568.00 tonnes .....	56
25	
(ii) ships exceeding 1568.00 tonnes .....	111
00	
(iii) for only an exemption certificate relating to radio .....	23
40	
(3) Fishing Boats-	
(i) boats under 19.60 tonnes .....	45
00	
(ii) boats over 19.60 tonnes but under 49.00 tonnes	
.....75 00	
(iii) boats over 49.00 tonnes but under 98.00 tonnes.....	
112 50	
(iv) boats over 98.00 tonnes but under 196.00 tonnes .....	150
00	
(v) boats over 196.00 tonnes but under 294.00 tonnes .....	187
50	
(vi) boats of 294.00 tonnes gross and over .....	225
00	
(4) Extensions for survey certificates-	
	N k
(i) extension for one month .....	6 00
(ii) extension for five months .....	18 00

### PART III

#### *Survey fees-inland waters craft*

(1) Powered craft-

(a) for a passenger certificate, safety certificate or a combined passenger and safety certificate-

	<del>N</del> k
(i) craft under 19.60 tonnes .....	60 00
(ii) craft 19.60 but under 49.00 tonnes .....	75 00
(iii) craft 49.60 but under 98.00 tonnes .....	105 00
(iv) craft 98.00 but under 196.00 tonnes .....	150 00
(v) craft 196.00 but under 392.00 tonnes .....	187 00
(vi) craft 392.00 tonnes and above .....	225 00

~~N~~ k

(b) For the issue of a licence for a power-driven small craft ..... 7 50

Provided that one half of the relevant fee only shall be paid in respect of a licence issued after 30 June in any year.

(2) Dumb craft-

for the issue of a licence in respect of dumb craft-lighters and barges-

~~N~~ k

(i) not exceeding 19.60 tonnes loaded displacement .....	30 00
(ii) exceeding 19.60 but not exceeding 49.00 tonnes .....	36 00
(iii) exceeding 49.60 but not exceeding 98.00 tonnes .....	42 00
(iv) exceeding 98.00 but not exceeding 147.00 tonnes .....	48 00
(v) exceeding 147.00 tonnes .....	60 00

#### PART IV

##### *Survey fees-inland waters craft*

(a) For survey and measurement under regulation I of the Merchant Shipping (Tonnage) Regulations and in all other cases where, in consequence of alterations, re-measurement of the ships under-deck tonnage is required-

~~N~~ k

(i) for ships not exceeding 49.00 tonnes .....	60 00
(ii) for ships exceeding 49.00 but not exceeding 98.00 tonnes ....	120 00
(iii) for each additional 98.00 tonnes or fraction thereof .....	15 00

for measurement under rule 2 of the said regulations, one half of the above fees shall be payable.

(b) Measurement for Suez Canal and Panama Canal tonnage-

(i) for first measurement of a ship when accepted tonnage figures are available for a Suez Canal or a Panama appropriate Canal certificate .....	two fifths of the fee specified in (a) above
--	--

Provided that-

(i) for a Suez Canal and a Panama Canal certificate, if the appropriate fee specified in ( a ) above.	three fifths of the
---	---------------------

<p>(ii) for first measurement of a ship when the accepted tonnage figures are not available for Suez Canal or a Panama Canal certificate .....</p>	<p>the fee in (a) above based on the canal gross tonnage.</p>
<p>(iii) for a Suez Canal or a Panama Canal certificate, if the measurements are made at the same time.....</p>	<p>the fee in (a) above based on Canal gross plus two fifth thereof</p>
<p>(iv) for re-measurement and a further certificate or certificates .....</p>	<p>the appropriate fee in (b) (i) above.</p>
<p>(v) for a copy of a certificate .....</p>	<p><del>₺</del> k 12 00</p>

(c) When a ship is partly re-measured for Suez or Panama tonnage only following a minor alteration that involved little work for a surveyor, the Commissioner may consider applications for a refund of part of the fee charged under (b) (I) or (ii) of this Part.

The fees for measurements for tonnage under (a), and (b) above cover any number of separate visits to the ship which the surveyor may find it necessary to make.

They also cover the inspections of crew accommodation and lights and sound signal apparatus if the inspections are made at the same time as the measurement of tonnage.

PART V

*Fees for the inspection of ships' markings*

	₺	k
For the inspection of the markings of a ship under section 310 of the Merchant Shipping Act, irrespective of the number of visits required by the surveyor for the inspection .....	28	
.....		50

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PART

VI

*Fees for load line certificates*

<i>Tonnage</i>	<i>Issue of Certificate</i>	<i>Renewal of Certificate</i>	<i>Annual Survey</i>
----------------	---------------------------------	-----------------------------------	--------------------------

			2		3	
	₤	k	₤	k	₤	k
(a) Far classed ships-						
under 49 tonnes	82	50	37	50	37	50
	tonnes					
49 tonnes and under	147	97	50	37	50	37
147 tonnes and under	294	150	50	52	50	52
294 tonnes and under	490	187	50	67	50	67
490 tonnes and under	980	232	50	82	50	82
980 tonnes and under	1,470	292	50	105	00	1
1,470 tonnes and under	1,960	330	00	112	50	1
2,450 tonnes and under	2,450	363	00	127	50	1
2,940 tonnes and under	3,920	427	50	150	00	9
3,920 tonnes and under	4,900	480	00	150	00	1
4,900 tonnes and under	5,880	517	50	150	00	1
5,880 tonnes and under	6,860	555	00	157	50	1
6,860 tonnes and under	7,840	577	50	157	50	1
7,840 tonnes and under	8,820	600	00	165	00	1
8,820 tonnes and under	9,800	615	00	180	00	1
9,800 tonnes and above		615	00	180	00	1
		4		5		6
(b) For unclassified ships-						
under 49 tonnes	187	50	187	50	3	50
	tonnes					
49 tonnes but under	150	375	00	375	00	5
147 tonnes but under	300	502	50	502	50	6
294 tonnes but under	500	675	00	675	00	9
490 tonnes but under	1,000	870	00	870	00	1
980 tonnes but under	1,500	1,125	00	1,12	00	1
1,470 tonnes but under	2,000	1,290	00	1,29	00	1
1,960 tonnes but under	2,500	1,470	00	1,47	00	1
2,450 tonnes but under	3,000	1,642	50	1,64	00	2

PART VI - *continued*

<i>Tonnage</i>	<i>Issue of</i>		<i>Renewal of</i>		<i>Annual</i>	
	<i>Certificate</i>		<i>Certificate</i>		<i>Survey</i>	
	4		5		6	
	₦	k	₦	k	₦	k
<i>(b) For unclassified ships-</i>						
<i>tinued</i>						
2,940 tonnes but under	4,000	1,815	00	1,815	00	232 50
3,920 tonnes but under	5,000	1,995	00	1,995	00	232 50
4,900 tonnes but under	6,000	2,175	00	2,175	00	232 50
5,880 tonnes but under	7,000	2,340	00	2,340	00	232 50
6,860 tonnes but under	8,000	2,520	00	2,520	00	232 50
7,840 tonnes but under	9,000	2,700	00	2,700	00	232 50
8,820 tonnes but under	9,800	2,880	00	2,880	00	232 50
9,800 tonnes and above		180	00	180	00	232 50
<i>(c) For every annual survey of a ship of over 294.00 tonnes (classed or unclassified) which is carried through in one operation-</i>						
when only one visit is necessary .....					The standard fee stipulated in (a) or (b) of this Part.	
when more than one visit is necessary .....					The standard fee stipulated in (a) or (b) of this Part plus ₦60.00.	
1,960 tonnes and under	2,450	363	00	127	50	127
<i>(d) For every annual survey of a ship (classed or unclassified) which is not carried through in one operation-</i>						
					The standard fee specified in (a) or (b) of this Part plus the relevant fee stipulated below.	
for every partial survey of a ship 294.00 tonnes or less-						
for a ship of over 294.00 tonnes .....					₦60.00	
for every partial annual survey requiring one visit .....					₦60.00	
for every partial annual survey requiring more than one visit ....					₦ 1 12.00	
<i>(e) For the survey of a classed ship for renewal of the load line certificate, when the survey is not carried out at the</i>						
					same	

time as the classification survey

.....

Half the appropriate fee in column 1 of (a) above.

PART VI - *continued*

~~₦~~ k

(f) For the survey for the issue or renewal of a load line certificate if the survey is carried out at the same time as a survey for a passenger certificate in respect of-		
a classed ship	No	
.....	fee	
...		
an unclassified ship .....	Half the fee in	
	column 4 or 5	
	of (b) above.	
(g) For the annual load line survey if the survey is carried out at the same time as a survey for a passenger certificate (classed or unclassified ship)	No	fee
.....		
.....		
(h) For a survey, not being a full survey, for a change of freeboard consequent upon minor alternations (classed or unclassified ship) 2(a)	.....	the fee in column above.
(i) In special cases, for a partial survey and the issue or renewal of a certificate for twelve months or less		One half of the appropriate fee in Column 1 or 4 of (a) or (b) above as appropriate
		<del>₦</del> k
(j) For a copy of a certificate of approval of load line		7 50
for preparing provisional certificate (consul) .....	12	00
for granting above .....	3	00
		00
		<del>₦</del> k
(k) For information concerning the draught of water of a ship on her proceeding on a voyage from a Nigerian port, at the request of the owners or charterers .....		32

When the owners or builders submit a design of a new ship and require a provisional assignment of freeboard, a fee equal to the fee for the issue of a



load line certificate shall be paid. That fee covers the subsequent official assignment of freeboard and the issue of a load line certificate.

## PART VII

### *Fees for survey of ships detained because they are alleged to be unseaworthy*

- (a) For the survey of a ship which is detained (other than upon the complaint of the crew) on account of overloading, improper loading, insufficient ventilation of coal cargoes undermanning or defective equipment (such as chrono-meters or charts)-
  - (i) upon final detention; or

PART VII - *continued*

(ii) when it appears that a ship provisionally detained was,  
at the time of detention, unsafe:

	₪	k
a ship under 490.00 tonnes .....	150	00
490.00 but under 734.00 tonnes .....	180	00
735.00 but under 980.00 tonnes .....	202	00
for every additional 490.00 tonnes or part thereof .....	32	25

(b) For a ship which is detained as above on account of defective hull or machinery-

	₪	k
for a ship under 490.00 tonnes .....	180	00
for a ship 490.00 but under 735.00 tonnes .....	232	50
for a ship 735.00 but under 980.00 tonnes .....	292	50
for every additional 490.00 tonnes or part thereof .....	60	00

(c) For the survey of a ship upon complaint of the crew-

(i) if the survey is carried out by a surveyor employed in the public service..... The fee in

... (a) above

(ii) if the survey is carried out by a person appointed for that purpose by the Commissioner; or the court The fee (b) above

(d) For the survey of a ship which is detained because the appropriate load line is The fee in (a) submerged..... The fee in (a)above

(e) For the survey of a ship which is detained for being unmarked or improperly marked with load lines, or for failure to deliver up an expired load line certificate-

	₪	k
for each visit .....	29	25
maximum fee .....	120	00

PART VIII

*Fees for the inspection of explosive magazines and the stowage of explosives*

	₪	k
(a) For the inspection of an explosive magazine .....	29	25

(b) For the issue of a certificate stating that the magazines have been constructed in accordance with United Kingdom Report of the Committee on the Carriage of Dangerous Goods and Explosives in Ships ..... 29 25

	<del>N</del>	k
(c) For a certified copy of the certificate .....	6	30
(d) For the inspection of stowage of explosives .....	29	50
(e) For a certificate stating that the stowage is in accordance with United Kindom Report of the Committee on theCarriage of Dangerous Goods and Ex-plosives in Ships .....	29	25
(j) For a certified copy of the certificate .....		
6		30
(g) For the inspection of compartments for suitability for the stow age of explosives.....		
..... 29	25	
(h) For a certificate stating that the compartments are satisfactory for the carriage of explosives .....	29	25
(i) For a certified copy of the certificate .....	6	30

## PART IX

### *Fees for change of name of a ship*

	k
For authorising the change of name of a Nigerian ship-	
for a ship under 588.00 tonnes .....	48 00
588.00 but under 1568.00 tonnes .....	66 00
1568.00 but under 2940.00 tonnes .....	96 00
2940.00 but under 4900.00 tonnes .....	120 00
4900.00 but under 7840.00 tonnes .....	144 00
7840.00 but under 9800.00 tonnes .....	162 00
9800.00 tonnes and above... ..	186 00
for a lighter or dumb barge of any size . .....	12 00

The above fee covers the inspection of markings, the change of name on the load line certificate, and on the Suez Canal and Panama Canal certificate and, in the case of ships holding passenger certificates, the issue for fresh declarations and passenger certificates showing the new name and any alterations in the ownership and port of registry. The fee also covers the replacement of safety certificates, safety equipment certificates, safety radio certificates or exemption certificates, by certificates in the new name.

## PART X

### *Fees in respect of registry, etc.*

<del>₦</del>		k
(1) (a) On initial registry, registry anew, and transfer of registry-ships not exceeding 1,470.00 tonnes		
.....	72	00
for every 490.00 tonnes or part of 490.00 tonnes in excess tones.....	36	00
		up to a maximum of <del>₦</del> 200
(b) On transfer of mortgage, transfer by bill of sale, transmission, mortgage, and discharge mortgage-		
according to the gross tonnes represented by the ships or shares of ships transferred, etc., e.g. the transfer of a $\frac{1}{64}$ share in a ship of 6,400 reckoned as the transfer of 98.00 tonnes-		
ships not exceeding 392.00 tonnes .....		15
00		
for every 980.00 tonnes or part thereof in excess of 392.00 tonnes ..7	50	
(c) For each inspection of the register book .....	3	00
(2) Fishing boat-		
for an initial certificate of registry .....	15	00
for renewal of a certificate of registry .....	15	00
for the transfer of registry from one place to another .....	7	00
for each endorsement on a certificate of registry .....	3	75
(3) Nigerian licensed ships-		
for issue of original licence-		
for a ship under 49.00 tonnes .....	3	75
49.00 tonnes and under 98.00 .....	8	25
98.00 tonnes and up to 196.00 tonnes .....	15	00
for every 98.00 tonnes or part thereof in excess of 196.00 tonnes ....	3	75
for each endorsement on a licence .....	3	75

## PART XI

### *Fees in respect of indentures of apprenticeship*

	<del>₦</del>	k
(a) For recording an indenture of an apprenticeship to the sea service	43	80
(b) For each indenture of apprenticeship affected with the superintendent's assistance		
.....	2	
64		
(c) For a copy of an apprentice's indenture .....	2	64

PARTXII

Miscellaneous

₦ K

(1) Fees for certificates of service-		
for a certificate granted in accordance with section 7 (3) of the Merchant Shipping Act.....	36	00
(2) Fees for a Certificate of Competency issued under the Merchant Shipping (Certificates of Competency) (Able Seamen) Regulations .....	2	25
(3) Fees for the examination of lifeboatmen for a certificate of efficiency.....	2	25
(4) Pre-sea grading of junior engineers for classifying applicants at pre-sea grading interviews .....		3
00		
(5) Fees for sight tests-		
for the sight test examination of a person serving, or intending to serve, in the sea service .....		3
00		
for further sight test on appeal .....	24	00
for further sight test on special appeal .. ..		
.....	48	00
(6) For the allotment of signal letters .....	12	00
(7) Fees of receivers of wreck-		
(a) for every report required to be sent by the Receiver to the Secretary of Lloyd's in London .....		3
75		
(b) for wreck taken into custody by the Receiver, a percentage of five per cent, upon the value thereof, but the amount payable shall not exceed ₦100		
(c) in cases where any services are rendered by a Receiver, in respect of any vessel in distress, not being a wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a percentage-		
(i) if the vessel with her cargo equals or exceeds in value ₦2,400, the sum of eight naira for the first, and the sum of four naira for every subsequent day during which the receiver is employed on that		

service, but if the vessel with her cargo is less in value than ~~₦~~2,400 one half of the above-mentioned sums.

(ii) in addition, the expenses incurred by the receivers of wreck will be payable.....24 00

(8) Fees for the inspection of ship's provisions and water-

(a) for the inspection of ship's provisions or water on the complaint of the crew, under section 93 of the Merchant Shipping Act ..... 24 00

for each subsequent visit in connection with the same complaint 7 50

[Cap. M11.]

PART X - continued

₦ k

(b) for the inspection of ships' provisions or water under section 94 of the Merchant Shipping Act-  
 for every hour or part thereof in which the inspector is engaged upon inspection..... 15 00

(c) for the inspection of ships' provisions or water, on the application of the owner, master, agent, for every hour or part thereof in which the inspector is engaged upon inspection .....15 00

(d) for a certificate stating that the provisions inspected are sufficient in quality and quantity for use on board ship ..... 9 00

(9) Medical inspections-

(a) for the medical examination of a seaman on the application of the owner, master or agent, under section 104 of the Merchant Shipping Act- for each examination..... 12 60

(b) for the inspection of ships' medical stores, on the application of the owner, master or agent, in order to ascertain if the quantity and quality are up to the standard required by rules made under section 97 of the Merchant Shipping Act-

ships certified to carry not more than 40 persons .....9 00

over 40 but under 100 persons .....18 00

over 100 but not exceeding 250persons .....27 00

over 250 but not exceeding 500 persons.....36 00

over 500 but not exceeding 750 persons .....45 00

over 750 persons .....54 00

(c) for the inspection of ships' medical stores on board ship, where the inspecting officer has reason to believe that such stores are deficient in quality as required by Rules made under section 97 of the Merchant Shipping Act  
 ..... 45 00

[Cap. M11.)

If however, such stores are deficient and the inspecting officer, after instructing the master to make good such deficiencies, has to visit the ship to ensure that this has been done for each visit subsequent to the initial



inspection.....  
..... 9 00

**MERCHANT SHIPPING (CONFERMENT OF JURISDICTION)  
ORDER**

**ARRANGEMENT OF ORDERS**

ORDER

1. Conferment of jurisdiction on magistrate's court.
2. Short title.

SCHEDULE

MERCHANT SHIPPING (CONFERMENT OF JURISDICTION) ORDER

[S.1. 140f1987.]  
under section 382

*[5th June, 1987]*

[Commencement.]

**1. Conferment of jurisdiction on magistrate's court**

(1) The Chief magistrate's court in Okitipupa in Ondo State shall have jurisdiction to try offences under the Merchant Shipping Act as specified in the Schedule to this Order.

[Cap. 11.]

(2) The jurisdiction conferred by this Order on the Chief magistrate's court shall not be in derogation of any other jurisdiction or power otherwise conferred on that magistrate's court.

**2. Short title**

This Order may be cited as the Merchant Shipping Act (Conferment of Jurisdiction) Order.

SCHEDULE

*Offences under the Merchant Shipping Act*

[Cap. M11]

- (a) Section 13 - uncertificated and unauthorised officers;
- (b) Section 111 - misconduct endangering life or ship;
- (c) Section 158 - failure to post certificate on board;
- (d) Section 177 - carrying passengers in excess of specified number.

# MERCHANT SHIPPING (CERTIFICATE HOLDERS INQUIRIES) REGULATIONS

## ARRANGEMENT OF REGULATIONS

### REGULATION

1. Procedure for conduct of inquiry.
2. Notice of inquiry.
3. Appointment of persons to conduct inquiry.
4. Holding of inquiry.
5. Procedure at inquiry.
6. Decision of the person appointed.
7. Interpretation.
8. Citation.

## MERCHANT SHIPPING (CERTIFICATE HOLDERS INQUIRIES)

### REGULATIONS

[5.1. 6 of 200 I.]

under section 408

[9th July, 2001]

[Commencement.]

### **1. Procedure for conduct of inquiry**

The procedure for carrying out an inquiry on an allegation against a seafarer's certificate of competence shall be as set out in these Regulations.

### **2. Notice of inquiry**

(1) The Minister shall cause a notice (in these Regulations referred to as "a notice of inquiry") to be served in writing on a certificate holder, informing him of the Minister's intention to set up an inquiry into an allegation and the certificate holder shall be made a party to the inquiry.

(2) A notice of inquiry shall be effected at least thirty days before the date fixed for the inquiry either by serving the certificate holder concerned personally or by sending the notice to his last-known address by registered post or by the recorded delivery service.

(3) The notice of inquiry shall state-

- (a) the facts giving rise to the inquiry;
- (b) the allegation made against the certificate holder to whom the notice is addressed and the grounds for the allegations;
- (c) the time, date, and the place where the inquiry is to be held;
- (d) the certificate holder's rights as set out in regulation 5 (2) and (3) of these Regulations.

### **3. Appointment of persons to conduct inquiry**

(1) The Minister shall appoint a person to hold an inquiry under these Regulations and the person so appointed shall conduct the inquiry with the assistance of one or more assessors appointed by the Minister.

(2) An assessor shall be a person who is suitably qualified to assess the competence of a seafarer to discharge the duties and responsibilities commensurate with the seafarer's certificate.

#### **4. Holding of inquiry**

(1) At the time and place appointed for holding an inquiry under these Regulations, the person appointed to hold the inquiry may proceed with the inquiry in the absence of the certificate holder upon whom the notice of the inquiry was served, or any person who has applied under paragraph (3) of this regulation to become a party or any other party.

(2) Where a certificate holder is served with the notice of inquiry by post, the person appointed to hold the inquiry shall not proceed with the inquiry in the absence of the certificate holder unless the person is satisfied that the certificate holder has been served in accordance with the requirements of regulation 2 (1) and (2) of these Regulations.

(3) Any person, not being the certificate holder concerned, may, with the leave of the person appointed, become a party to the inquiry.

(4) An inquiry shall be held in public except to the extent to which the person appointed is satisfied that in the interests of justice, or for other good and sufficient reason in the public interest, any part of the evidence or any argument relating to the evidence should be heard in private.

#### **6. Procedure at inquiry**

(1) The proceedings at the inquiry shall commence with the presentation on behalf of the Minister, the case against the certificate holder concerned.

(2) The certificate holder concerned has the right to--

- (a) defend himself against the allegation in person, or by a representative;
- (b) admit the allegation or any part of it before or at any time after the commencement of the inquiry.

(3) Where more than one allegation is made against a certificate holder, his admission of an allegation or any part of it pursuant to sub-paragraph (2) (a) of this regulation shall be without prejudice to his right to defend himself against any other allegation which he does not admit.

(4) A party to the inquiry has the right in person or by a representative to make an opening statement, call witnesses, cross-examine witnesses called by other parties or on behalf of the Minister, tender evidence other than oral evidence and address the person appointed in such order as the person appointed may direct.

(5) If a party does not appear in person at the inquiry and is not represented by another person, the party may make representations in writing to the person appointed and such written representations shall be read out at the inquiry by or on behalf of the person appointed.

(6) Without prejudice to the admission of documents as secondary evidence allowed by statute or otherwise, affidavits, depositions, statutory declarations and other written evidence shall, unless the person appointed to hold the inquiry considers it unjust, be accepted as evidence at the inquiry.

(7) A person appointed to hold an inquiry under these Regulations may postpone or adjourn the hearing of the inquiry for such period as he thinks fit, either of his own motion or upon the application of any party.

## **6. Decision of the person appointed**

(1) The person appointed shall, at the conclusion of the inquiry or as soon as possible alter the inquiry, announce his decision in public.

(2) Each assessor shall sign the report with or without reservations or state in writing the assessor's dissent from the report and the reasons for the dissent and any report, reservation or dissent and reason tendered shall be forwarded to the Minister along with the report.

(3) The Minister shall in writing inform the certificate holder concerned of the decision of the inquiry if the certificate holder was not present when that decision was announced and shall make a copy of the report available to the certificate holder.

(4) A copy of the report shall be made available to any party to the inquiry upon request by the party to the Minister in writing.

## **7. Interpretation**

(1) In these Regulations-

**"allegation"** means an allegation by the Minister that a certificate holder is unfit to be the holder of the certificate, whether by reason of incompetence or misconduct or for any other reason;

**"assessor"** means a person appointed to assist in an inquiry under these Regulations who is recognised by the Minister as knowledgeable in matters relating to certificates of competency of seafarers;

**"holder of certificate"** means a seaman who holds a certificate under the Act;

**"person appointed"** means the person or persons appointed by the Minister to hold an inquiry under the Act.

(2) Any period of time specified in these Regulations by reference to days shall be exclusive of the first day and inclusive of the last day unless the last day falls on a Saturday, Sunday or any day appointed by law to be a public holiday in the part of Nigeria where the inquiry is to be held, in which case the time shall be reckoned exclusive of that day also.

## **8. Citation**

These Regulations may be cited as the Merchant Shipping (Certificate Holders Inquiries) Regulations 2001.

**MERCHANT SHIPPING (DISQUALIFICATION OF HOLDER  
OF  
SEAFARER'S CERTIFICATES) REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Notice of suspension or cancellation of certificate.
2. Representation.
3. Notice of decision.
4. Application.
5. Interpretation.
6. Citation.

SCHEDULES

SCHEDULE 1

*Notice of intention to suspend or cancel certificate*

SCHEDULE 2

*Notice of decision concerning suspension or cancellation of certificate*

**MERCHANT SHIPPING (DISQUALIFICATION OF HOLDER  
OF  
SEAFARER'S CERTIFICATES) REGULATIONS**

[S.1. 7 of 2001.]

under section 408

[9th July, 2001]

[Commencement.]

**1. Notice of suspension or cancellation of certificate**

(1) A notice served by the Minister pursuant to the Act shall be given to the holder of the certificate as prescribed in Schedule 1 to these Regulations.

(2) Service of a notice under this regulation shall be effected by-

- (a) serving the holder of the certificate concerned personally; or
- (b) sending it to him at his last known address by registered post or by the recorded delivery service.

**2. Representation**

(1) The holder of the certificate shall, within six weeks of the receipt of a notice under these Regulations or for such longer period as the Minister may prescribe, inform the Minister of his intention to make written or oral representation.

(2) In the case of an oral representation, the Minister shall agree with the holder of the certificate for a suitable date and place for the oral representation to be made and if no such agreement is reached, the oral representation shall be heard at the address given in

paragraph 5 of Schedule I to these Regulations on the last working day of the period for representation allowed by this regulation.

(3) Where oral representation is to be made, the holder of the certificate may be accompanied by a friend who may advise him or speak on his behalf.

(4) Representation, whether written or oral, shall be made within ten weeks of the receipt of the notice.

**3. Notice of decision**

(1) The Minister shall give notice of his decision to the holder of the certificate in the form set out in Schedule 2 to these Regulations.

**4. Application**

These Regulations apply in relation to any certificate of competence issued under the Act and to any other certificate or document issued under the Act other than one certifying that a person is qualified as an officer.

**5. Interpretation**

In these Regulations "the Act" means the Merchant Shipping Act.

[Cap. MII.]

**6. Citation**

These Regulations may be cited as the Merchant Shipping (Disqualification of Holder of Seafarer's Certificates) Regulations 2001

SCHEDULES

SCHEDULE 1

[Regulation 3.]

*Notice of intention to suspend or cancel certificate*

1. This Notice is given in respect of your certificate of competence.

2. The Minister gives you notice, pursuant to the Merchant Shipping Act, that it appears to him that you are unfit to be the holder of such a certificate and that he is considering the suspension or cancellation of your certificate.

3. You appear to be unfit to be the holder of such a certificate of competence for the following reasons-

.....  
.....  
.....

4. Within six weeks of receipt of this Notice you may inform the Minister of your intention to make written representation or your claim to make oral representation by completing and returning the final section of this Notice. If at the end of that period you have not so informed the Minister, your certificate will be dealt with as if no representation was made by you.

5. All communications relating to this Notice should be addressed to the Government Inspector of Shipping.

SCHEDULE - *continued*

Date of Service  
Office of the Government  
Inspector of Shipping,  
Joseph Street, Marina, Lagos.

I acknowledge receipt of your Notice dated ..... day of .....  
in connection with the proposed suspension/cancellation of my certificate of competence as  
No .....and hereby inform you that-

(1)\* I intend to make a written representation which will be sent to you before ...,  
or

(2)\* I intend to make an oral representation and will be ready to do so not later than  
.....;  
or

(3)\* I do not wish to make any representation.

Signed:

Date:

*\*Delete if not applicable.*

If you intend to inform the Minister that you wish to make written or oral representation  
you must make sure that the representation reaches him within ten weeks of receipt of this  
Notice. If at the end of that period you have not so informed the Minister, your certificate will  
be dealt with as if no representation was made by you.

SCHEDULE 2  
[Regulation 5.]

*Notice of decision concerning suspension or cancellation of certificate*

**1.** Notice is hereby given pursuant to the Merchant Shipping Act that in relation  
to your certificate of competence the Minister, after considering your  
representation, has decided:

- (a) to suspend/cancel your certificate;
- (b) not to suspend/cancel your certificate.

**2.**Your certificate is suspended from ..... for a period of .....

**3.**The cancellation of your certificate takes effect from .....

**4.** You are required to deliver your certificate to the Government Inspector of  
Shipping, at the office of the Government Inspector of Shipping not later than  
.....  
.....

unless before that date you require your case to be dealt with by an inquiry under  
the Merchant Shipping (Certificate Holders Inquiries) Regulations.

**5.** If you require your case to be dealt with by an inquiry, you must notify the Government  
Inspector of Shipping before the date specified in paragraph 4 above, and unless you  
withdraw your requirement, the suspension/cancellation of your certificate will not take  
effect except as ordered in pursuance of the inquiry.



Date .....

*Warning:* A person who fails to deliver a certificate as required, commits an offence and is liable on summary conviction to a fine not exceeding ₦10,000.

**MERCHANT SHIPPING (HEALTH PROTECTION AND  
MEDICAL  
CARE FOR SEAFARERS) REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Medicine chest to be carried.
2. Contents to be prescribed.
3. Minister to take into account the World Health Organisation recommendations.
4. Medicine chest to be inspected.
5. Contents of chest to be labelled.
6. Accidents arising from carriage of dangerous cargo.
7. Medicine not in chest to be obtained as soon as possible.
8. Ship's medical guide to be carried.
9. Medical advice to be available day and night.
10. Seafarer to be instructed in use of medical guide.
11. Ships required to have doctors on board.
12. Crew member to be in charge of medicate.
13. Medical assistance to other ships.
14. Hospital accommodation to be provided.
15. Form of medical report.
16. Citation.

**MERCHANT SHIPPING (HEALTH PROTECTION AND  
MEDICAL  
CARE FOR SEAFARERS) REGULATIONS**

[S.I. 80f2001.]  
under section 408

[9th July, 2001]

[Commencement.]

**1. Medicine chest to be carried**

A ship to which these Regulations apply shall be required to carry a medicine chest.

**2. Contents to be prescribed**

The contents of a medicine chest and the medical equipment carried on board a ship shall be prescribed by the Minister, taking into account such factors as the type of ship, the number of persons on board and the nature, destination and duration of the voyage.

### **3. Minister to take into account the World Health Organisation recommendations**

In adopting or reviewing the provisions concerning the contents of the medicine chest and the medical equipment carried on board, the Minister shall take into account international recommendations in this field, such as the most recent edition of the International Medical Guide for Ships and the List of Essential Drugs published by the World Health Organisation, as well as advances in medical knowledge and approved methods of treatment.

### **4. Medicine chest to be inspected**

(1) A medicine chest carried on board and its contents as well as the medical equipment shall be properly maintained and inspected at regular intervals, not exceeding twelve months, by the Government Inspector of Shipping or any other person designated by the Government Inspector of Shipping.

(2) A person designated under paragraph (1) of this regulation shall ensure that the expiry dates and conditions of storage of all medicines are checked in the course of the inspection.

### **5. Contents of chest to be labelled**

The Government Inspector of Shipping shall ensure that the contents of the medicine chest are listed and labelled with generic names in addition to any brand names used, and that the expiry dates and conditions of storage, and the contents conform to the medical guide used internationally.

### **6. Accidents arising from carriage of dangerous cargo**

(1) Where a cargo which is classified as dangerous has not been included in the most recent edition of the Medical First Aid Guide for Use in Accidents involving Dangerous Goods, published by the International Maritime Organisation, the Government Inspector of Shipping shall ensure that the-

- (a) necessary information on the nature of the substances and the risk involved;
- (b) necessary personal protective devices; and
- (c) relevant medical procedures and specific antidotes,

are made available to the master, seafarers and other interested persons.

(2) The specific antidotes and personal protective devices referred to in paragraph (1) of this regulation shall be on board whenever dangerous goods are carried.

### **7. Medicine not in chest to be obtained as soon as possible**

In cases of urgent necessity and when a medicine prescribed by qualified medical personnel for a seafarer is not available in the medicine chest, the shipowner shall take all necessary steps to obtain the medicine as soon as possible.

### **8. Ship's medical guide to be carried**

(1) A ship to which these Regulations apply shall be required to carry a ship's medical guide adopted by the Minister.

(2) A medical guide shall explain how the contents of a medicine chest are to be used and shall be designed to enable persons other than a doctor to care for the sick or injured on board a ship with or without medical advice by radio or satellite communication.

(3) In adopting or reviewing the ship's medical guide, the Minister shall take into account international recommendations in this field, including the most recent edition of the International Medical Guide for Ships and the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods.

## **9. Medical advice to be available day and night**

(1) The Minister shall ensure by a prearranged system that medical advice by radio or satellite communication to ships at sea, including specialist advice, is available at any hour of the day or night.

(2) The medical advice, including the onward transmission of medical messages by radio or satellite communication, between a ship and those ashore giving the advice, shall be available free of charge to every ship irrespective of the territory in which it is registered.

(3) A ship to which these Regulations apply and which is equipped with a system of satellite communication shall, with a view to ensuring that optimum use is made of facilities available for medical advice by radio or satellite communication-

- (a) carry a complete list of radio stations through which medical advice can be obtained;
- (b) carry a complete list of coast earth stations through which medical advice can be obtained;
- (c) keep the list of radio stations and coast earth stations up to date and in the custody of the person responsible for communication duties on board the ship.

## **10. Seafarer to be instructed in use of medical guide**

(1) A seafarer on board requesting medical advice by radio or satellite communication shall be instructed in the use of the ship's medical guide and the medical section of the most recent edition of the International Code of Signals published by the International Maritime Organisation in order to enable the seafarer understand the type of information needed by the advising doctor, as well as for the advice received.

(2) The Minister shall ensure that doctors providing medical advice in accordance with this regulation receive appropriate training and are aware of shipboard conditions.

## **11. Ships required to have doctors on board**

(1) A ship to which these Regulations apply which carries fifty or more seafarers and is ordinarily engaged in international voyages which last for a duration of more than three days, shall carry a medical doctor as a member of the crew responsible for providing medical care.

(2) The Minister shall determine which other ships are required to carry a medical doctor as a member of the crew, taking into account such factors as the duration, nature and conditions of the voyage and the number of seafarers on board.

## **12. Crew member to be in charge of medicate**

(1) A ship to which these Regulations apply and which does not carry a doctor, shall assign a member of the crew or one or more specified persons to be in charge of medical care and the administering of medicines as part of their regular duties.

(2) Where the person in charge of medical care on board a ship is not a medical doctor, that person shall have satisfactorily completed a course of theoretical and applied training in medical skills approved by the Minister.

(3) The course referred to in paragraph (2) of this regulation shall comprise-

- (a) in the case of a ship of less than 1 600 gross tonnage which ordinarily is capable of reaching qualified medical care and medical facilities within eight hours, elementary training which shall enable the person to take immediate, effective action in case of accidents or illnesses on board the ship and to make use of medical advice by radio or satellite communications;
- (b) in any other ship, more advanced medical training, including practical training in the emergency or casualty department of a hospital where practicable and training in life-saving techniques such as intravenous therapy, which shall enable the person concerned to participate effectively in co-ordinated schemes for medical assistance to the ship at sea and to provide the sick or injured with a satisfactory standard of medical care during the period the sick or injured is likely to remain on board.

(4) The training required in paragraph (2) of this regulation shall be provided, where possible, under the supervision of a physician with a thorough knowledge and understanding of the medical problems and circumstances relating to the seafaring profession including expert knowledge of radio or satellite communication medical services.

(5) The courses referred to in this regulation shall be based on the contents of the most recent edition of-

- (a) the International Medical Guide for Ships;
- (b) the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods;
- (c) the Document for Guidance, which is an international maritime training guide published by the International Maritime Organisation and the medical section of the International Code of Signals.

(6) The person referred to in paragraph (2) of this regulation, or any other seafarer as may be required by the Minister, shall undergo refresher courses in order to enable him to maintain and increase his knowledge and skills and to keep abreast of new developments, at approximately five-year intervals.

(7) A seafarer shall, during the seafarer's maritime vocational training, receive instruction on the immediate action that should be taken on encountering an accident or other medical emergency on board.

(8) A specified crew member or any other crew member shall, in addition to the person in charge of medical care on board a ship, receive elementary training in medical care in order to enable him to take immediate, effective action in case of accidents or illnesses likely to occur on board a ship.

### **13. Medical assistance to other ships**

A ship to which these Regulations apply shall provide all possible medical assistance, where practicable, to other vessels which may request medical assistance from the ship.

### **14. Hospital accommodation to be provided**

(1) In a ship of 500 or more gross tonnage, carrying fifteen or more seafarers and engaged in a voyage which lasts for a duration of more than three days, separate hospital accommodation shall be provided.

(2) The Minister may waive the requirement in paragraph (1) of this regulation, in respect of a ship engaged in near coastal voyages.

(3) In a ship of between 200 and 500 gross tonnage and in tugs, this paragraph shall be applied where it is reasonable and practicable.

(4) This paragraph does not apply to a ship primarily propelled by sail.

(5) A hospital accommodation on board a ship shall-

- (a) be suitably situated, so that the accommodation is easily accessible and the occupants are comfortably housed and receive proper attention in all weathers;
- (b) be so designed as to facilitate consultation and the giving of medical first aid;
- (c) only be used for medical purposes.

(6) The arrangement of the entrance, berths, lighting, ventilation, heating and water supply shall be designed to ensure the comfort and facilitate the treatment of the occupants.

(7) The number of hospital berths required shall be prescribed by the Minister.

(8) A water closet accommodation shall be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity to the accommodation.

### **15. Form of medical report**

(1) The Minister shall adopt a standard medical report form for seafarers as a model for use by-

- (a) ship doctors, masters or persons in charge of medical care on board a ship; and
- (b) hospitals or doctors ashore.

(2) The medical report form referred to in paragraph (1) of this regulation, shall be specially designed to facilitate the exchange of medical and related information, concerning an individual seafarer, between the ship and shore in cases of illness or injury.

(3) The information contained in a medical report form shall be kept confidential and used for no other purpose than to facilitate the treatment of the seafarer.

### **16. Citation**

These Regulations may be cited as the Merchant Shipping (Health Protection and Medical Care for Seafarers) Regulations 2001.

## MERCHANT SHIPPING (MANNING) REGULATIONS

### ARRANGEMENT OF REGULATIONS

#### REGULATION

1. Deck officers and rating forming part of the watch in foreign-going vessels.
2. Engineer officers for foreign-going vessels of 3,000 kilowatts propulsion power.
3. Deck officers, etc., for near coastal voyage ships of less than 500 gross registered tonnes.
4. Engineer officers for near coastal voyages on ships between 750 and 3,000 kilowatts propulsion power.
5. Radio operators, doctors and cooks.
6. Exemption.
7. Detention of ships by Government Inspector of Shipping.
8. Penalty for undermanned vessel.
9. Application.
10. Citation.

## MERCHANT SHIPPING (MANNING) REGULATIONS

[S.1. 9 Of 2001.]

[9th July, 2001]

[Commencement.]

### PART I

#### *Foreign-going ships*

#### **1. Deck officers and rating forming part of the watch in foreign-going vessels**

(1) A ship to which these Regulations apply which ship exceeds 3,000 gross registered tonnes and is going to or from any place in Nigeria, shall have on board for service the following deck officers-

- (a) one master;
  - (b) one chief mate;
  - (c) three watchkeeping officers;
  - (d) three ratings forming part of the navigational watch.
- (2) . . . . .

[Repealed by 2003 No.5.]

## **2. Engineer officers for foreign-going vessels of 3,000 kilowatts propulsion power**

(1) A ship to which these Regulations apply and which has a propulsion power of not less than 3,000 kilowatts power and is going to or from any place in Nigeria, shall have on board for service the following engineer officers-

- (a) one chief engineer;
- (b) one second engineer;
- (c) three officers in charge of an engineering watch; and
- (d) three ratings forming part of the engineering watch.

(2) A ship to which these Regulations apply and which has a propulsion power of between 750 and 3,000 kilowatts and is going to or from any place in Nigeria, shall have on board for service the following engineer officers-

- (a) one chief engineer who has at least a certificate of competency for second engineer on a vessel of 3,000 kilowatts;
- (b) three watchkeeping engineers; and
- (c) three ratings forming part of the engineering watch.

## **PART V**

### *Near coastal ships*

## **3. Deck officers, etc., for near coastal voyage ships of less than 500 gross registered tonnes**

A ship to which these Regulations apply which is less than 500 gross registered tonnes and is going on near coastal voyages shall have on board the following deck officers-

- (a) one master;
- (b) three ratings forming part of a navigational watch.

## **4. Engineer officers for near coastal voyages on ships between 750 and 3,000 kilowatts propulsion power**

(1) A ship to which these Regulations apply which has a propulsion power of between 750 and 3,000 kilowatts and which is going on near coastal voyages, shall have on board the following engineer officers-

- (a) one chief engineer;



- (b) one second engineer; and
- (c) three ratings forming part of the engineering watch.

(2) A ship to which these Regulations apply and which has a propulsion power of less than 750 kilowatts and is going on near coastal voyages shall have on board the following engineer officers-

- (a) one engineer; and
- (b) three ratings forming part of the engineering watch.

### PART III

#### *Radio operators, doctors and cooks*

#### **5. Radio operators, doctors and cooks**

(1) A foreign-going ship shall carry radio operators in accordance with the scale specified in the Radio Regulations.

(2) A foreign-going ship which proceeds from Nigeria and has more than twelve passengers on board shall carry a qualified medical practitioner as a member of the crew.

(3) A foreign-going ship to which these Regulations apply, which is 1,000 gross tonnes or upwards, shall carry a certificated ship's cook.

### PART IV

#### *Miscellaneous*

#### **6. Exemption**

The Government Inspector of Shipping may, subject to such conditions as he may think fit, exempt from any or all of the requirements of these Regulations, any ship which does not proceed beyond fifteen miles from the shore.

#### **7. Detention of ships by Government Inspector of Shipping**

Any vessel which does not comply with the manning requirements contained in these Regulations shall be liable to detention if the Government Inspector of Shipping has reason to believe that it is unseaworthy by reason of undermanning.

#### **8. Penalty for undermanned vessel**

The owner, manager or operator of a ship to which these Regulations apply, who does not man the ship in accordance with the provisions of these Regulations, commits an offence and is liable on conviction of a fine of N100,000.

#### **9. Application**

- (1) These Regulations apply to Nigerian flagships other than-
  - (a) a ship not propelled by mechanical means;
  - (b) a boat kept solely for pleasure purposes;
  - (c) a ship exempted under the Act;

- (d) a fishing vessel;
- (e) a lifeboat belonging to a registered ship.

(2) These Regulations shall also apply in respect of every ship belonging to the Federal or State Government.

(3) A ship to which these Regulations apply shall have on board the ship not less than the complement of the crew specified in these Regulations.

## **10. Citation**

These Regulations may be cited as the Merchant Shipping (Manning) Regulations 2001.

# **MERCHANT SHIPPING (MEDICAL EXAMINATION OF SEAFARERS) REGULATIONS**

## **ARRANGEMENT OF REGULATIONS**

### **REGULATION**

1. Certificate of fitness to be produced by persons seeking employment.
2. Other grounds for employment.
3. Minister to prescribe medical examination.
4. Age and nature of duties to be considered.
5. Contents of medical certificate.
6. Certificate in force for two years.
7. Certificate of colour vision.
8. Certificate valid until end of voyage.
9. Exceptional circumstances for employment.
10. Evidence of certificate.
11. Application for further examination by medical referee.
12. Application.
13. Citation.

# **MERCHANT SHIPPING (MEDICAL EXAMINATION OF SEAFARERS) REGULATIONS**

[S.I. 10 of 2001.]

*[9th July, 2001]*

[Commencement.]

## **1. Certificate of fitness to be produced by persons seeking employment**

(1) A person who is seeking to be engaged in an employment in a vessel to which these Regulations apply shall produce a certificate attesting to his fitness for the work for which he is seeking to be employed at sea.

(2) The certificate shall be one which is signed by a medical practitioner approved by the Minister or, in the case of a certificate solely concerning his sight, by a person authorised by the Minister to issue the certificate.

## **2. Other grounds for employment**

A person may be engaged for employment in a vessel to which these Regulations apply, if he produces evidence that he has been employed in a sea-going vessel to which these Regulations apply for a substantial period in the past two years.

## **3. Minister to prescribe medical examination**

The Minister shall, after consultation with the shipowners' and seafarers' organisations concerned, prescribe the nature of the medical examination to be made and the particulars to be included in the medical certificate, such examination shall include the standards specified in section B 1/9 and Table B of the Code.

## **4. Age and nature of duties to be considered**

When prescribing the nature of the medical examination as provided for in regulation 3 of these Regulations, the Minister shall take into consideration the age of the person to be examined and the nature of the duties to be performed by the person.

## **5. Contents of medical certificate**

A medical certificate under these Regulations shall attest to the fact that-

- (a) the hearing and sight of the person and, in the case of a person to be employed in the deck department (except for certain specialist personnel, whose fitness for the work which they are to perform is not liable to be affected by defective colour vision), his colour vision, are all satisfactory; and
- (b) that the person is not suffering from any disease likely to be aggravated by, or to render him unfit for, service at sea or likely to endanger the health of other persons on board.

## **6. Certificate in force for two years**

The medical certificate shall remain in force for a period not exceeding two years from the date on which it was granted.

## **7. Certificate of colour vision**

In so far as a medical certificate relates to colour vision, it shall remain in force for a period not exceeding three years from the date on which it was granted.

## **8. Certificate valid until end of voyage**

If the period of validity of a certificate expires in the course of a voyage, the certificate shall continue in force until the end of that voyage.

## **9. Exceptional circumstances for employment**

(1) In urgent cases the Minister may, taking into consideration the safety of the crew and vessel, allow a person to be employed for a single voyage without having satisfied the requirements of regulations 2 and 3 of these Regulations.

(2) Where a person is employed under paragraph (1) of this regulation, the terms and conditions of employment shall be the same as those of seafarers in the same category holding a medical certificate.

(3) Employment by virtue of this regulation shall not be deemed on any subsequent occasion to be previous employment for the purposes of regulation 2 of these Regulations.

## **10. Evidence of certificate**

The Minister may provide for the acceptance of evidence in a prescribed form as substitution for a medical certificate that the required certificate has been given.

## **11. Application for further examination by medical referee**

Arrangements shall be made to enable a person who was refused a certificate after examination, to apply for a further examination by a medical referee who shall be independent of any shipowner or of any organisation of shipowners or seafarers.

## **12. Application**

(1) These Regulations apply to every sea-going vessel, whether publicly or privately owned, which-

- (a) is engaged in the transport of cargo or passengers for the purpose of trade; and
- (b) registered in Nigeria.

(2) These Regulations do not apply to--

- (a) a wooden vessel of primitive build such as a canoe; or
- (b) an estuarial craft.

(3) Without prejudice to the steps which should be taken to ensure that the persons mentioned in sub-paragraphs (a) to (d) are in good health and not likely to endanger the health of other persons on board, these Regulations shall apply to every person who is engaged in any capacity on board a vessel except-

- (a) a pilot who is not a member of the crew;
- (b) persons employed on board by an employer other than the shipowner, radio officers or operators in the service of a wireless telegraphy company;
- (c) stevedores not members of the crew;
- (d) persons employed in ports who are not ordinarily employed at sea.

(4) In these Regulations "Code" means the Seafarers' Training Certification and Watchkeeping Code adopted by the 1995 Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended on 7 July 1995.

### **13. Citation**

These Regulations may be cited as the Merchant Shipping (Medical Examination on Seafarers) Regulations 2001.

## **MERCHANT SHIPPING (SAFE MANNING, HOURS OF WORK AND WATCHKEEPING) REGULATIONS**

### **ARRANGEMENT OF REGULATIONS**

#### **REGULATION**

1. Responsibilities of companies, masters and others.
2. Safe manning documents.
3. Hours of work.
4. General duty of company employers and masters.
5. Duties of a master and seafarer.
6. Schedules of duties, and the need to record.
7. Exception for emergencies.
8. Watchkeeping arrangements.
9. Watchkeeping arrangements in port.
10. Watchkeeping arrangements in port for ship carrying hazardous cargo.
11. Documents carried on board.
12. Inspection of non-Nigerian ships.
13. Power to detain.
14. Penalties.
15. Exemption.
16. Application.
17. Interpretation.
18. Citation.

## **MERCHANT SHIPPING (SAFE MANNING, HOURS OF WORK AND WATCHKEEPING) REGULATION**

[S.1. 11 of 2001.]

under section 408

*[9th July, 2001]*

[Commencement.]

## 1. Responsibilities of companies, masters and others

(1) This regulation applies only to Nigerian ships.

(2) A shipping company shall ensure that-

- (a) a seafarer assigned to any of the company's ships holds an appropriate certificate in respect of any function the seafarer is to perform on that ship;
- (b) a seafarer on any of the company's ships has undergone the training specified in the Training and Certification Regulations in respect of functions performed on the company's ship;
- (c) documentation and data relevant to a seafarer employed in the company's ship is maintained and readily available for inspection and shall include the documentation and data on the seafarer's experience, training, medical fitness and competency in assigned duties.

(3) Nothing in paragraph (2) of this regulation prohibits the allocation of tasks for training under supervision or in case of force *majeure*.

(4) The company to which this regulation applies shall provide written instructions to the master of the company's ship setting out the policies and the procedures to be followed to ensure that a seafarer who is newly employed on board the ship is given reasonable opportunity to get familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of his duties, before being assigned to those duties.

(5) The policies and procedures referred to in paragraph (4) of this regulation include-

- (a) allocation of a reasonable period of time during which a newly employed seafarer shall have opportunity to become acquainted with-
  - (i) the specific equipment the seafarer uses or operates; and
  - (ii) ship-specific watchkeeping, safety, environmental protection and emergency procedures and arrangements the seafarer requires to properly perform the duties assigned to him;
- (b) the designation of a knowledgeable crew member who shall ensure that opportunity is created for a newly employed seafarer to receive essential instruction in a language the seafarer understands.

(6) A master and a member of a crew designated with an obligation under paragraph (4) of this regulation shall carry out that obligation.

## 2. Safe manning documents

(1) A company to which these Regulations apply shall ensure that in relation to every-one of its ship of 500 gross tonnes or more-

- (a) a safe manning document is in force in respect of the ship and the manning of the ship;
- (b) the safe manning document is kept on board the ship at all times; and
- (c) the manning of the ship is maintained at all times to at least the levels specified in the safe manning document.

(2) The master of a ship to which this regulation applies shall ensure that the ship does not proceed to sea unless there is on board a valid safe manning document issued in respect of the ship and the manning of the ship complies with that document.

(3) A company applying for a safe manning document in respect of any Nigerian ship shall-

- (a) submit to the Government Inspector of Shipping proposals as to the number and grade of personnel considered to be carried in order for the ship to be safely manned when it proceeds to sea on any intended voyage;
- (b) in preparing a proposal under this paragraph take into account any guideline issued by the Government Inspector of Shipping;
- (c) after the issue of a safe manning document, inform the Government Inspector of Shipping as soon as any of the circumstances which are pertinent to that safe manning document changes, for the purpose of enabling the department to review the document's continuing validity or approve fresh proposals from the company.

### **3. Hours of work**

The regulations dealing with hours of work in regulations 4 and 7 apply only to Nigerian ships.

### **4. General duty of company employers and masters**

(1) Subject to regulation 7, a company and an employer, shall ensure, so far as is reasonably practicable, that the master and seafarer do not work for more hours than is safe in relation to the safety of the ship and the master and the seafarer's performance of duties.

(2) Subject to regulation 7, a master of a ship shall ensure, so far as is reasonably practicable, that a seafarer on board a ship does not work more hours than is safe in relation to the safety of the ship and performance of the seafarer's duties.

### **5. Duties of a master and seafarer**

A master or seafarer shall, so far as is reasonably practicable, ensure that he is properly rested before commencing duty on a ship and that he obtains adequate rest during periods when he is off duty.

### **6. Schedules of duties, and the need to record**

(1) A company shall produce a schedule of duties which shall comply with this regulation.

(2) Where a company is not the employer of the master of a ship and all the seafarer, the seafarer shall consult any other person who is an employer of the master or of any of the seafarer before producing the schedule.

(3) A company may arrange that an employer produces a schedule of duties complying with this regulation in which case the employer shall also be subject to the duties of the company under this regulation.

(4) Before producing a schedule, a company shall seek the views of the master, and the master shall seek, and convey to the company, the views of-

- (a) the ship's safety committee; or
- (b) the seafarer or their representatives; or
- (c) a trade union with one or more members on board the ship.

(5) A schedule complies with this regulation if-

- (a) it sets out the hours of work for-
  - (i) the master and seafarer whose work include regular watch keeping duties or ship-handling; and
  - (ii) the ship's chief engineer officer and second engineer officer, so that they do not work more hours than is safe in relation to the safety of the ship and the master and seafarer's performance of duties;
- (b) it specifies the maximum period of continuous watchkeeping, the minimum rest period between watches, and the total daily, weekly and monthly hours of work; and
- (c) it provides a minimum often hours of rest in any 24-hour period, which may be divided into no more than two periods, one of which shall be at least six hours in length, so however, that the minimum period of ten hours may be reduced to not less than six consecutive hours on the condition that reduction does not extend beyond two days and not less than seventy hours of rest is provided for in each seven day period.

(6) A company shall give consideration to the category of shipping operation undertaken in arranging the hours of work.

(7) A schedule may be changed by a company, or by an employer who by virtue of paragraph (3) of this regulation is subjected to the duties of the company, on condition that-

- (a) other employers and the company, as the case may be, have been consulted;
- (b) the company or the employer has sought the views of the master on the proposed changes and the master has sought and conveyed to the company the views of the persons mentioned in paragraph (4) (a), (b) or (c); and
- (c) the schedule, as changed, complies with paragraph (5) of this regulation.

(8) A company shall ensure that the schedule is displayed prominently in the crew accommodation for the information of all the seafarers.

(9) The master of a ship shall as far as is reasonably practicable, ensure that the hours of work specified in the schedule are not exceeded.

(10) A company and the master shall maintain a copy of the schedule on the ship and a record of all deviations from the requirements of the schedule.

(11) A company shall ensure that a copy of the schedule and the record of all deviations from its requirements are preserved for five years from the date the schedule was introduced, and that they are available for inspection by a Superintendent appointed by the Government Inspector of Shipping.



(12) If during the five-year period there ceases to be a company in relation to the ship, the duty to preserve the copies of the schedule and of the record remains with the last company.

## **7. Exception for emergencies**

(1) The requirements for rest periods specified in regulation 6 (5) (c) of these Regulations may not be maintained in case of an emergency or a drill or in other overriding operational conditions.

(2) Without prejudice to the generality of paragraph (1) of this regulation, a master of a ship or a seafarer may participate in a navigational, engine room or machinery watch notwithstanding the fact that he has not had the rest period provided by the schedule produced in pursuance of regulation 6 of these Regulations.

(3) The master may exceed and a seafarer may be required to exceed, the schedule's work or duty periods, when in the opinion of the master it is necessary to meet one of the following situations-

- (a) an emergency threatening the safety of the ship or the life of any person or damage to the environment;
- (b) employment of the ship in the service of the Nigerian Navy at a time when the ship is operating in direct support of the armed forces, or in direct support of the forces of any foreign party to which Nigeria is bound by any treaty to provide operational support.

(4) When in pursuance of paragraph (1) of this regulation the master or a seafarer has worked within a rest period provided for by the schedule, his name shall be entered in the record required to be maintained by regulation 6 (10) of these Regulations and with the reason why he so worked.

## **8. Watchkeeping arrangements**

(1) The master of a ship shall ensure that the watchkeeping arrangements for the ship are at all times adequate for maintaining safe navigational and engineering watches having regard to Chapter VIII of section A of the Seafarers Training Certificate and Watch-keeping Code (in these Regulations referred to as "the Code").

(2) Without prejudice to the duties of the master provided by paragraph (1) of this regulation, the master of a ship shall give directions to the deck watchkeeping officers responsible for navigating the ship safely during their periods of duty, in accordance with Part 3-2 of section A- VIII/2 of the Code and any requirements specified by the Minister.

(3) The chief engineer officer of a ship shall ensure that the engineering watchkeeping arrangements for the ship are at all times adequate for maintaining a safe watch, in accordance with Part 3-2 of section A- VIII/2 of the Code, and when deciding the composition of the watch, the chief engineer officer shall observe the principles set out in Part 3-2 of that section and the requirements specified by the Minister.

## **9. Watchkeeping arrangements in port**

The master of a ship which is safely moored or safely at anchor under normal circumstances in a port, shall arrange for an appropriate and effective watch to be maintained for

the purposes of safety and the arrangements shall be in accordance with Part 4 of section A- VII/12 of the Code and any operational guideline issued by the Minister.

## **10. Watchkeeping arrangements in port for ship carrying hazardous cargo**

(1) The master of a ship which is carrying cargo and which is in a port, even when safely moored or safely at anchor, shall in addition to any watchkeeping arrangements in regulation 9 of these Regulations, in the case of-

- (a) a ship carrying hazardous cargo in bulk, ensure that a safe deck watch and safe engineering watch are maintained by the ready availability on board of a duly qualified officer, and where appropriate, ratings; and
- (b) a ship carrying hazardous cargo other than in bulk, ensure that in organising safe watchkeeping arrangements he takes account of the nature, quantity, packing and storage of the hazardous cargo and of any special conditions on board, afloat and ashore.

(2) The watchkeeping arrangements under this regulation shall take full account of the principles and requirements specified by the Minister.

### **11. Documents carried on board**

Without prejudice to regulation 1, a company and the master of a ship shall ensure that there are carried at all times on board the ship all original certificates and other documents issued pursuant to the Convention indicating the qualification of any member of the crew to perform functions which he is required to perform aboard a ship in the course of his designated duties.

### **12. Inspection of non-Nigerian ships**

A person authorised may inspect a ship which is not a Nigerian ship for the purposes of verifying that all the seafarers serving on board the ship who are required to be certificated, hold valid appropriate certificates and notify the master of-

- (a) a failure to comply with the safe manning document;
- (b) a failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the competent authority of the country in which the ship is registered;
- (c) an absence on a watch, of a person qualified to operate equipment essential for safe navigation, safety radio communications or the prevention of marine pollution;
- (d) an inability of the master to provide adequately rested persons for the first watch at the commencement of a voyage and for subsequent relieving watches.

### **13. Power to detain**

(1) In any case where it is found-

- (a) in relation to a ship which is a Nigerian ship, that there is a contravention of any of the provisions of these Regulations; or
- (b) in relation to a ship which is not a Nigerian ship, that there is-
  - (i) any contravention of regulation 2, 8, 9 or 10 of these Regulations; or

(ii) a failure to correct a deficiency of a kind specified in regulation 12 of these Regulations after notification to the master pursuant to that regulation and there is in consequence a danger to persons, property or the environment,  
the ship may be detained.

(2) The Merchant Shipping (Port State Control) Regulations shall apply in relation to a detention order under these Regulations as they apply to a detention order under those Regulations.

#### **14. Penalties**

(1) A company which contravenes the provisions of regulation 1 (6), 2 (1) or (3), 6 or 11 of these Regulations, commits an offence and is liable on summary conviction to a fine not exceeding ₦200,000 or (in the case of an individual) to imprisonment for a term not exceeding six months, or both.

(2) A master who contravenes regulations 1 (6), 2 (2), 4 (2), 8 (1) or (2), 9, 10 or 11 of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding ₦ 00,000 or to imprisonment for a term not exceeding six months or both.

(3) Where an employer has, pursuant to regulation 6 (3) of these Regulations, become subject to the duties of the company under that regulation, any contravention of regulation 6 by the employer shall be an offence, punishable on summary conviction with a fine not exceeding ₦200,000 or (in the case of an individual) imprisonment for a term not exceeding six months, or both.

(4) A member of the crew who contravenes regulation 1 (6) of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand naira.

(5) A chief engineer who contravenes regulation 8 (3) of these Regulations commits an offence, and is liable on summary conviction to a fine not exceeding ₦50,000.

(6) A company which contravenes regulation 4 (1) of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding ₦200,000.

(7) An employer who contravenes regulation 4 (1) of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding two hundred thousand naira.

(8) A master who contravenes regulation 5 or 6 (9) and (10) of these Regulations commits an offence and is liable on summary conviction to a fine not ₦ 00,000.

(9) A seafarer who contravenes regulation 5 of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding ₦50,000.

(10) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to avoid the commission of the offence.

(11) In any proceedings for an offence under these Regulations relating to a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it shall rest on the accused person to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

## 15. Exemption

The Minister may grant, on such terms, if any, as he may specify, exemptions from all or any of the provisions of these Regulations for classes of cases or individual cases.

## 16. Application

These Regulations, except regulations I, 7 and 10 of these Regulations, apply to a sea-going ship which is-

- (a) a Nigerian ship wherever it is; and
- (b) not a Nigerian ship but it is in Nigerian waters.

(2) These Regulations shall not apply to-

- (a) fishing vessels; and
- (b) pleasure craft which are less than 80 gross tonnes or under 24 metres in length.

## 17. Interpretation

(1) In these Regulations-

**"appropriate certificate"** means in relation to Nigerian ships, an appropriate certificate as defined in the Training and Certification Regulations, and in relation to other ships, an appropriate certificate as defined in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers as amended in 1995;

**"authorised person"** means a person authorised by the Minister for the purposes of these Regulations;

**"company"** includes an individual, and in relation to a ship, means the owner of the ship or any other organisation or person such as the manager, or the bare boat 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 all the duties and responsibilities imposed on the company by the Regulations annexed to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers as amended in 1995;

**"Government Inspector of Shipping"** means the Government Inspector of Shipping who is the head of the Nigerian Maritime Safety Administration;

**"gross tonnes"** means the gross tonnage of a ship and the gross tonnage of a ship having alternative gross tonnage, shall be the larger of those tonnages;

**"hazardous cargo"** means cargo which is or may be explosive, flammable, toxic, health-threatening or environment-polluting;

**"length"** has the same meaning as in the Merchant Shipping (Tonnage) Regulations;

**"merchant shipping notice"** means a notice described as such and issued by the Minister;

**"safe manning document"** means a document, described as such, issued, in the case of a Nigerian ship by the Minister and in the case of any other ship by or on behalf of the government of the State whose flag the ship is entitled to fly;

**"safety committee"** means a safety committee set up pursuant to the Merchant Shipping Act;

**"the Seafarers Training Certification and Watchkeeping Code"** means the Seafarers' Training Certification and Watchkeeping Code adopted by the 1995 Conference of Parties to the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978;

**"the International Convention on Standards of Training Certification and Watchkeeping Convention"** means the International Convention on Standards of Training Certification and Watchkeeping for Seafarers, 1978, as amended on 7 July 1995;

**"Training and Certification Regulations"** means the Merchant Shipping (Training and Certification) Regulations.

(2) Any reference to the Code, the Convention or a particular Merchant Shipping Notice, includes any amendment to that Code, Convention or Notice which the Minister considers relevant from time to time, and is specified in a Merchant Shipping Notice.

## **18. Citation**

These Regulations may be cited as the Merchant and Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 2001.

# **MERCHANT SHIPPING (TRAINING AND CERTIFICATION OF SEAFARERS) REGULATIONS**

## **ARRANGEMENT OF REGULATIONS**

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*Qualification as officer, etc.*

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### SCHEDULE

#### *Mandatory minimum requirements*

**MERCHANT SHIPPING (TRAINING AND CERTIFICATION  
OF  
SEAFARERS) REGULATIONS**

[S.1.12 of 2001.]

under section 408

[9th July, 2001]

[Commencement.]

**PART I**

*Qualification as officer, etc.*

**1. Qualification as an officer**

A person is qualified as an officer if he holds a certificate of competency, or a certificate treated as equivalent to a certificate of competency, pursuant to regulation 7 of these Regulations in one of the following capacities-

- (a) master; or
- (b) chief mate; or
- (c) officer in charge of a navigational watch; or
- (d) chief engineer officer; or
- (e) second engineer officer; or
- (f) officer in charge of an engineering watch; or
- (g) radio operator.

**2. Recognition of certification**

(1) The Minister may recognise a certificate of competency issued by or under the authority of another State party to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (in these Regulations referred to as "the Convention") to a master, officer or radio operator if the Minister is satisfied that-

- (a) the requirements of the Convention relating to standards of competence, the issue and endorsement of certificates and record-keeping are fully complied with; and
- (b) prompt notification shall be given to the Authority of any significant change in the arrangements for training and certification provided in compliance with the Convention.

(2) Where the Minister recognises a certificate pursuant to paragraph (1) of this regulation, the Minister shall endorse the certificate to attest to its recognition if he is satisfied that the requirements of the Convention and paragraph (1) (a) and (b) of this regulation have been complied with.

(3) The endorsement shall be in the form of a separate document, in accordance with the provisions of the Convention.



(4) Where, pursuant to paragraph 2 (1) (a) of this regulation, the Minister recognises the standard of competency required for the issue of a certificate by the authority of a State party to the Convention, outside Nigeria, as one of the standards to be attained for officers qualified for the purposes of these Regulations, any condition specified by the Minister for the issue of a certificate of equivalent competency shall be limited to aptitude tests for the purpose of assessing the applicant's ability to pursue the profession of officer on a Nigerian ship, in the light of the subjects, training and related assessment procedures, which differ substantially from those covered by the applicant's certificate which was issued by that State party.

### **3. Validity of certificates**

(1) A master, every deck officer or an engineer officer who holds a certificate and is serving at sea or intends to return to sea after a period ashore shall, in order to continue to qualify for sea-going service, be required at regular intervals, not exceeding five years, to satisfy the Minister as to his-

- (a) medical fitness, particularly regarding eyesight and hearing; and
- (b) professional competence.

(2) The professional competence required under paragraph (1) of this regulation, shall be shown-

- (a) by approved sea-going service as master, deck or engineer officer as appropriate of at least one year during the preceding five years; or
- (b) by virtue of having performed functions relating to the duties appropriate to the grade of certificate held which are considered to be at least equivalent to the sea-going service required in sub-paragraph (a) of this paragraph: or
- (c) by one of the following-
  - (i) passing an approved; or
  - (ii) successfully completing an approved course; or
  - (iii) having completed an approved sea-going service as a deck or engineer officer for a period of not less than three months in a supernumerary capacity immediately prior to taking up the rank to which he is entitled by virtue of his certificate.

## **PART II**

### *General provisions*

#### **4. Certification requirement**

A certificate for master, deck and engineer officer shall be issued to a candidate who, to the satisfaction of the Minister, meets the requirements for service, age, medical fitness, training, qualifications and examinations in accordance with the appropriate provisions of these Regulations.

#### **5. Proof of nationality**

(1) A Nigerian applicant for a certificate of any grade shall be required to produce proof of his nationality.

(2) An applicant from any country other than Nigeria shall be required to produce evidence of his citizenship and the evidence may be referred to the appropriate Consular Officer for authentication.

#### **6. Certificate as masters**

A certificate as master shall not be issued to a person who is not-

- (a) a Nigerian citizen; or
- (b) a citizen of any other country, approved of by the Minister.

#### **7. Valid certificate**

A certificate of competency of the appropriate type and grade for the capacity in which the holder is to be carried in the ship, issued by the Minister under these Regulations, shall be the only certificate considered to be valid.

#### **8. Minimum knowledge required**

(1) The mandatory minimum requirements set out in the appropriate Part of the Schedule to these Regulations are applicable to all categories of seafarers.

(2) The examinations for certification shall be monitored by the Government Inspector of Shipping and external assessors shall be appointed by the Minister.

#### **9. Submission of testimonials, etc.**

An applicant for a certificate shall submit to the Minister, all testimonials and discharges, together with proof of health, and nationality, certificates of competence or service, if any, and any other certificate as may be required.

#### **10. Certificates for watchkeeping service**

An applicant for a certificate, as a watchkeeping officer, shall be required to produce a certificate of watchkeeping service signed by the master or in the case of service as master, by an appropriate authority of the vessel in which he has served.

#### **11. Testimonials as to character**

An applicant shall produce a testimonial as to character, including sobriety, and as to experience and ability on board for at least the last twelve months of sea service preceding the date of application for a certificate.

#### **12. Length of service laid down as minimum requirements**

The length of service laid down in these Regulations for each grade of certificate is the minimum that can be accepted and unless the applicant proves the full length, a certificate shall not be granted to the applicant.

#### **13. Classes of certificates**

- (1) The classes of certificates of competence provided for by these Regulations are-
- (a) Master mariner;
  - (b) Chief mate;

(c) Officer in charge of navigational watch.

(2) The Minister may in a special ship of any size, such as sailing vessels, tugs and ferries, prescribe special qualifications, certificates or endorsements to certificates as the case may be.

### PART III

#### *Non-trading service*

#### **14. Non-trading service**

(1) Where an applicant has served in the Nigerian Navy in a capacity relevant to the certificate of competency applied for and has obtained at least the rank of a lieutenant, the service in the Nigerian Navy may be accepted in whole or in part as qualifying service for a certificate of competency.

(2) An applicant to whom this regulation applies shall submit the documents of service under the Nigerian Navy to the Minister for consideration, but the applicant in addition, shall have served for at least twelve months in an appropriate cargo ship, passenger ship or any other merchant vessel.

(3) The service of an applicant which is performed exclusively in a trawler and other deep-sea fishing vessel shall count in full towards the qualifying service for a relative certificate of competency in accordance with the provision of this regulation, but an applicant in addition, shall have served for at least twelve months in a cargo, passenger or any other merchant vessel.

(4) The service of an applicant in a cable ship, training vessel with or without sail, fishery cruiser, research vessel, salvage vessel, navigation aids tender and any other vessel engaged in similar activities shall count as two thirds of the full time actually spent at sea on board the ship.

(5) Where the actual sea service in paragraph (3) of this regulation falls below this portion, one and one half times the actual sea service shall be counted as qualifying service and the applicant shall be required to produce, in addition to the evidence of sea service required, a statement or certificate from the owner of the ship showing the length of time of the applicant actually spent at sea.

(6) The service of an applicant standing by a new vessel during the final stage of construction, provided that the officer subsequently served in the vessel during the period of the maiden voyage for not less than three months, shall count in full towards the qualifying service for an officer certificate of competency up to a maximum of six months.

#### **15. Form, validity, record and surrender of certificates**

(1) A certificate and an endorsement under these Regulations shall be issued by the Minister on receipt of the fee payable and shall be delivered to the person entitled to hold the certificate.

(2) A certificate or an endorsement shall remain valid for seagoing service only as long as the holder complies with the standards and conditions as to medical fitness and professional competency to act in the appropriate capacity as specified by the Minister.

(3) A record of all certificates and endorsements issued under this Part of these Regulations, and which have expired or have been revalidated, suspended, cancelled, or reported lost or destroyed and any alteration of or any other matters affecting the certificates or endorsements, shall be kept, in such manner as the Minister may require, by the Superintendent of Shipping and Seafarers or by such other person as the Minister may direct.

(4) Where the holder of a certificate is issued with an appropriate certificate at a higher level, he shall surrender the first certificate to the Minister, or to such person as the Minister may direct, for cancellation.

(5) Where-

- (a) a person is convicted of an offence under the Act; or
- (b) a certificate or endorsement is issued and the conditions for its issue prescribed in this Part of these Regulations or specified by the Minister have not been complied with,

the holder of the relevant certificate shall, at the direction of the Minister, deliver the certificate to the Minister, or to such person as the Minister may direct, for cancellation.

## **16. Refusal of certificates, and appeals against refusal**

(1) Notwithstanding that an applicant for a certificate of competency complies with the standards or fulfils the conditions specified by the provisions of this Part of these Regulations, the Minister shall not issue or revalidate the appropriate certificate applied for unless he is satisfied, having regard to all the relevant circumstances, that the applicant is a person fit to be the holder of the certificate and to act in the capacity to which the certificate relates.

(2) The Minister shall, if he intends to refuse the issue or revalidation of a certificate of competency for any reason, give notice in writing to the applicant and the applicant has the right, before a date specified in the notice, to require the application to be reviewed at an inquiry.

(3) If an applicant, before the date mentioned in paragraph (2) of this regulation, requires his case to be reviewed at an inquiry, in pursuance of that paragraph, the Minister shall cause an inquiry to be held by one or more persons appointed by the Minister in accordance with the Merchant Shipping (Certificate Holders Inquiries) Regulations.

## **17. Loss of certificates**

If a person entitled to a certificate loses the certificate or is deprived of a certificate already issued to him, the Minister-

- (a) if satisfied that the person has lost or been deprived of the certificate without the fault of the person shall; and
- (b) if he is not so satisfied, may, upon receipt of any fee payable, cause a certified copy to which the person appears to be entitled to be issued to him.

## **18. Endorsement of Nigerian certificates**

In the case of a certificate issued by the Minister, the certificate shall be endorsed by the Minister in accordance with the Convention if the Minister is satisfied that the holder of the certificate complies with the requirements of regulations 4 and 5 of these Regulations.

## **19. Revalidation of certificate**

(1) Any holder of a certificate of competence who wishes to revalidate his certificate shall-

- (a) meet the standards of medical fitness prescribed by the Convention;
- (b) be assessed as to knowledge and training in line with section A-1/II of the Code and where necessary, undergo a refresher course and be re-assessed.

(2) The certificate of a master or other officer under regulation 9 of these Regulations shall, in order to be valid for sea-going service, be revalidated at intervals not exceeding five years to establish continued professional competence in accordance with section A- 1/II of the Code.

(3) A certificate of a radio officer referred to in regulation 1 of these Regulations shall, in order to be valid for sea-going service be revalidated at intervals not exceeding five years to establish continued professional competence in accordance with section A-1/II of the Code.

(4) Every master and officer shall, for continuing sea-going service on ships referred to in Regulation 23 of these Regulations, successfully complete such approved refresher training at intervals as the Minister may specify.

## **20. Recognition of training programmes**

The Minister may, by order, accord recognition to programmes offered by a training institution which attains the standards set for the training of seafarers as contained in these Regulations.

## **21. Responsibilities of companies**

A company to which these Regulations applies shall in accordance with section A- 1/14 of the Convention, be responsible for the assignment of seafarers for service in its ships in accordance with the provisions of the Convention, and shall ensure that-

- (a) each seafarer assigned to any of its ships holds an appropriate certificate in accordance with the provisions of the Convention and as established by these Regulations
- (b) its ships are manned in compliance with the applicable safe manning requirements of the Manning Regulations;
- (c) documentation and data relevant to all seafarers employed on its ships are maintained and readily accessible, and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties;

- (d) seafarers, on being assigned to any of its ships, are familiarised with their specific duties and with all ship arrangements, installations, equipment, procedures and ship characteristics that are relevant to their routine or emergency duties; and
- (e) the ship's complement can effectively co-ordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution.

## PART IV

### *Dangerous cargo endorsements*

#### **22. Carriage of dangerous cargo**

(1) A ship to which these Regulations apply which has bulk cargo specified in whole or in part as being dangerous cargo shall carry-

- (a) an officer in command and as second-in-command, a deck officer; and
- (b) as chief engineer officer and second engineer officer respectively, engineer officers, who, in addition to holding the qualifications required generally of them as explained in Part II and III of these Regulations, satisfy such additional requirements as the Minister may specify.

(2) For the purposes of this Part "**dangerous cargo**" consists of petroleum or its products; any liquid chemical listed in Chapter VI of the International Maritime Organisation publication entitled "Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk"; and any liquefied gas listed in Chapter XIX of the International Maritime Organisation publication entitled "Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk".

(3) Where the ship is a liquefied gas carrier, the persons appointed as officer in command and second-in-command, and as chief engineer officer and second engineer officer shall be persons who have-

- (a) previously completed six months' satisfactory service on articles as master or second-in-command or chief engineer officer and second engineer officer respectively, of a liquefied gas carrier before the date of coming into force of these Regulations and are able to produce testimonials from their employers to that effect; or
- (b) completed an appropriate training course approved by the Minister for the carriage of liquefied gas and either-
  - (i) received in supernumerary capacity a fourteen day shipboard training designed to give an overall appreciation of liquefied gas cargo operations and associated hazards and completed three months' credited shipboard service in subordinate rank; or
  - (ii) completed a six month credited shipboard service in subordinate rank and be in the opinion of the master or the chief engineer officer of the ship on which the service is completed, a person competent to carry out safely cargo handling duties on a liquefied gas carrier; or

- (iii) received in a supernumerary capacity a 28-day intensive shipboard training as specifically approved by the Minister, designed to give an overall appreciation of liquefied gas cargo operations and associated hazards.

(4) The shipboard service referred to in paragraph (3) of this regulation shall be credited-

- (a) in full if it is served on a liquefied, gas carrier; and
- (b) at half rate if it is served on a ship carrying dangerous liquid chemicals in bulk or petroleum or its products in bulk.

(5) Where a ship is a ship carrying dangerous liquid chemicals in bulk, the persons appointed as officer in command and second-in-command, and the chief engineer officer and the second engineer officer, shall be persons who have-

- (a) previously completed a six month satisfactory service on articles as master or second-in-command or chief engineer officer and second officer respectively of a ship carrying dangerous liquid chemicals in bulk before the date of coming into force of these Regulations and are able to produce testimonial from his employers to that effect; or
- (b) completed an appropriate training course approved by the Minister for the carriage of liquid chemicals and either-
  - (i) received in supernumerary capacity a fourteen-day shipboard training designed to give an overall appreciation of liquid chemical cargo operations and associated hazards and completed a three-month credited shipboard service in subordinate rank; or
  - (ii) completed a six-months' credited shipboard service in subordinate rank and be in the opinion of the master of the ship or the chief engineer officer on which the service is completed, a person competent to carry out safely cargo handling duties on a liquid chemical carrier; or
  - (iii) received in a supernumerary capacity a 28-day intensive shipboard training as specifically approved by the Minister designed to give an overall appreciation of liquid chemical cargo operations and associated hazards.

(6) The shipboard service referred to in paragraph (5) of this regulation shall be credited-

- (a) in full if it is served on a carrier carrying liquid chemicals in bulk; and
- (b) at half rate if served on a liquefied gas carrier or on a ship carrying petroleum or its products in bulk.

(7) Where the ship is a ship carrying petroleum or its product in bulk, the persons appointed as officer in command and second-in-command shall be persons who have-

- (a) previously completed a six-month satisfactory service on articles as master or second-in-command of a ship carrying petroleum or its products in bulk before the date of the coming into force of these Regulations and are able to produce testimonials from their employers to that effect;

- (b) completed an appropriate training course approved by the Minister for the carriage of petroleum and its products in bulk and either-
  - (i) received in a supernumerary capacity a fourteen-day shipboard training designed to give an overall appreciation of petroleum cargo operations and associated hazards and completed three months' credited shipboard service in subordinate rank; or
  - (ii) completed a six-month credited shipboard service in subordinate rank and be in the opinion of the master of the ship on which the service was completed, a person competent to carry out safely cargo handling duties on a petroleum tanker; or
  - (iii) received in a supernumerary capacity a 28-day intensive shipboard training as specifically approved by the Minister designed to give an overall appreciation of liquid chemical cargo operations and associated hazards.
- (8) The shipboard service referred to in paragraph (7) of this regulation shall be credited-
  - (a) in full, if served on a ship carrying petroleum or its products in bulk; and
  - (b) at half rate, if served on a liquefied gas carrier or on a ship carrying dangerous liquid chemicals in bulk.

(9) An announcement shall be made as to the training courses approved by the Minister and as to the method of application under the provisions of this Part for dangerous cargo endorsements.

## PART V

### *Miscellaneous*

#### **23. Dispensation**

(1) Where it is absolutely necessary, the Minister may, if in his opinion it does not cause danger to persons, property or the environment, issue a dispensation permitting a specified seafarer to serve in a specified ship for a specific period, not exceeding six months, in a capacity for which he does not hold the appropriate certificate.

(2) A dispensation under paragraph (1) shall not be granted for service as a radio officer or radio telephone operator, unless otherwise provided by the relevant Radio Regulations.

(3) The Minister shall, in issuing a dispensation under this regulation be satisfied that the person to whom the dispensation is issued is adequately qualified to fill the vacant post in a safe manner.

(4) A dispensation shall not be granted to a master or chief engineer officer except in circumstances of *force majeure* and in that case it shall be for the shortest possible period.

(5) A dispensation granted for a post under this regulation shall be granted only to a person properly certificated to fill the post immediately below the said post.



(6) Where certification of the post below is not required by these Regulations, a dispensation may be issued to a person whose qualification and experience are, in the opinion of the Minister, clearly equivalent to the requirements of the post to be filled, but if the person does not hold the appropriate certificate, he shall be required to pass a test accepted by the Minister as demonstrating that the dispensation may safely be issued.

(7) The Minister shall as soon as possible ensure that the post for which a dispensation is issued is filled by the holder of an appropriate certificate.

#### **24. Penalties**

A seafarer who-

- (a) acts outside of the capacity for which he is certified;
- (b) makes a false statement in order to obtain a certificate,

commits an offence and is liable on conviction to a fine of ₦ 1 00,000 or imprisonment for two years.

#### **25. Revocation**

The following Regulations-

- (a) the Certificates of Competency (Able Seafarers) Regulations 1963;
  - (b) the Certificates of Competency (Engine Room) Regulations 1963;
  - (c) the Examination for Certificates of Competency (Deck) Regulations 1963;
  - (d) the Merchant Shipping (Accepted Safety Convention Certificates) Order 1963;
  - (e) the Merchant Shipping (Declaration of Certificates) Order 1964;
  - (f) the Examination for Certificates of Competency (Fishing) Regulations 1965;
  - (g) the Examination for Certificates of Competency (Deck) (Offshore) Regulations 1967,
- are hereby revoked.

#### **26. Transitional provisions**

(1) Notwithstanding the revocation of the Regulations listed in regulation 25 of these Regulations, the certificates and licences granted and standards of competency and training already met, pursuant to these Regulations, shall be treated as equivalent to the certificates, standards of competency or training referred to in these Regulations and shall accordingly remain in full validity, subject to regulation 2, until 1 February 2002.

(2) A seafarer who commences-

- (a) seagoing service as part of an approved training programme commenced before 1 August 1998; or
- (b) the shore-based phase of an approved training programme before 1 August 1998 may be issued with certificates, or have certificates recognised pursuant to such revoked Regulations and the provisions of the preceding sub-paragraph shall apply to such certificates.

## 27. Interpretation

(1) In these Regulations, unless the context otherwise require-

**"the Act"** means the Merchant Shipping Act;

[Cap. M11 L.F.N.]

**"the Administration"** means the Nigerian Maritime Safety Agency or any other department charged with maritime safety;

**"appropriate Certificate"** means a certificate issued or endorsed in accordance with the provisions of these Regulations, which entitles the lawful holder to serve in the capacity and perform the functions involved at the level of responsibility specified in the certificate, on a ship of a type, tonnage and power and means of propulsion indicated by the endorsement while engaged on the particular voyage concerned;

**"approved" and "approved in the Convention so far as given effect by these Regulation"** means approved by the Minister;

**"assistant engineer officer"** means a person under training to become an engineer officer and designated as such;

**"certificate of competency"** means an appropriate certificate issued by the Minister for the purposes of these Regulations other than a certificate of equivalent competency;

**"chemical tanker"** means a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

**"chief engineer officer"** means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of mechanical and electrical installations of the ship;

**"chief mate"** means the officer next in rank to the master and upon whom the command of the ship falls in the event of the incapacity of the master;

**"Code"** means the Seafarers' Training, Certification and Watchkeeping Code adopted by the 1995 Conference of Parties to the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978;

**"constructed"** means a craft the keel of which is laid or which is at a similar stage of construction that is, a stage at which-

- (a) construction identifiable with a specific craft begins; and
- (b) assembly of a craft has commenced, comprising at least 50 tonnes or one per cent of the estimated mass of all structural material, whichever is the less;

**"Convention"** means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended in 1995 and any amendments made to it;

**"deck officer"** means an officer qualified in accordance with provisions of Chapter II of the Convention;

**"engineer officer"** means an officer who is qualified in accordance with the provisions of Chapter II of the Convention;

**"fast rescue boat"** means a rescue boat which is-

(a) not less than six metres in length and not more than 8.5 metres in length;

(b) capable of manoeuvring, for at least four hours, at a speed of at least 20 knots in calm water with a suitably qualified crew of three persons and at least eight knots with a full complement of persons and equipment; and

**"function"** means a group of tasks, duties and responsibilities as specified in the Code, necessary for ship operation, safety of life at sea or protection of the marine environment;

**"gross tonnes"** means gross tonnage of a ship, and the gross tonnage of a ship having alternative gross tonnage shall be the larger of those tonnages and the gross tonnage of a ship having its tonnage determined under the Merchant Shipping (Tonnage) Regulations, shall be that determined under the said Regulations;

**"Government Inspector of Shipping"** means the Government Inspector of Shipping who is the head of the Nigerian Maritime Safety Administration;

**"length"** has the same meaning as in the Merchant Shipping (Tonnage) Regulations;

**"liquefied gas tanker"** means a ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the International Code for the Construction and Equipment of Ships;

**"master"** means the person having command of a ship;

**"merchant shipping notice"** means a notice described as such and issued by the Nigerian Maritime Safety Agency or any other department charged with maritime safety;

**"merchant vessel"** means a vessel used for commercial purposes;

**"near coastal trade"** means trade in the west coast of Africa between Cape Verde in the north and the mouth of the River Congo in the south;

**"near-coastal voyage"** means a voyage in the west coast of Africa between Cape Verde in the north and the mouth of the River Congo in the south, during which the vessel does not go beyond 30 nautical miles from the shore;

**"officer"** means a member of crew, other than the master or a rating;

**"oil"** means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products, other than oil-like substances which are subject to the Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) Regulations;

**"oil tanker"** means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes a combination carrier when it is carrying a cargo or part cargo of oil in bulk;

**"passenger ship"** means a ship carrying more than 12 passengers;

**"propulsion power"** means the total maximum, continuous rated output power in kilowatts of all the ship's main propulsion power which appears on the ship's certificate of registry or other official document;

**"radio duties"** include, as appropriate, watch-keeping and technical maintenance and repairs conducted in accordance with the Radio Regulations, the International Convention for the Safety of Life at Sea and relevant recommendations of the International Maritime Organisation;

**"radio operator"** means a person holding an appropriate certificate issued or recognised under the provisions of the Radio Regulations;

**"rating"** means a member of the ship's crew, other than the master or an officer;

**"ro-ro passenger"** means a ro-ro passenger ship within the meaning of the Merchant Shipping (Ship Construction) Regulations;

**"seagoing service"** means service on board a ship relevant to the issue of a certificate or other qualification;

**"second engineer officer"** means the engineer officer next in rank to the chief engineer officer and upon whom the responsibility for the mechanical propulsion, the operation and maintenance of the mechanical and electrical installations of the ship falls, in the event of the incapacity of the chief engineer officer;

**"specified by the Minister"** means specified by the Minister in a Merchant Shipping Notice which is considered by him to be relevant from time to time;

**"tanker"** means a chemical tanker, a liquefied gas tanker or an oil tanker;

**"trading area"** means an area in which near coastal trade or unlimited trade takes place;

**"unlimited trade"** means trading without any restrictions to trading area;

"vessel" means every description of vessel used in navigation not propelled by oars.

(2) Any reference to the Code, the Convention or a particular Merchant Shipping Notice includes reference to any document amending the Code, Convention or Notice which is considered by the Minister to be relevant from time to time and is specified in a Merchant Shipping notice.

(3) A reference to a numbered regulation is a reference to the regulation of that number in these Regulations and a reference to a numbered paragraph is a reference to the paragraph of that number in that regulation.

## **28. Application**

These Regulations apply to masters and seafarers employed in sea-going ships registered in Nigeria, except in-

- (a) fishing vessels; or
- (b) pleasure crafts which are less than 80 gross tonnes or under 24 metres in length.

## **29. Citation**

These Regulations may be cited as the Merchant Shipping (Training and Certification of Seafarers) Regulations 2001.

### SCHEDULE

[Regulation 8.]

### MANDATORY MINIMUM REQUIREMENTS

#### PART I

##### *Master and deck department*

##### *Mandatory minimum requirements for certification of officers in charge of a navigational watch on ships of 500 gross tonnage or more*

1. An officer in charge of a navigational watch serving on a seagoing ship of 500 gross tonnage or more shall hold an appropriate certificate.
2. A candidate for certification for the purposes of paragraph I shall-
  - (a) not be less than 18 years of age;
  - (b) have approved seagoing service of not less than one year as part of an approved training programme including on-board training which meets the requirements of section A-II/1 of the Code and is documented in an approved training record book, or otherwise have approved seagoing service of not less than three years;



- (c) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of the master or a qualified officer for a period of not less than six months;
- (d) meet the applicable requirements of the regulations in Chapter IV of the Radio Regulations, as appropriate, for performing designated radio duties in accordance with the Radio Regulations; and
- (e) have completed the approved education and training and met the standard of competence specified in section A-II/1 of the Code.

## PART II

### *Master and chief mate on ships of 3,000 gross tonnage or more*

#### *Mandatory minimum requirements for certification of master and chief mates on ship of 500 gross tonnage or more*

3. A master and chief mate on a seagoing ship of 3,000 gross tonnage or more shall hold an appropriate certificate.
4. A candidate for certification on a seagoing ship of 3,000 gross tonnage or more shall-
  - (a) meet the requirements for certification as an officer in charge of a navigational watch on ships of 500 gross tonnage or more and have approved seagoing service in that capacity-
    - (i) for certification as chief mate, not less than twelve months; and
    - (ii) for certification as master, not less than 36 months, but this period may be reduced to not less than 24 months if not less than twelve months of the seagoing service was spent in service as chief mate; and
  - (b) have completed the approved education and training and met the standard of competence specified in section A-II/2 of the Code for masters and chief mates on ships of 3,000 gross tonnage or more.

### *Master and chief mate on ships of between 500 and 3,000 gross tonnage*

5. A master and chief mate on a seagoing ship of between 500 and 3,000 gross tonnage shall hold an appropriate certificate.
6. (1) A candidate for certification on a sea going ship of between 500 and 3,000 gross tonnage shall-
  - (a) for certification as chief mate, meet the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more;
  - (b) for certification as master, meet the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more and have approved seagoing service of not less than 36 months in that capacity; but this period may be reduced to not less than 24 months if not less than twelve months of the seagoing service was spent in service as chief mate.
- (2) A candidate for certification shall have completed the approved training and met the standard of competence specified in section A-II/2 of the Code for masters and chief mates on ships of between 500 and 3,000 gross tonnage.

## PART III

### *Ships not engaged on near-coastal voyages*

#### *Mandatory minimum requirements for certification of officers in charge of a navigational watch and of masters on ships of less than 500 gross tonnage*

7. An officer in charge of a navigational watch serving on a seagoing ship of less than 500 gross tonnage which is not engaged on near-coastal voyages shall hold an appropriate certificate for ships of 500 gross tonnage or more.
8. A master serving on a seagoing ship of less than 500 gross tonnage which is not engaged on near-coastal voyages shall hold an appropriate certificate for service as master on ships between 500 and 3,000 gross tonnage.

## PART IV

### *Officer in charge of a navigational watch*

#### *Ships engaged on near-coastal voyages*

9. An officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage which is engaged on near-coastal voyages shall hold an appropriate certificate.
10. (1) A candidate for certification as officer in charge of a navigational watch on a sea-going ship of less than 500 gross tonnage which is engaged on near-coastal voyages shall-
  - (a) not be less than eighteen years of age;
  - (b) have completed-
    - (i) a special training, including an adequate period of appropriate seagoing service as required by the Administration; or
    - (ii) an approved seagoing service in the deck department of not less than three years;
  - (c) meet the applicable requirements of the regulations in Chapter IV of the Radio Regulations, as appropriate, for performing designated radio duties in accordance with the Radio Regulations.
- (2) A candidate for certification shall have completed the approved education and training and met the standard of competence specified in section A-II/3 of the Code for officers in charge of a navigational watch on a ship of less than 500 gross tonnage which is engaged on near-coastal voyages.

### *Master*

11. A master serving on a seagoing ship of less than 500 gross tonnage which is engaged on near-coastal voyages shall hold an appropriate certificate.
12. A candidate for certification as a master on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall-
  - (a) not be less than twenty years of age;
  - (b) have approved seagoing service of not less than twelve months as officer in charge of a navigational watch; and
  - (c) have completed the approved education and training and met the



standard of competence specified in section A-II/3 of the Code for a master on a ship of less than 500 gross tonnage which is engaged on near-coastal voyages.

### *Exemptions*

**13.** The Minister may, if he considers that the size of a ship and the conditions of its voyage are such as to render the application of the full requirements of this Part and section A-II/3 of the Code unreasonable or impracticable, to that extent, exempt the master and the officer in charge of a navigational watch on such a ship or class of ships, from some of the requirements, bearing in mind the safety of all ships which may be operating in the same waters.

#### *Mandatory minimum requirements for certification of rating forming part of a navigational watch*

**14.** A rating who is forming part of a navigational watch on a seagoing ship of 500 gross tonnage or more, other than a rating under training and ratings whose duties while on watch are of an unskilled nature, shall be duly certificated to perform such duties.

**15.** A candidate for certification as a rating forming part of a navigational watch on a seagoing ship of 500 gross tonnage or more shall-

- (a) not be less than sixteen years of age;
- (b) have completed-
  - (i) an approved seagoing service including not less than six months' training and experience; or
  - (ii) a special training, either pre-sea or on board a ship, including an approved period of seagoing service which is not less than two months; and
- (c) meet the standard of competence specified in section A-II/4 of the Code.

**16.** The seagoing service, training and experience required by sub-paragraph (b) of paragraph 15, shall be associated with navigational watchkeeping functions and involve the performance of duties carried out under the direct supervision of the master, the officer in charge of the navigational watch or a qualified rating.

**17.** A seafarer may be considered by the Minister to have met the requirements of this Part if he has served in a relevant capacity in the deck department of a ship for a period of not less than one year within the previous five years.

## PART VI

### *Engine department*

#### *Mandatory minimum requirements for certification of an officer in charge of an engineering watch in a manned engine-room or designated duty engineer in a periodically unmanned engine-room*

**18.** An officer in charge of an engineering watch in a manned engine-room or designated duty engineer officer in a periodically unmanned engine-room on a seagoing ship, powered by main propulsion machinery of 750 kilowatts propulsion power or more, shall hold an appropriate certificate.

**19.** A candidate for certification for the purposes of paragraph 18 shall-

- (a) not be less than eighteen years of age;
- (b) have completed not less than six months' seagoing service in the engine department of a ship in accordance with section A-III/1 of the Code; and

- (c) have completed the approved education and training of at least thirty months which includes on-board training documented in an approved training record book and met the standard of competence specified in section A-III/ 1 of the Code.

*Mandatory minimum requirements for certification of chief engineer officer and second engineer officer on ships powered by main propulsion machinery of 3.000 kilowatts propulsion power or more*

**20.** A chief engineer officer and second engineer officer on a seagoing ship powered by main propulsion machinery of 3,000 kilowatts propulsion power or more shall hold an appropriate certificate.

**21.** A candidate for certification for the purposes of paragraph 20 shall-

- (a) meet the requirements for certification as an officer in charge of an engineering watch and-
  - (i) for certification as second engineer officer, shall have not less than twelve months of approved sea-going service as assistant engineer officer or engineer officer; and
  - (ii) for certification as chief engineer officer, shall have not less than 36 months of approved sea-going service of which not less than twelve months shall have been served as an engineer officer in a position of responsibility while qualified to serve as second engineer officer; and
- (b) have completed the approved education and training and met the standard of competence specified in section A-III/1 of the Code.

*Mandatory minimum requirements for certification of chief engineer officer and second engineer officer on ships powered by main propulsion machines of between 750 and 3.000 kilowatts propulsion power*

**22.** A chief engineer officer and second engineer officer on a seagoing ship powered by main propulsion machinery of between 750 and 3,000 kilowatts propulsion power shall hold an appropriate certificate.

**23.** A candidate for certification for the purposes of paragraph 22 shall-

- (a) meet the requirements for certification as an officer in charge of an engineering watch and-
  - (i) for certification as second engineer officer, shall have not less than twelve months of approved sea-going service as assistant engineer officer or engineer officer; and
  - (ii) for certification as chief engineer officer, shall have not less than 24 months of approved seagoing service of which not less than twelve months shall have been served while qualified to serve as second engineer officer; and
- (b) have completed the approved education and training and met the standard of competence specified in section A-III/3 of the Code.

**24.** An engineer officer who is qualified to serve as second engineer officer on a ship powered by main propulsion machinery of 3,000 kilowatts propulsion power or more, may serve as chief engineer officer on a ship powered by main propulsion machinery of less than 3,000 kilowatts propulsion power, provided that not less than twelve months of the approved sea-going service was spent in service as an engineer officer in a position of responsibility and the certificate is so endorsed.

*Mandatory minimum requirements for certification of rating forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room*

**25.** A rating forming part of an engine-room watch or designated to perform duties in a periodically unmanned engine-room on a seagoing ship powered by main propulsion machinery of 750 kilowatts propulsion power or

more, other than a rating under training and a rating whose duties are of an unskilled nature, shall be duly certificated to perform such duties.

**26.** A candidate for certification under paragraph 25 shall-

(a) not be less than sixteen years of age;

(b) have completed-

(i) the approved seagoing service, including not less than six months' training and experience;

or

(ii) special training, either pre-sea or on board ship, including an approved period of seagoing service which shall not be less than two months; and

(c) meet the standard of competence specified in section A-III/4 of the Code.

**27.** The sea-going service, training and experience, required by sub-paragraph (b) of paragraph 26 shall be associated with engine-room watchkeeping functions and involve the performance of duties carried out under the direct supervision of a qualified engineer officer or a qualified rating.

**28.** A seafarer may be considered to have met the requirements of this regulation if he has served in a relevant capacity in the engine department for a period of not less than one year within the preceding five years.

*Mandatory minimum requirements for certification of the Global Maritime Distress System Radio Personnel*

**29.** A person in charge of or performing radio duties on a ship required to participate in the Global Maritime Distress System shall hold an appropriate certificate related to the Global Maritime Distress System, issued or recognised by the Minister under the provisions of the Radio Regulations.

**30.** A candidate for certification for service on a ship which is required by the International Convention for the Safety of Life at Sea, 1974, as amended, to have a radio installation shall-

(a) not be less than eighteen years of age; and

(b) have completed the approved education and training and met the standard of competence specified in section A-IV/2 of the Code.

**PART VII**

*Special training requirements for personnel on certain types of ships*

*Mandatory minimum requirements for the training and qualification of master, officer and rating on tankers*

**31.** An officer and a rating assigned specific duties and responsibilities related to cargo or cargo equipment on a tanker shall have completed an approved shore-based fire-fighting course in addition to the training required by regulation VIII and shall have completed-

(a) at least three months of approved seagoing service on tankers in order to acquire adequate knowledge of safe operational practices; or

(b) an approved tanker familiarisation course covering at least the syllabus given for the course in section A-V /1 of the Code, so however, that the Administration may accept a period of supervised seagoing service shorter than that prescribed by sub-paragraph (a) of this paragraph provided that:

(i) the period so accepted is not less than one month;

(ii) the tanker is of less than 3,000 gross tonnage;

- (iii) the duration of each voyage on which the tanker is engaged during the period does not exceed 72 hours; and
- (iv) the operational characteristics of the tanker and the number of voyages and loading and discharging operations completed during the period, allow the same level of knowledge and experience to be acquired.

**32.** A master, chief engineer officer, chief mate, second engineer officer and any person with immediate responsibility for loading, discharging and care in transit or handling of cargo shall, in addition to meeting the requirements of sub-paragraphs (a) or (b) of paragraph 31 have-

- (a) an experience appropriate to his duties on the type of tanker on which he serves; and
- (b) completed an approved specialised training programme which at least covers the subjects set out in section A-VII of the Code which subjects are appropriate to his duties on the oil tanker, chemical tanker or liquefied gas tanker on which he serves.

**33.** A seafarer may be considered to have met the requirements of sub-paragraph (b) if within two years after the coming into force of these Regulations, he has served in a relevant capacity on board the type of tanker concerned for a period of not less than one year within the preceding five years.

**34.** (1) The Administration shall ensure that an appropriate certificate is issued to a master or an officer, who is qualified in accordance with paragraphs 1 or 2 as appropriate, or ensure that an existing certificate is duly endorsed.

(2) Every rating who is qualified under these Regulations shall be duly certificated.

*Mandatory minimum requirements for the training and qualification of masters, officers, ratings and other personnel on ro-ro passenger ships*

**35.** (1) The requirements in paragraphs 36 to 43 apply to a master, an officer, a rating and any other personnel serving on board a ro-ro passenger ship which is engaged on an international voyage.

(2) The Administration shall determine the applicability of these requirements to personnel serving on a ro-ro passenger ship engaged on domestic voyages.

**36.** Prior to being assigned shipboard duties on board a ro-ro passenger ship, a seafarer shall have completed the training required in accordance with his capacity, duties and responsibilities.

**37.** A seafarer who is required to be trained shall, at intervals not exceeding five years, undertake an appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.

**38.** A master, an officer and any other personnel designated on a muster list to assist passengers in an emergency situation on board a ro-ro passenger ship shall have completed training in crowd management as specified in section A-V /2, paragraph 1 of the Code.

**39.** A master, an officer and any other personnel assigned specific duties and responsibilities on board a ro-ro passenger ships shall have completed the familiarisation training specified in section A-V /2, paragraph 2 of the Code.

**40.** The personnel providing direct services to passengers in passenger spaces on board a ro-ro passenger ship shall have completed the safety training specified in section A-V /2, paragraph 3 of the Code.

**41.** A master, chief mate, chief engineer officer, second engineer officer and any other person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on board a ro-ro passenger ship shall have completed an approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 4 of the Code.

**42.** A master, chief mate, chief engineer officer, second engineer officer and any other person having responsibility for the safety of passengers in emergency situations on board a ro-ro passenger ship shall have completed an approved training in crisis management and human behaviour as specified in section A- V/2, paragraph 5 of the Code.

**43.** The Administration shall ensure that documentary evidence of the training which has been completed is issued to every person found qualified under the provisions of these requirements.

*Mandatory minimum requirements for the training and qualification of master, officer, ratings and other personnel on passenger ships other than ro-ro passenger ships*

**44.** (1) The requirements in paragraphs 45 to 52 apply to a master, officer, rating and other personnel serving on board a passenger ship, other than ro-ro passenger ship, engaged on international voyages.

(2) The Minister may extend the applicability of these requirements to personnel serving on a passenger ship which is engaged on domestic voyages.

**45.** A seafarer shall, prior to being assigned ship board duties on board a passenger ship, have completed the training required in paragraph 46 in accordance with his capacity, duties and responsibilities.

**46.** A seafarer who is required to be trained shall, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.

**47.** The personnel designated on muster lists to assist passengers in emergency situations on board a passenger ship shall have completed training in crowd management as specified in section A-V 13, paragraph 1 of the Code.

**48.** A master, an officer and any other personnel assigned specific responsibilities or duties on board a passenger ship, shall have completed the familiarisation training specified in section A- V/3, paragraph 2 of the Code.

**49.** The personnel providing direct service to passengers on board a passenger ship in passenger spaces, shall have completed the safety training specified in section A- V/3, paragraph 3 of the Code.

**50.** A master, chief mate, and person assigned immediate responsibility for embarking and disembarking passengers, shall have completed the approved training in passenger safety as specified in section A- V/3, paragraph 4 of the Code.

**51.** A master, chief mate, chief engineer officer, second engineer officer and any person having responsibility for the safety of passengers in emergency situations on board a passenger ship, shall have completed the approved training in crisis management and human behaviour as specified in section A- V/3, paragraph 5 of the Code.

**52.** The Administration shall ensure that documentary evidence of the training which has been completed is issued for a person found qualified under the provisions of these requirements.

## PART VIII

*Emergency, occupational safety, medical care and survival functions*

*Mandatory minimum requirements for familiarisation, basic safety training and instruction for all seafarers*

**53.** A seafarer shall receive familiarisation and basic safety training or instruction in accordance with section A-VI/1 of the Code and shall meet the appropriate standard of competence specified in the Code.

*Mandatory minimum requirements for the issue of certificates of proficiency in*

*survival craft, rescue boats and fast rescue boats*

**54.** A candidate for a certificate of proficiency in survival craft and rescue boats other than fast rescue boats shall-

- (a) not be less than eighteen years of age;
- (b) have an approved seagoing service of not less than twelve months or have attended an approved training course and have approved seagoing service of not less than six months; and
- (c) meet the standard of competence for certificates of proficiency in survival craft and rescue boats set out in section A- VI/2, paragraphs 1 to 4 of the Code.

**55.** A candidate for a certificate of proficiency in fast rescue boats shall-

- (a) be the holder of a certificate of proficiency in survival craft and rescue boats other than fast rescue boats;
- (b) have attended an approved training course; and
- (c) meet the standard of competence for certificates of proficiency in fast rescue boats set out in section A- VI/2, paragraphs 5 to 8 of the Code.

*Mandatory minimum requirements for training in advanced fire-fighting*

**56.** A seafarer designated to control fire-fighting operations shall have successfully completed the advanced training in techniques for fighting fire with particular emphasis on organisation, tactics and command in accordance with the provisions of section A- VI/3 of the Code and shall meet the standard of competence specified in the Code.

**57.** Where training in advanced fire-fighting is not included in the qualifications for the certificate to be issued, a special certificate or documentary evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in advanced fire-fighting.

*Mandatory minimum requirements relating to medical first-aid  
and medical care*

**58.** A seafarer designated to provide medical first-aid on board a ship shall meet the standard of competence in medical first-aid specified in section A- VI/4, paragraphs 1 to 3 of the Code.



**59.** A seafarer designated to take charge of medical care on board a ship shall meet the standard of competence in medical care on board a ship specified in section A- VI/4, paragraphs 4 to 6 of the Code.

**60.** Where training in medical first-aid or medical care is not included in the qualifications for the certificate to be issued, a special certificate or documentary evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in medical first-aid or in medical care.

**MERCHANT SHIPPING (TRAINING  
INSTITUTIONS)  
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Minister to grant recognition in appropriate case.
2. Training and assessment.
3. Quality standards.
4. Use of simulators.
5. Chief examiner.
6. Interpretation.
7. Citation.

**MERCHANT SHIPPING (TRAINING  
INSTITUTIONS)  
REGULATIONS**

[9th July, 2001]

[Commencement.]

**1. Minister to grant recognition in appropriate case**

The Minister may, if satisfied that a school of training offers adequate preparation of seafarers for certification, in accordance with the standards laid down in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 (in this Regulations referred to as "the Convention"), by notice in the *Gazette* grant recognition to the institution.

**2. Training and assessment**

The Minister shall ensure-

- (a) that the training and assessment of seafarers who have undergone training in a school of training referred to in regulation 1 of these Regulations shall be administered, supervised and monitored in accordance with the provisions of

section A-1/6 of the Seafarer's Training Certification and Watchkeeping Code (in these Regulations referred to as "the Code"; and

- (b) that those responsible for the training and assessment of the competence of seafarers, as required under the Convention, are appropriately qualified in accordance with the provisions of section A-1/6 of the Code for the type and level of training or assessment involved.

### **3. Quality standards**

(1) The Minister shall ensure that-

- (a) in accordance with the provisions of section A-1/8 of the Code, all training and assessment of competence, certification, endorsement and revalidation activities carried out by non-governmental agencies or entities under his control are continuously monitored through a quality standards system to ensure achievement of defined objectives, including those relating to the qualifications and experience of instructors and assessors;
- (b) where governmental agencies or entities perform such activities, there shall be a quality standards system; and
- (c) an evaluation is periodically undertaken in accordance with the provisions of section A-1/8 of the Code by qualified persons who are not themselves involved in the activities concerned.

### **4. Use of simulators**

The Minister shall ensure that the performance standards and other provisions set forth in section A-1/12 and such other requirements as are prescribed in Part A of the

Code for any certificate concerned are complied with in respect of-

- (a) all mandatory simulator-based training;
- (b) any assessment of competency required by Part A of the Code which is carried out by means of a simulator; and
- (c) any demonstration, by means of a simulator, of continued proficiency required by Part A of the Code.

### **5. Chief examiner**

The Minister shall designate a suitably qualified master mariner or chief engineer as chief examiner for the purpose of conducting examinations of all categories of seafarers in accordance with the standards laid down by the Convention and the chief examiner may by notice publish directions regarding the nature, details and conduct of the said examinations.

### **6. Interpretation**

In these Regulations-

"**the Act**" means the Merchant Shipping Act, Cap. M11 L.F.N;

"**certificate of competency**" means an appropriate certificate issued by the Minister;

**"the Code"** means the Seafarers' Training Certification and Watchkeeping Code adopted by the 1995 Conference of parties to the International Convention on Standards of Training Certification and Watchkeeping for Seafarer, 1978;

**"Convention"** means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended on 7 July 1995;

**"school of training"** means an educational institution which has the main objective of training of seafarers for sea service in accordance with the requirements of the Convention.

## **7. Citation**

These Regulations may be cited as the Merchant Shipping (Training Institutions) Regulations 2001.