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The following are published as supplement to this *Gazette* :

<i>S.I. No.</i>	<i>Short Title</i>	<i>Page</i>
10	Merchant Shipping (Tonnage) Regulations, 2010	B 421-448
11	Merchant Shipping (Timber Cargo) Regulations, 2010	B 449-454
12	Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations, 2010	B 455-465
13	Merchant Shipping (Pilot Ladders) Regulations, 2010	B 467-473
14	Merchant Shipping (Musters) Regulations, 2010	B 475-480
15	Merchant Shipping (Medical Examination of Seafarers) Regulations, 2010	B 481-485
16	Merchant Shipping (Marine Boards) Regulations, 2010	B 487-496
17	Merchant Shipping (Manning) Regulations, 2010	B 497-501
18	Merchant Shipping (Health Protection and Medical Care for Seafarers) Regulations, 2010	B 503-509
19	Merchant Shipping Disqualification of Holder of Seafarer's Certificates) Regulations, 2010	B 511-515

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MERCHANT SHIPPING (TONNAGE) REGULATIONS 2010



ARRANGEMENT OF REGULATIONS

Regulation :

PART I—MEASUREMENT, ETC. OF TONNAGE

1. Tonnage Measurement Certificates.
2. Offence.
3. Powers of Surveyors of Ships and Methods of Determining Tonnage.

PART II—GROSS TONNAGE

4. Components of Gross Tonnage.
5. Underdeck Tonnage.
6. Tonnage of Hatchways.
7. Exclusion of Closed-in Spaces on or above the Upper Deck not to be Included in Gross Tonnage.

PART III—REGISTER TONNAGE

8. Register Tonnage.
9. Space to be Deducted.
10. Allowance for Propelling Machinery Space.

PART IV—MODIFIED AND ALTERNATIVE GROSS AND REGISTER TONNAGE

11. Modified Gross and Register Tonnage of Ships with Certain Freeboards.
12. Alternative Tonnages.

PART V—MISCELLANEOUS AND SUPPLEMENTAL

13. Fishing Boats.
14. Re-measurement of Tonnage of Ships already Registered.
15. Space Occupied by Deck Cargo Liable to Dues.
16. Application.
17. Interpretation.
18. Citation.

SCHEDULES

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 ACT
(2007 No. 27)

Merchant Shipping (Tonnage) Regulations 2010

[9th March, 2010] Commence-
ment.

In exercise of the powers conferred upon me by Section 82 of the Merchant Shipping Act, 2007 and of all other powers enabling me in that behalf, I, IBRAHIM ISA BIO, Minister of Transportation, hereby make the following Regulations :

PART I—MEASUREMENT ETC. OF TONNAGE

1.—(1) Where it is necessary to measure the tonnage of a ship in Nigeria, it shall be ascertained in accordance with these Regulations.

Tonnage
Measure-
ment
Certificates.

(2) Application shall be made by the owner or master to the Minister in a form prescribed by or acceptable to the Nigerian Maritime Administration and Safety Agency if—

(a) 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 specified in regulation 4(1) of these Regulations ;
- (iv) its registered tonnage and the deductions and allowances made pursuant to regulations 9 and 10 of these Regulations 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 11 or 12 of these Regulations as the case may be, particulars of the spaces for the tonnage 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) for any reason it is necessary to ascertain the tonnage of any other ship which is not exempted under these Regulations so as to fix the amount of rates and charges, 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, 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 re-measurement of a ship in Nigeria, any valid certificate of Nigerian tonnage in force in relation to that ship shall be delivered up to the Minister who shall issue a new certificate in place.

Offence.

2. Failure to deliver to the Minister such certificate or other document relating to tonnage in paragraph (3) of regulation 1 of these Regulations shall be an offence for which the owner and the master shall be jointly and severally liable and punishable on summary conviction by a fine of not less than ₦200,000 and where the offence is a continuing one, the penalty shall be increased by ₦50,000 for every day or part of a day during which the offence continues.

Powers of
Surveyors of
Ships and
Methods of
Determining
Tonnage.

3.—(1) A surveyor of ships may require the owner or master of a ship being measured under these Regulations to give him access to every facility during his inspection of the ship and allow him to take 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 the ship.

(2) The measurement of the tonnage of a ship shall be effected in the manner prescribed in the First Schedule (Rule I) and in the Second Schedule of these Regulations, so 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 provisions of the First Schedule (Rule I) the Second Schedule of these Regulations is, in the opinion of the surveyor of ships not reasonably practicable, the tonnage shall be ascertained by a measurement in the manner prescribed in the First Schedule (Rule II); and where the measurement is ascertained pursuant to Rule II of the First Schedule of these Regulations, the provisions of Regulations 12 and 13 shall (subject however to the next succeeding paragraph) not apply.

First
Schedule.

Second
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 after the measurement, the particulars relating to its registered tonnage shall where necessary be altered accordingly.

PART II—GROSS TONNAGE

Components
of Gross
Tonnage.

4.—(1) Save where these Regulations make other provision, 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 5 and paragraph 1 of the First Schedule (Rule I) of these Regulations ;

(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 First Schedule (Rule I) of these Regulations ;

(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 6 of these Regulations ;

(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 7(1) of these Regulations ascertained in accordance with the provisions of paragraphs 3, 4 and 5 of the First Schedule (Rule I) of these Regulations;

First
Schedule.

(d) the tonnage of hatchways described in regulation 6 of these Regulations ascertained in accordance with the provisions of that regulation and paragraph 5 of the First Schedule (Rule I) of these Regulations ; and

(e) 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 First Schedule (Rule I) of these Regulations in the event that the framed-in spaces are—

(i) certified to in writing by a surveyor of ships that they are properly constructed, reasonable in extent and cannot be used for any other purpose and that they are safe and seaworthy ; and

(ii) permanently marked by a notice stating their purpose ;

if the owner applies to the Minister in writing.

(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 regulation 1(2)(a) and (b) of these Regulations.

First
Schedule.

5. The underdeck tonnage of a ship shall be the sum of :

Underdeck
Tonnage.

(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 to these Regulations and excluding the tonnage of breaks above the line of the tonnage deck ; and

(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.

Tonnage of
Hatchways.

First
Schedule.

6.—(1) 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.

(2) From the aggregate, there shall be deducted half ($\frac{1}{2}$) of 1 *per cent* of the ship's gross tonnage excluding such aggregate and the remainder (if any) shall be the tonnage of hatchways for inclusion in the gross tonnage of the ship.

Exclusion of
Closed-in
Spaces on or
above the
Upper Deck
from Gross
Tonnage.

7.—(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—

(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, 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 that no part of it is appropriated for use or 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 workshop and storeroom appropriated for the use of pumpmen, engineers, electricians, carpenters and boatswains ;

(k) water ballast tanks not appropriated for use or any other purpose ;

(l) shelter space providing weather protection for use free of charge, by deck passengers only in ships and intended for use only on voyages not exceeding 10 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 paragraph (1)(a) of this regulation, this regulation shall not apply to other closed-in spaces unless a surveyor of ships certifies in writing that they are reasonable in extent, properly constructed for the particular purposes designated in the certificate, and that any such space is permanently marked by a notice stating its purpose.

PART III—REGISTER TONNAGE

8.—(1) Subject to the provisions of this regulation and any other of these Regulations, the register tonnage of a ship shall be the tonnage obtained by deducting from its gross tonnage—

Register
Tonnage.

(a) the allowable tonnage of spaces within regulation 9 of these Regulations ; and

(b) the tonnage allowance for propelling machinery space determined in accordance with regulation 10 of these Regulations.

(2) The deduction under paragraph (1) of this regulation shall be subject to the applicable conditions, limitations or restrictions (if any), and a deduction of the tonnage of any such space shall not be made without first being included in the ship's gross tonnage.

9.—(1) In the application of regulation 8(1) (a) of these Regulations but subject to paragraph (2) of this regulation, the spaces to be deducted shall be—

Space to be
Deducted.

(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 15 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 side ;

(d) chain lockers and space appropriated for or the working of, the slicing 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 that the total tonnage of such space does not exceed $2\frac{1}{2}$ per cent of the ship's gross tonnage ; and

(j) water ballast tanks not appropriated for use or any other purpose, so that the total tonnage 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 19 per cent of the ship's gross tonnage.

(2) No deduction shall be made in respect of any space specified in—

(a) paragraph (1)(b) of this regulation unless a surveyor of ships certifies that the requirements of enactments applicable to crew accommodation and in particular Section 186 of the Merchant Shipping Act have been duly complied with ; and

(b) paragraph (1)(a), or (c) to (j), of this regulation unless a surveyor of ships certifies that the relevant space is reasonable in extent, properly constructed for its purpose and is permanently marked by a notice stating that purpose.

10.—(1) Subject to the provisions of paragraph (2) of this regulation, the tonnage allowance for propelling machinery space to be deducted pursuant to regulation 8(1)(b) of these Regulations shall be determined as follows—

(a) in the case of ships propelled by screws if the tonnage of the propelling machinery space is—

(i) 13 per cent or over but less than 20 per cent of the gross tonnage, the allowance shall be 32 per cent of the gross tonnage ; and

(ii) less than 13 per cent of the gross tonnage, the allowance shall be that lesser percentage of the gross tonnage multiplied by thirty-two and the result divided by thirteen ($32/13$) ;

(b) in the case of ships propelled by paddlewheels if the tonnage of the propelling machinery space is—

(i) 20 per cent or more but less than 30 per cent of the gross tonnage, the allowance shall be 37 per cent of the gross tonnage ; and

(ii) less than 20 per cent of the gross tonnage, the allowance shall be

that lesser percentage of the gross tonnage multiplied by thirty seven and the result divided by twenty (37/20) ;

(c) in the case of ships to which sub-paragraphs (a) and (b) of this paragraph do not apply, the allowance shall be—

(i) in the case of ships propelled by screws, one and three quarter (13/4) times the tonnage of the propelling machinery space ; and

(ii) in the case of ships propelled by paddlewheels, one and half (1 1/2) 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 re-mains after deducting from its gross tonnage the deduction authorised by regulation 8(1) (a) of these Regulations ; and

(b) deductions shall not be allowed for propelling machinery space and space appropriated for its lighting and ventilation unless a surveyor of ships certifies in writing to their adequacy and the spaces are permanently marked by notices stating their purpose.

PART IV—MODIFIED AND ALTERNATIVE GROSS AND REGISTER TONNAGE

11.—(1) Where a ship—

(a) greater than minimum freeboards have been registered under any applicable load line Rule ; and

(b) the position of the load lines are 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) of this regulation instead of the gross tonnage and register tonnage ascertained under these Regulations.

(2) When modified gross tonnage and modified register tonnage are to be assigned pursuant to this regulation shall apply for determining gross tonnage and register tonnage with the following modifications—

(a) for references to the upper deck in—

(i) regulation 4(1) (c) and (e), and (2) ;

(ii) regulation 7(1) ;

(iii) regulation 9(1) (j) ;

Modified
Gross and
Register
Tonnage of
Ships with
Certain
Freeboards.

(iv) regulation 16 (3) and in the definition of "propelling machinery space" ; and

First
Schedule.

(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 4(1) (b) and paragraph 2 of the First Schedule (Rule I) shall be omitted.

Third
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 as 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, taking no account of timber load lines for this purpose, subject to paragraph (2) of this regulation as determined in accordance with the Fourth Schedule to these Regulations.

Fourth
Schedule.

Alternative
Tonnages.

12.—(1) The Minister may, on the application of the owner of a ship, assign to the ship, 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 11(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 to these Regulations.

(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 regulation 11 of these Regulations, other than this regulation.

Fishing
Boats.

13.—(1) Subject to the provisions of paragraph (2) of this regulation, nothing in these Regulations shall apply to Nigerian fishing boats.

(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 when ascertained the provisions of the Fourth Schedule to these Regulations shall have effect and to give effect, regulation 42 of the Merchant Shipping (Fishing Boat) Regulations shall accordingly be amended by substituting the words "rule II of the Third Schedule to the Act" for the words "the First Schedule (Rule II) to the Merchant Shipping (Tonnage) Regulations".

Re-measure-
ment of
Tonnage of
Ships already
Registered.

14.—(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 such case, after re-measurement—

(a) the ship's existing certificate of registry shall be delivered up to the registrar of the ship's port of registry or any other port of registry; and

(b) the registrar on receipt of the surveyor's certificate giving particulars of the ship as remeasured, shall 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 also notify him of the issue of the new certificate.

(2) After due compliance with the requirements of paragraph (1) of this regulation, 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) Failure to comply with the requirement of paragraph (1) of this regulation as to delivery 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 for which the owner and the master shall be jointly and severally liable and punishable on summary conviction by a fine of not less than ₦200,000 and where the offence is a continuing one, the penalty shall be increased by ₦50,000 for every day or part of a day during which the offence continues.

15.—(1) Where space is occupied by or designed for certain deck cargo to which section 305 of the Act applies, that space shall be ascertained in accordance with the provisions of paragraph 5 of the First Schedule (Rule 1) to these Regulations, so that if—

Space
Occupied by
Deck Cargo
Liable to
Dues.
First
Schedule.

(a) a ship has been assigned alternative gross and register tonnages in pursuance of regulation 12 (1) of these Regulations ; 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 305 of the Act 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 in the 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, for which the master and the owner of the ship shall, upon conviction be jointly and severally liable to a fine of not less than ₦200,000.

Application.

16. These Regulations shall apply to all Nigerian ships within the meaning of the Act and any other ships to which regulation 1(2) (b) of these Regulations applies, however—

- (a) nothing herein shall affect ships of war, or pleasure yachts ; and
- (b) fishing boats shall be affected only by regulation 13 above.

Interpretation.

17. In these Regulations, unless the context otherwise requires—

"the Act" means the Merchant Shipping Act ;

"crew accommodation" has the same 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 ;

"hatchways" means what is customarily referred to by naval architects as excess of hatchways ;

"Load Line Rules" means the Merchant Shipping (Load Line) Rules ;

"permanently closed-in spaces on or above the upper deck" includes -

(a) a poop, bridge or forecastle notwithstanding the presence of an opening in the end transverse bulkhead, 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 deck house notwithstanding the presence of an opening in one of the boundary bulkheads 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 1.22 metres or more wide ;

(c) a structure extending from side to side of the ship notwithstanding the presence 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 0.76 metres whichever is the greater ;

(d) a passage way at the ship's side, unless it is 1.22 metres 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 1 metre 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.

"propelling machinery space" means space below the upper deck appropriated 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 boilers serving such machinery ;
- (c) shaft tunnels ;
- (d) engineers' storerooms and workshops not exceeding in total tonnage three quarters of one ($\frac{3}{4}$) of 1 per cent 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 maximum speed ; and
- (f) if located on or above the upper deck any framed-in space as described in regulation 4 (1) (e) and within the gross tonnage of the ship as ascertained in accordance with the regulation ;

"second deck" means the deck next below the upper deck, being one which—

- (a) is fitted as an integral part of the ship's structure ;
- (b) is continuous at least between peak bulkheads, both fore and aft and transversely ; and

(c) has all hatch ways fitted with substantial and durable covers ;
so that the second deck shall be taken to be continuous notwithstanding the presence of any of the following—

(i) openings serving propelling machinery space or leading to ladders 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 ; or

(iv) breaks, the aggregate height of any of which above the line of continuation of the deck, does not exceed 1.2 metres ;

"tonnage" in relation to a measurement of a ship or space shall be computed in terms of cubic capacity with 2.83 cubic metres representing 1 ton ; and linear measurements made or taken shall be expressed in metre, parts of a metre shall not be expressed in centimetres but as decimals of metre ;

"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 in the case of an open ship, the upper deck shall be taken to be the upper edge of the upper strake of the gunwale.

Citation.

18. These Regulations may be cited as the Merchant Shipping (Tonnage) Regulations 2010.

SCHEDULES

FIRST SCHEDULE

[Regulations 3(2) and (3) ; 4 ; 5 ; 6 ; 11(2) ; 13(2) ; and 15]

Measurement of Tonnage

RULE I

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 hereinafter referred to in this Schedule and in the Second Schedule to these Regulations as the "tonnage length".

Underdeck
Tonnage.

(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 obtained in accordance with sub-paragraph (2), shall be divided into equal parts as shown in the following table so that if the length of any of the several parts does not exceed 9 metres that length may be divided into 2 equal parts—

- (a) length 15 metres or under, into 4 equal parts ;
- (b) length above 15 metres but not exceeding 36 metres, into 6 equal parts ;
- (c) length above 36 metres but not exceeding 54 metres, into 8 equal parts ;
- (d) length above 54 metres but not exceeding 68 metres into 10 equal parts ;
- (e) length above 68 metres, into 12 equal parts.

(4) The transverse area of the ship at each point of division of the tonnage length or of parts of that length in sub-paragraph (3), 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 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 the average thickness of ceiling between the bilge planks and the limber strake ;

(b) if the depth obtained under sub-paragraph 4 (a) does not exceed 5 metres at the amidship division of the total tonnage length, the depth at each point of division of the tonnage length or parts of that length as, shall be divided into 4 equal parts ; while depths in excess of 5 metres shall be divided into 6 equal parts ;

(c) at the point of division between each of the parts obtained under paragraph (4) (b) above, the horizontal breadths to the inner face of the timber, frame, or sparring, as the case may be, shall be measured. In numbering these breadths from the tonnage deck, the even numbered breadths shall be multiplied by 4 and the others, with the exception of the first and last, by 2 ; 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 metres.

First
Schedule.

(5) The transverse area obtained under sub-paragraph (4) of this paragraph shall be numbered from the extreme forward point of measurement of the tonnage length, or the parts thereof as the case may be ; the even numbered areas shall be multiplied by 4 and the odd numbered areas, other than the first and last, by 2 ; 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 2.83 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 4 (b) of these Regulations.

Between
Deck Space
between the
Second Deck
and the
Upper Deck

2.—(1) The between deck 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 between deck 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 4 and the odd numbered, other than the first and the last, by 2. 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 there-by 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 2.83 shall be the tonnage of the between deck space.

3. The length of breaks in the upper deck shall be measured 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 as described in paragraph 2(1) and (2) of this Rule. The length obtained shall be divided into 2 equal parts for lengths of 15 metres or less, 4 equal parts for lengths above 15 metres but not more than 68 metres, and 6 equal parts for lengths over 68 metres. 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. In numbering these breadths from the foremost terminal point, the even numbered breadths shall be multiplied by 4 and the odd numbered, other than the first and last, by 2. The products shall be added together and to the sum there shall be added the first and last breadths. The quantity 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 2.83, shall be the tonnage of the break.

Breaks in the
Upper Deck.

4. A poop, bridge, or forecastle shall be measured as follows—

Poop, Bridge
and
Forecastle.

The mean length 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 as described in paragraph 2 (1) and (2) of this Rule. The length obtained shall be divided into 2 equal parts for lengths of 15 metres or under, 4 equal parts for lengths over 15 metres but not exceeding 68 metres, and 6 equal parts for lengths exceeding 68 metres. 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. In numbering these breadths from the foremost terminal point, the even numbered breadths shall be multiplied by 4 and the odd numbered, the first and last, by 2. The products shall be added together and to the sum there shall be added and first and last breadths. The quantity 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 2.83, 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 2.83, be the tonnage of the space.

Propelling
machinery
space.

6.—(1) Propelling machinery space 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 3 equally spaced breadths shall be used and for spaces abaft amidships 3 equally spaced breadths shall be used for lengths up to 9 metres, 5 equally spaced breadths for lengths over 9 metres, but not exceeding 15 metres, and 7 equally spaced breadths for lengths over 15 metres, the breadths being measured from the inner face of the frames, timbers or spurring 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 2.83, 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 2.83, be the tonnage of the space.

Shaft
Bossings and
Appendages.

7. The tonnage of shaft bossings and other appendages referred to in regulation 5(b) of these Regulations shall be ascertained by measuring the internal cubic capacity of the space as accurately as practicable and dividing the result by 2.83.

RULE II

Measure-
ment of
Tonnage
below the
Upper Deck
where
Measure-
ment in
Accordance
with Rule I
is
Impracticable.

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 earlier mentioned breadth. The square of the sum shall be multiplied by the earlier mentioned 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 earlier mentioned 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

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.

Measure-
ment of
Open Ships.

SECOND SCHEDULE

[Regulations 3 (2) ; and 5 ; 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) of this paragraph, 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) of this paragraph 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 of—

(a) 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) 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.

4. Where open floors, double bottoms and bilge brackets or any of them are fitted, the limitations imposed in paragraphs 1 to 3 of this Schedule are exclusive of any allowance for ceiling. Allowance
for Ceiling.

5.—(1) Subject to sub-paragraphs (2) and (3) of this paragraph, 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. Depth of
Frames.

(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 earlier mentioned.

(3) The limitations hereby imposed are exclusive of any allowance for sparring fitted on the toe of the frames.

SECOND SCHEDULE

(Annex)

TABLE I

A Tonnage length of ship in metre	B Maximum height of open floors	C Maximum height of double bottom
	The dimensions shown are to be increased by 50 per cent for the first 25 per cent and subsequent 15 per cent of the tonnage length of the ship.	
	in centimetres	in centimetres
Not exceeding 18	57.5	87.6
24	60.0	83.8
30	62.5	95.2
36	65.0	99.1
42	67.5	102.9
48	69.0	106.7
55	71.5	110.5
61	74.0	114.3
67	76.5	118.1
73	79.0	121.9
79	81.5	125.7
85	84.0	129.5
91	86.5	127.5
97	89.0	133.3
103	91.5	141.0
110	96.5	144.8
116	99.1	148.6
122	101.6	152.4
128	104.1	156.2
134	106.7	160.0
140	109.2	163.8
146	111.7	167.6
152	114.3	171.5
158	116.8	175.3
164	119.4	179.1
170	121.9	182.9
177	124.4	186.7
183	127.0	190.5
189	129.5	194.3
195	132.1	198.1
201	134.6	201.9
207	137.1	205.7
213	139.7	209.6

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 200 metres by linear extrapolation.

TABLE II

<i>Registered breadth in metre</i>	<i>Maximum depth of frame in centimetres</i>
Not exceeding 7	36
9	40
12	45
15	51
18	56
21	63
24	71
27	79
30 and above	86

In the case of ships of intermediate breadths, the maximum depth of frame shall be obtained by interpolation.

THIRD SCHEDULE

[Regulations 11(3)
and 12(2)]

Tonnage
Marks.

1. Save as otherwise provided in paragraph 2 of this Schedule, the tonnage mark in the annex to this Schedule and there shown in Figure 1 shall consist of a horizontal line 2.5 centimetres long and 2.5 centimetres wide upon which shall be placed for identification purposes an inverted equilateral triangle, each side of which is 30.5 centimetres long and 2.5 centimetres 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 which is not a ship on which tonnage marks have been placed in accordance with regulation 11 of these Regulations, an additional horizontal line may on the application of the owner of the ship be placed above the tonnage mark described in paragraph 1 of this Schedule and at a distance of one forty-eighth ($1/48$ th) of the moulded draught to that tonnage mark. This additional line shall be 23 centimetres long and 2.5 centimetres wide measured from a 2.5 centimetres 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 of this Schedule.

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 11(3)
and 12(2)]

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.

Position of
Tonnage
Marks.

2. In the application of the Tonnage Mark Table—

(a) the length shown as "Lt" in column A is the distance in metres 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 metres 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 L/D_s , 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 L/D_s 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 millimetres.

5. Subject to paragraph 6 of this Schedule, in the case of a ship to which load lines have been assigned, the tonnage marks shall, subject to the provisions of regulation 11 of these Regulations, be placed in a position ascertained in accordance with the provisions of this Schedule, with the apex of the identification triangle at a distance of 53 centimetres horizontally aft of the centre line of the line of load line disc so that where a timber load line has been assigned to the ship the distance shall be 107 centimetres.

FOURTH SCHEDULE

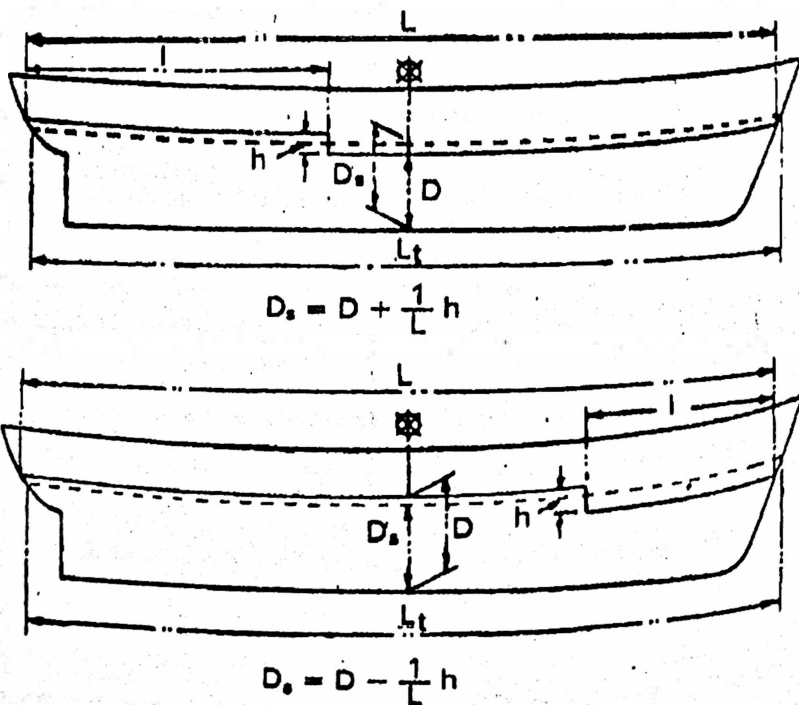
Annex "A"

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 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 triangle of the tonnage mark.

FIGURE 2

THIS SKETCH ILLUSTRATES HOW THE EQUIVALENT SECOND DECK SHOULD BE DETERMINED. BASED ON EQUAL LONGITUDINAL AREAS



TONNAGE MARK TABLE

(b) Minimum distance from the moulded line of the second dock to the upper edge of the tonnage mark

	In millimetres									
	L_1/D_1	12	13	14	15	16	17	18	19	20
Length L_1 in metres										
67 and under	51	51	51	51	51	51	51	51	51	51
70	81	51	51	51	51	51	51	51	51	51
73	118	51	51	51	51	51	51	51	51	51
76	157	82	51	51	51	51	51	51	51	51
79	201	119	51	51	51	51	51	51	51	51
82	246	159	84	51	51	51	51	51	51	51
85	294	200	120	51	51	51	51	51	51	51
88	344	244	158	83	51	51	51	51	51	51
91	398	291	199	119	51	51	51	51	51	51
94	455	341	243	158	83	51	51	51	51	51
97	515	393	288	198	119	51	51	51	51	51
100	577	447	336	240	155	81	51	51	51	51
103	643	506	388	286	196	117	51	51	51	51
106	713	567	442	334	239	156	82	51	51	51
109	785	631	499	385	285	196	118	51	51	51
112	862	699	559	438	333	240	157	83	51	51
115	943	772	624	497	386	288	200	122	51	51
118	1026	845	690	556	439	336	243	161	87	51
121	1111	921	758	617	494	385	288	202	124	51
124	1199	1000	829	682	553	439	338	247	165	51
127	1279	1075	900	749	617	500	397	304	220	51
130	1362	1154	975	820	685	566	460	365	279	51
133	1450	1237	1054	896	757	635	527	429	342	51
136	1541	1323	1135	974	832	707	596	496	407	51
139	1636	1413	1222	1057	912	784	671	569	478	51
142	1732	1504	1309	1140	992	862	746	642	548	51
145	1829	1597	1397	1225	1074	941	823	717	621	51
148	1926	1688	1485	1309	1155	1019	898	790	692	51

ANNEX "B"—continued
 TONNAGE MARK TABLE

	L ₁ /D ₁ 12	13	14	15	16	17	18	19	20
Length L ₁ in metres									
151	2020	1778	1570	1390	1233	1095	971	861	761
154	2112	1865	1653	1470	1309	1168	1042	930	828
157	2203	1951	1735	1548	1384	1241	1112	998	894
160	2288	2032	1812	1622	1455	1308	1177	1061	955
163	2374	2112	1888	1694	1525	1375	1241	1122	1015
166	2455	2189	1961	1763	1591	1438	1302	1181	1072
169	2537	2266	2033	1832	1656	1501	1363	1239	1128
172	2616	2340	2103	1899	1720	1562	1421	1295	1182
175	2694	2414	2173	1965	1783	1622	1479	1351	1236
178	2772	2487	2242	2030	1845	1682	1536	1406	1289
181	2850	2560	2312	2096	1907	1741	1593	1461	1342
184	2924	2629	2376	2157	1965	1797	1646	1512	1391
187	2999	2699	2441	2219	2024	1853	1700	1563	1440
190	3072	2768	2506	2280	2083	1909	1753	1614	1489
193	3144	2835	2569	2340	2139	1962	1804	1663	1536
196	3215	2901	2632	2398	2195	2015	1855	1711	1582
199	3286	2967	2694	2456	2250	2067	1905	1759	1628
202	3356	3032	2754	2513	2304	2118	1953	1805	1672
205	3425	3096	2814	2570	2357	2169	2001	1851	1716
208	3493	3160	2874	2626	2410	2219	2049	1897	1760
211	3561	3223	2933	2682	2462	2268	2096	1942	1803
214	3628	3285	2991	2736	2513	2317	2142	1986	1845
217	3694	3346	3048	2790	2562	2365	2187	2029	1886
220	3760	3407	3105	2843	2613	2412	2232	2072	1927
223	3825	3467	3161	2895	2662	2458	2276	2113	1966
226	3889	3526	3216	2947	2710	2504	2319	2154	2005
229	3951	3584	3270	2998	2758	2549	2361	2194	2043
232	4013	3642	3323	3047	2805	2593	2402	2233	2080
235	4075	3699	3376	3096	2851	2636	2443	2272	2117
238	4136	3755	3428	3144	2897	2678	2483	2310	2153
241	4197	3810	3479	3192	2941	2720	2523	2347	2188
244	4257	3865	3530	3240	2986	2762	2562	2384	2223

MADE at Abuja this 9th day of March, 2010.

IBRAHIM ISA BIO
 Minister of Transportation

MERCHANT SHIPPING (TIMBER CARGO) RULES



ARRANGEMENT OF RULES

Rules :

PART I—RULES FOR THE CARRIAGE OF TIMBER DECK CARGOES ON ALL SHIPS

1. Application.
2. Deck Openings Covered by Timber Deck Cargo.
3. Stowage.
4. Protection of Crew Access to Machinery Spaces, etc.
5. Steering Arrangements.
6. Lashings.
7. Uprights.

PART II—ADDITIONAL RULES APPLYING TO STEAMERS USING TIMBER LOAD LINES

8. Application of this Part.
9. Stowage.
10. Lashings.
11. Means of Securing Uprights.
12. Interpretation.
13. Citation and Commencement.

SCHEDULE

MERCHANT SHIPPING ACT

(2007 No. 27)

Merchant Shipping (Timber Deck) Rules 2010

[9th March, 2010] Commence-
ment.

In exercise of the powers conferred upon me by section 435 of the Merchant Shipping Act, 2007 and of all other powers enabling me in that behalf, I, IBRAHIM ISA BIO, Minister of Transportation, hereby make the following Rules :

PART I—RULES FOR THE CARRIAGE OF TIMBER DECK CARGOES ON ALL SHIPS

1. These Rules shall apply to all ships carrying a timber deck cargo. Application.
2. Openings to spaces below the freeboard deck shall be securely closed and all fittings such as hatchway beams, fore-and-after and covers shall be in place. Where hold ventilation is needed, the ventilators shall be sufficiently protected. Deck
Openings
Covered by
Timber Deck
Cargo.
- 3.—(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. Stowage.

(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.
4. 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 30.4 centimetres apart vertically, shall be provided on each side of the timber deck cargo to a height of at least 1.2 metres above the cargo. The timber deck cargo shall be so stowed as to be sufficiently level for gangway purposes. Protection of
Crew Access
to
Machinery
Spaces, etc.
5. 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. Steering
Arrangements.

Lashings.

6. 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.

Uprights.

7. 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 3 metres ; and

(c) efficient means shall be provided for securing the uprights.

PART II—ADDITIONAL RULES APPLYING TO STEAMERS USING TIMBER LOAD LINES

Application of this Part.

8. The additional rules of this Part of the Rules shall 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.

Stowage.

9. The wells on the freeboard deck shall be filled with timber stowed as solidly as possible, to a height of at least—

(a) 1.82 metres for ships up to and including 76 metres in length ;

(b) 2.9 metres for ships 121.90 metres in length and above ; and

(c) a proportionate intermediate height for ships above 75 metres but less than 121.9 metres.

Lashings.

10.—(1) The timber deck cargo shall be efficiently secured throughout its length by independent overall lashings spaced not more than 3 metres apart. Overall lashings shall be in good condition and shall consist of close link chain of not less than an 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.

(2) When the timber is in lengths of less than 3.6 metres, the spacing of the lashings shall be reduced to suit the length of timber, or other suitable provision made.

(3) When the spacing of the lashings is one and a half metres or less, the size of the lashings may be reduced, not less than 25mm chain or equivalent wire rope shall be used.

Means of Securing Uprights.

11.—(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.

12. In these Rules, unless the context otherwise requires—

Interpreta-
tion.

"*freeboard deck*" has the same meaning as in the Load Line Rules ;

"*Load Line Rules*" means the rules made by the Minister under section 291 of the Act ;

"*Minister*" means the Minister charged with the responsibility for transportation ;

"*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.

13. These Rules may be cited as the Merchant Shipping (Timber Cargo) Rules, 2010 and shall come into operation on a date to be notified in the Federal Gazette.

Citation and
Commence-
ment.

SCHEDULE

(Rule 4)

No.	Area Description	Winter Period
1.	<p>The area within and to the northwards of the following line—</p> <p>(a) a line drawn south from the coast of Greenland at long. 50°W. to lat. 45°N.;</p> <p>(b) thence along the parallel of 45°N. to long 15°W.; thence North to Lat. 60°N.;</p> <p>(c) 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.</p>	16th October to 15th April
2.	The area north of a line drawn from the east coast of America along the parallel of 36°N. to Tarifa in Spain excluding area 1 above but including the Baltic Sea.	1st November to 31st March
3.	The Mediterranean and the Black Seas.	16th December to 15th March
4.	The Sea of Japan between the parallels of 35°N. and 50°N.	1st December to 28th /29th 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. 150°W and thence along a rhumb line to the west coast of British Columbia at lat. 55°N but excluding area 4 above.	16th October to 15th April
6.	<p>The area south of a line drawn from the east coast of South America along the parallel of 40°S. to long. 56°W. thence along a rhumb line to the point lat. 34°S., long. 50°W. thence along the parallel of 34°S. to the west coast of South Africa; from the East Coast of South Africa at lat. 30°S. along a rhumb line to the point lat. 35° 30' S. long. 118°E. off the southern coast of Australia, thence along a rhumb line to Cape Grim, Tasmania, thence along the north coast of Tasmania to Eddystone Point thence along a rhumb line to the west coast of South Island New Zealand, at long. 170°E. thence along the west south and east coasts of South Island to Cape Saunders thence along a rhumb the parallel of 33°S. to the west coast of South America.</p>	16th April to 15th October

MADE at Abuja this 9th day of March, 2010.

IBRAHIM ISA BIO
Minister of Transportation

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. Watch-keeping Arrangements.
9. Watch-keeping Arrangements in Port.
10. Watch-keeping 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 ACT

(2007 No. 27)

**Merchant Shipping (Safe Manning, Hours of Work
and Watchkeeping) Regulations 2010**[9th March, 2010] Commence-
ment.

In exercise of the powers conferred upon me by Section 82 of the Merchant Shipping Act, 2007 and of all other powers enabling me in that behalf, I, IBRAHIM ISA BIO, Minister of Transportation, hereby make the following Regulations :

1.—(1) These regulations applies to Nigerian ships only.

(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 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 newly employed seafarer who is 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 watch-keeping, safety, environmental protection and emergency procedures and arrangements the seafarer requires to properly perform the duties assigned to him ;

Responsibilities of Companies, Masters and Others.

(b) 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.

Safe
Manning
Documents.

2.—(1) A company shall ensure that every of its ship of 500 gross tonnage or more has—

(a) a safe manning document which is in force in respect of the ship and the manning of the ship ;

(b) the safe manning document 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 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 Nigerian Maritime Administration and Safety Agency 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 Nigerian Maritime Administration and Safety Agency ;

(c) after the issue of a safe manning document, inform the Nigerian Maritime Administration and Safety Agency 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 for the company.

Hours of
Work.

3. The regulations dealing with hours of work in regulations 4 and 7 of these Regulations apply only to Nigerian ships.

General
Duty of
Company
Employers
and Masters.

4.—(1) Subject to regulation 7 of these Regulations, a company or 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 of these Regulations, 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. 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.

Duties of a
Master and
Seafarer.

6.—(1) A company shall produce a schedule of duties which shall comply with regulation 4 of these Regulations.

Schedules of
Duties and
the need to
Record.

(2) Where a company is not the employer of the master of a ship or the seafarer, the seafarer shall consult any other person who is an employer of the master or 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 watchkeeping 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 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 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 or 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) of this regulation ; 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 Nigerian Maritime Administration and Safety Agency.

(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.

Exception
for
Emergencies.

7.—(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 did such work.

8.—(1) The master of a ship shall ensure that the Watch-keeping 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 Code.

Watch-keeping Arrangements.

(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 watch-keeping officers responsible for navigating the ship safely during their period 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 watch-keeping 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. 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-VIII/2 of the Code and any other operational guideline issued by the Minister.

Watch-keeping Arrangements in Port.

10.—(1) The master of a ship which is carrying cargo which is in a port, even when safely moored or safely at anchor, shall in addition to any watch-keeping arrangements in regulation 9 of these Regulations, in the case of—

Watch-keeping Arrangements in Port for Ship Carrying Hazardous Cargo.

(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 watch-keeping 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 watch-keeping arrangements under this regulation shall take full account of the principles and requirements specified by the Minister.

11. Without prejudice to regulation 1 of these Regulations, 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

Documents Carried on Board.

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.

Inspection of
non-Nigerian
Ships.

12. 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 shall 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) the inability of the master to provide adequately rested persons for the first watch at the commencement of a voyage and for subsequent relieving watches.

Power to
Detain.

13.—(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) contravention of any of regulations 2, 8, 9 and 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.

Penalties.

14.—(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 less than ₦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 less than ₦100,000 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 less than ₦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 less than ₦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 less than ₦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 less than 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 less than ₦100,000.

(9) A seafarer who contravenes regulation 5 of these Regulations commits an offence and is liable on summary conviction to a fine not less than ₦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. 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.

Exemption.

16. Only the provisions of regulations 1, 7 and 10 of these Regulations, shall apply to a sea-going ship which is—

Application.

(a) a Nigerian ship wherever it is ; and

(b) a non Nigerian ship which is in Nigerian waters.

(2) These Regulations shall not apply to—

(a) fishing vessels ; and

(b) pleasure craft which is less than 80 gross tonnes or under 24 metres in length.

Interpreta-
tion.

17.—(1) In these Regulations, unless the context otherwise requires—

“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 Watch-keeping 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 ;

“gross tonnes” means the gross tonnage of a ship or 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 ;

“Code” means the Sea-farers' Training Certification and Watch-keeping Code adopted by the 1995 Conference of Parties to the International

Convention on the Standards of Training, Certification and Watch-keeping for Seafarers, 1978;

"International Convention on Standards of Training Certification and Watch-keeping Convention" means the International Convention on Standards of Training Certification and Watch-keeping 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. These Regulations may be cited as the Merchant and Shipping (Safe Citation, Manning, Hours of Work and Watch-keeping) Regulations 2010.

MADE at Abuja this 9th day of March, 2010.

IBRAHIM ISA BIO
Minister of Transportation

MERCHANT SHIPPING (PILOT LADDERS) RULES



ARRANGEMENT OF RULES

Rule :

1. Application.
2. Classification of Ships.
3. Provision of Pilot Ladders.
4. Requirements and use of Pilot Ladders.
5. Supervision of Rigging.
6. Equivalents and Exemptions.
7. Cessation.
8. Interpretation.
9. Citation.

SCHEDULE

INLAND TIDAL WATERS AREAS

MERCHANT SHIPPING ACT

(2007 No. 27)

Merchant Shipping (Pilot Ladders) Rules 2010

[9th March, 2010]

Commence-
ment.

In exercise of the powers conferred upon me by Section 435 of the Merchant Shipping Act, 2007 and of all other powers enabling me in that behalf, I, Ibrahim Isa Bin, Minister of Transportation, hereby make the following Rules :

1. These Rules shall apply to

Application.

(a) Nigerian Ships ; and

(b) 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.

2.—(1) For the purposes of these Rules, the ships to which these Rules apply shall be arranged in the following classes—

Classification
of Ships.

(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, V(a), 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 13.7 metres in length or over.

Provision of
Pilot ladders.

3.—(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.

Requirements
and use of
Pilot Ladders.

4. (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—

(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

(c) ship ;

(d) that each step rests firmly against the ship's side ;

(e) that the pilot can gain safe and convenient access to the ship after

climbing not less than one and half metres and not more than 9 metres.

(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 9 metres, 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, 50 centimeters long, 10 centimetres wide and 25 millimetres in depth spaced not less than 30 centimetres nor more than 35 centimetres 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, 5.7 centimetres in circumference on each side.

(7) Two man-ropes of not less than in circumference 6.35 centimetres diameter, properly secured to the ship and a safety line, shall be kept ready for use if required.

(8) Hard wood battens about 2 metres 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.

(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 ;

(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. The rigging of pilot ladders and the embarkation and disembarkation of pilots thereby shall be supervised by a responsible officer of the ship.

Supervision of
Rigging.

Equivalents
and
Exemptions.

6. (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, to be fitted or carried, or any other provision to be made in that ship if it is satisfied by trial, 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.

Cessation.

7. 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.

Interpretation.

8. In these Rules, unless the context otherwise requires

"*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 Schedule to these Rules ;

"*Inland Non-tidal Waters*" means inland waters other than inland tidal waters and includes the River Niger and its effluents ;

"*President*" means the President of the Federal Republic of Nigeria ;

"*Sea*" does not include any inland waters ;

"*Voyage*" includes an excursion.

Citation.

9. These Rules may be cited as the Merchant Shipping (Pilot Ladders) Rules 2010.

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 minute 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 Cameroon in the East, and the parallel of 5 degrees North latitude in the North.

MADE at Abuja this 9th day of March, 2010.

IBRAHIM ISA BIO
Minister of Transportation

MERCHANT SHIPPING (MUSTERS) RULES 2010



ARRANGEMENT OF RULES

Rule :

1. Ships to which Rules Apply.
2. Classification of Ships.
3. Muster List.
4. Muster Stations and Emergency Signals for Passengers.
5. Training.
6. Revocation.
7. Interpretation.
8. Citation.

MERCHANT SHIPPING ACT

(2007 No. 27)

Merchant Shipping (Musters) Rules 2010

[9th March, 2010]

Commence-
ment.

In exercise of the powers conferred upon me by section 435 of the Merchant Shipping Act, 2007 and of all other powers enabling me in that behalf, I, IBRAHIM ISA BIO, Minister of Transportation, hereby make the following Rules :

1. These Rules shall apply to

(a) Nigerian ships ; and

(b) other ships while they are within any port in Nigeria:

Ships to
which Rules
Apply.

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.

2. 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.

Classification
of Ships.

3. (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.

Muster List.

(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 45 meters in length or over of Classes V, 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

(a) the closing of the watertight doors, fire doors, side-scuttles and valves and the closing mechanisms of scuppers, ash-shoots or other similar openings in the ship's side ;

(b) the equipping of the boats and other life-saving appliances ;

(c) the launching of the boats and liferafts 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 lifejackets in 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 life-boats.

(8) 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.

(9) 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.

(10) 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.

4.—(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.

5.—(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 twenty-four hours after leaving the port in question.

Training.

(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 20 meters 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 twenty-four 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 crews are properly instructed in the handling and operation of the liferafts on board.

6. The Merchant Shipping (Musters) Rules 1963 are hereby revoked.

Revocation

7. In these Rules, unless the context otherwise requires

Interpretation.

"muster", includes a boat-drill and a fire-drill.

B 480

Citation.

8. These Rules may be cited as the Merchant Shipping (Musters) Rules
2010.

MADE at Abuja this 9th day of March, 2010.

IBRAHIM ISA BIO
Minister of Transportation

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 ACT

(2007 No. 27)

Merchant Shipping (Medical Examination of Seafarers) Regulations 2010

[9th March, 2010]

Commence-
ment.

In exercise of the powers conferred upon me by section 435 of the Merchant Shipping Act, 2007 and of all other powers enabling me in that behalf, I, IBRAHIM ISA Bin, Minister of Transportation, hereby make the following Regulations :

1.--(1) A person seeking an employment in a vessel shall produce a certificate of fitness for the work for which he is seeking to be employed at sea.

Certificate of
Fitness to be
Produced by
Persons
Seeking
Employment.

(2) The certificate shall be signed by a medical practitioner approved by the Minister or, in the case of a certificate concerning sight, by a person authorised by the Minister to issue the certificate.

2. A person may be engaged for employment in a vessel if he produces evidence that he has been employed in a sea-going vessel for a substantial period in the past two years.

Other
Grounds for
Employment.

3. The Minister shall prescribe the nature of the medical examination to be made and the particulars to be included in the medical certificate and such examination shall include the standards specified in section B 1/9 and Table B of the Code.

Minister to
Prescribe
Medical
Examination.

4. When prescribing the nature of the medical examination stated 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.

Age and
Nature of
Duties to be
Considered

5. A medical certificate under these Regulations shall attest

Contents of
Medical
Certificate

(a) to 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 likely 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.

Certificate in
Force for Two
Years.

6. The medical certificate shall remain in force for a period not exceeding two years from the date on which it was granted.

Certificate of
Colour
Vision.

7. A medical certificate relates to colour vision, it shall remain in force for a period not exceeding two years from the date on which it was granted.

Certificate
Valid until
end of
Voyage.

8. 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.

Exceptional
Circumstances
for
Employment.

9.—(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 sub-regulation (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 sub-regulation of this regulation shall not be deemed on any other occasion to be previous employment for the purposes of regulation 2 of these Regulations.

Evidence of
Certificate.

10. The Minister may provide for acceptance, evidence of certificate in a prescribed form as a substitute for a medical certificate that the required certificate has been given.

Application
for further
Examination
by Medical
Referee.

11. Arrangements shall be made to enable a person who has been denied a certificate after examination, to apply for a further examination by a medical referee who shall be independent of any shipowner or any organisation of shipowners or seafarers.

Application.

12.—(1) These Regulations shall 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 paragraphs (a) to (c) of this sub-regulation 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.

(4) The provisions of these Regulations shall not apply to --

(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 who are not members of the crew ;

(d) persons employed in ports who are not ordinarily employed at sea.

(5) 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. These Regulations may be cited as the Merchant Shipping (Medical Examination on Seafarers) Regulations 2010. Citation.

MADE at Abuja this 9th day of March, 2010.

IBRAHIM ISA BIO
Minister of Transportation

MERCHANT SHIPPING (MARINE BOARDS) REGULATIONS



ARRANGEMENT OF REGULATIONS

Regulation :

1. Attorney-General to Conduct Investigation for Government.
2. Summoning of Marine Board.
3. Notice of Investigation.
4. Parties to the Proceedings.
5. Parties by Permission.
6. Notice to Produce.
7. Notice to Admit.
8. Evidence.
9. Proceedings of Board.
10. Addresses and Evidence for the Parties.
11. Examination of Witnesses.
12. Questions for the Board.
13. Addresses.
14. Adjournment.
15. Decision of the Board.
16. Costs.
17. Copy of Report.
18. Re-hearing of the Case.
19. Service of Notices.
20. Proof of Service.
21. Assessors Allowances.
22. Publication of Regulations.
23. Interpretation.
24. Citation.

SCHEDULE

PRESCRIBED FORMS

MERCHANT SHIPPING ACT

(2007 No. 27)

Merchant Shipping (Marine Boards) Regulations 2010

[9th March, 2010]

Commence-
ment.

In exercise of the powers conferred upon me by section 435 of the Merchant Shipping Act, 2007 and of all other powers enabling me in that behalf, I, IBRAHIM ISA BIO, Minister of Transportation, hereby make the following Rules :

1. Every investigation shall be conducted on behalf of the Government by the Attorney-General.

Attorney
General to
Conduct
Investigation
for
Government.

2. 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.

Summoning
of Marine
Board.

[Schedule. Form 1. Form 2.]

3.—(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.

Notice of
Investigation.

(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.

[Schedule. 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.

4. 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.

Parties to
Proceedings.

5. 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.

Parties by
Permission.

Notice to
Produce.

6. 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.

Notice to
Admit.

7. 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.

Evidence.

8. 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.

Proceedings
of Board.

9. 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.

Addresses and
Evidence for
the Parties.

10.—(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.

Examination
of Witnesses.

11.—(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 3 of these Regulations.

12.--(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.

Questions for
the Board.

(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 3 of these Regulations as, having regard to the evidence, which has been given, as he may think fit.

13. 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.

Addresses.

14. 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.

Adjournment.

15.--(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.

Decision of
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.

[Schedule. Form 5.]

(4) The report shall be sent to the Minister immediately after the conclusion of the investigation.

16. 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.

Costs.

[Schedule, Form 4.]

Copy of
Report.

17. The Minister shall, if application is made to him therefore, give to any party to the proceedings, a copy of the Board's report, on payment of a prescribed fee.

Re-hearing of
the Case.

18. Where a High Court remits a case for re-hearing in accordance with section 430 of the Act, the Minister shall within a reasonable time cause such notice to be given to the parties whom he considers to be affected thereby

Service of
Notices.

19. 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.

Proof of
Service.

20. 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.

Assessors'
Allowances.

21. 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 twenty-five thousand naira for each day of the hearing or a part thereof.

Publication of
Regulations.

22. 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.

Interpretation.

23. In these Regulations, unless the context otherwise requires

"*Act*" means the Merchant Shipping Act ;

"*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 427 of the Act ;

"*investigation*" means a formal investigation into a shipping casualty or into a charge of incompetency or misconduct ;

"*Minister*" means the Minister charged with the responsibility for transportation.

"*prescribed fee*" means the fee which may be prescribed by regulations made under section 427 (g) of the Act ;

"*President*" means the president of the Marine Board.

Citation.

24. These Regulations may be cited as the Merchant Shipping (Marine Boards) Regulations 2010.

SCHEDULE

PRESCRIBED FORMS

[Regulations 2, 3 (2), 15 and 16]

FORM 1

[Regulations 2]

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 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 Transportation

I shall attend as summoned.

.....
Signature of Person Summoned

FORM 2

NOTICE OF SITTING OF BOARD

[Regulation 2.]

In the matter of 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 of20,
 at..... o'clock in the noon to
 hear the above matter.

DATED this day of 20

.....
Minister of Transportation

FORM 3

NOTICE OF INVESTIGATION

[*Regulation 3 (2).*]

To..... Master, Mate, Engineer, M.E.A.,
 Owner, etc., ofor 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

.....
 I 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 thisday of20.....

.....
Attorney-General

I. Report (or statement of case)

II. Questions.

1. Whether the (*Here insert the proposed questions*).

FORM 4

[Regulation 16.]

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

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 15 (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).

GIVEN under my hand thisday 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.

MADE at Abuja this 9th day of March, 2010.

IBRAHIM ISA BIO
Minister of Transportation

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 3000 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 3000 kilowatts Propulsion Power.
5. Radio Operators, Doctors and Cooks.
6. Exemption.
7. Detention of Ships by Nigerian Maritime Administration and Safety Agency.
8. Penalty for Undermanned Vessel.
9. Application.
10. Citation.

MERCHANT SHIPPING ACT

(2007 No. 27)

Merchant Shipping (Manning) Regulations 2010

[9th March, 2010]

Commence-
ment.

In exercise of the powers conferred upon me by Section 82 of the Merchant Shipping Act, 2007 and of all other powers enabling me in that behalf, I, IBRAHIM ISA BIO, Minister of Transportation, hereby make the following Rules :

PART I FOREIGN-GOING SHIPS

1. (1) A ship to which these Regulations apply which ship exceeds 3,000 000 gross tonnage coming into or going outside Nigeria, shall have on board for service the following deck officers

Deck Officers
and Rating
Forming Part
of the Watch
in Foreign-
Going
Vessels.

- (a) one master ;
- (b) one chief mate ;
- (c) two watch-keeping officers ; and
- (d) three ratings forming part of the navigational watch.

(2) A ship between 500 and 3,000 gross tonnage coming into or going outside Nigeria, shall have on board for service the following deck officers-

- (a) one master ;
- (b) two watch-keeping officers ; and
- (c) three ratings forming part of the navigational watch.

(3) A ship less than 500 gross tonnage coming into or going outside Nigeria, shall have on board for service the following deck officers-

- (a) one master ;
- (b) one watch-keeping officer ; and
- (c) two ratings forming part of the navigational watch.

2. (1) A ship which has a propulsion power of not less than 3,000 kilowatts power coming into or going outside Nigeria, shall have on board for service the following engineer officers

Engineer
Officers for
Foreign-
Going
Vessels of
3,000
kilowatts
Propulsion
Power.

- (a) one chief engineer ;
- (b) one second engineer ;
- (c) two officers in charge of an engineering watch ; and
- (d) two ratings forming part of the engineering watch.

(2) A ship which has a propulsion power of between 750 and 3,000 kilowatts coming into or going outside Nigeria, shall have on board for service the following engineer officers

- (a) one chief engineer with at least a certificate of competency for second engineer on a vessel of 3,000 kilowatts ;
- (b) two watch-keeping engineers ; and
- (c) two ratings forming part of the engineering watch.

PART II NEAR COASTAL SHIPS

Deck
Officers for
Near Coastal
Voyage Ships
of less than
500 Gross
Tonnage.

3. A ship to which these Regulations apply which is less than 500 gross tonnage going near coastal voyages shall have on board the following deck officers

- (a) one master ;
- (b) two ratings forming part of a navigational watch.

Engineer
Officers for
Near coastal
Voyages on
Ships
between 750
and 3,000
kilo-watts
Propulsion
Power.

4. (1) A ship which has a propulsion power of between 750 and 3,000 kilowatts going near coastal voyages, shall have on board the following engineer officers—

- (a) one chief engineer ;
- (b) one second engineer ; and
- (c) two ratings forming part of the engineering watch

(2) A ship which has a propulsion power of less than 750 kilowatts going near coastal voyages shall have on board the following engineer officers—

- (a) one engineer ; and
- (b) one rating forming part of the engineering watch.

PART III RADIO OPERATORS, DOCTORS AND COOKS

Radio
Operators,
Doctors and
Cooks.

5. (1) A foreign-going ship shall carry radio operators where the navigating officers do not hold GMDSS Certificate.

(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 which is 1,000 gross tonnage or upwards, shall carry a certificated ship's cook.

PART IV MISCELLANEOUS

6. The Nigerian Maritime Administration and Safety Agency may, subject to such conditions as it 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. Exemption.
7. Any vessel which does not comply with the manning requirements contained in these Regulations shall be liable to detention if the Nigerian Maritime Administration and Safety Agency has reason to believe that it is unseaworthy by reason of undermanning. Detention of Ships by Nigerian Maritime Administration and Safety Agency.
8. The owner, manager or operator of a ship to who does not man the ship in accordance with the provisions of these Regulations, commits an offence and is liable on conviction to a fine not less than N250,000. Penalty for Undermanned Vessel.
9. (1) These Regulations shall apply to Nigerian flagships other than Application.
- (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 to every ship belonging to the Federal or State Government.
- (3) A ship shall have on board the ship not less than the complement of the crew specified in these Regulations.
10. These Regulations may be cited as the Merchant Shipping (Manning) Regulations 2010. Citation.

MADE at Abuja this 9th day of March, 2010.

IBRAHIM ISA BIO
Minister of Transportation

MERCHANT SHIPPING (HEALTH PROTECTION AND MEDICAL CARE FOR SEAFARERS) REGULATIONS 2010



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 Medicine.
13. Medical Assistance to other Ships.
14. Hospital Accommodation to be Provided.
15. Form of Medical Report.
16. Citation.

MERCHANT SHIPPING ACT

(2007 No. 27)

Merchant Shipping (Health Protection and Medical Care for Seafarers) Regulations 2010

[9th March, 2010]

Commence-
ment.

In exercise of the powers conferred upon me by section 181 of the Merchant Shipping Act, 2007 and of all other powers enabling me in that behalf, I, IURAHIM ISA BIO, Minister of Transportation, hereby make the following Regulations :

1. A ship to which these Regulations apply shall be required to carry a medicine chest.

Medicine
Chest to be
Carried.

2. 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.

Contents to be
Prescribed.

3. 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.

Minister to
take into
Account the
World Health
Organisation
Recommend-
ations.

4. ---(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 Nigerian Maritime Administration and Safety Agency or any other person designated by the Nigerian Maritime Administration and Safety Agency.

Medicine
Chest to be
Inspected.

(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. The Nigerian Maritime Administration and Safety Agency 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.

Contents of
Chest to be
Labelled

6. --- (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 Nigerian Maritime Administration and Safety Agency shall ensure that

Accidents
Arising from
Carriage of
Dangerous
Cargo.

(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.

Medicine not
in Chest to
be Obtained
as soon as
Possible.

7. 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.

Ship's
Medical
Guide to be
Carried.

8. - (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.

Medical
Advice to be
Available
Day and
Night.

9.— (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. (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.

Seafarer to be instructed in use of Medical Guide.

(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. (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.

Ships Required to have Doctors on Board.

(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. (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.

Crew Member to be in Charge of Medicare.

(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 1600 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 vocations 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.

Medical
Assistance to
Other Ships.

13. 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.

Hospital
Accommodation
to be
Provided.

14. (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 medicines first aid ;

(c) only be used for medicines 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.—(1) The Minister shall adopt a standard medical report form for seafarers as a model for use by

Form of
Medical
Report.

(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. These Regulations may be cited as the Merchant Shipping (Health Protection and Medical Care for Seafarers) Regulations 2010.

Citation.

MADE at Abuja this 9th day of March, 2010.

IBRAHIM ISA BIO

Minister of Transportation

MERCHANT SHIPPING (DISQUALIFICATION OF HOLDER
OF SEAFARER'S CERTIFICATES)
REGULATIONS 2010



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 ACT

(2007 No. 27)

Merchant Shipping (Disqualification of Holder of Seafarer's Certificates) Regulations 2010

[9th March, 2010]

Commence-
ment.

In exercise of the powers conferred upon me by section 82 of the Merchant Shipping Act, 2007 and of all other powers enabling me in that behalf, I, IUBAHIM ISA BIO, Minister of Transportation, hereby make the following Regulations:-

1. (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.

Notice of
Suspension or
Cancellation
of Certificate.

(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. (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.

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 1 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. 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.

Notice of
Decision.

4. 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.

Application.

Interpretation.

5. In these Regulations "*the Act*" means the Merchant Shipping Act.

Citation.

6. These Regulations may be cited as the Merchant Shipping (Disqualification of Holder of Seafarer's Certificates) Regulations 2009.

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 Nigerian Maritime Administration and Safety Agency.

Date of Service

Nigerian Maritime Administration and Safety Agency,
Maritime House,
4, Burma Road, Apapa, 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 Nigerian Maritime Administration and Safety Agency, at the office of the Nigerian Maritime Administration and Safety Agency 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 Nigerian Maritime Administration and Safety Agency 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 less than ₦250,000.00

MADE at Abuja this 9th day of March, 2010.

IBRAHIM ISA BIO .

Minister of Transportation