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MERCHANT SHIPPING (CREW ACCOMMODATION) REGULATIONS 2010



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MERCHANT SHIPPING ACT

(2007 No. 27)

**Merchant Shipping (Crew Accommodation)
Regulations 2010**[9th March, 2010] Commence-
ment.

In exercise of the powers conferred upon me by Section 185 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. These Regulations shall apply to all Nigerian sea-going ships except fishing boats and pleasure yachts. Application.

2. No structure shall be deemed to be watertight, gastight or oiltight for the purposes of these Regulations unless all openings in that structure, other than ventilation openings necessary for the admission of air from passageways to sanitary accommodation, laundries, drying rooms or galleys, are provided with means of closure which will enable such openings to be made watertight, gastight or oiltight, as the case may be. Structure.

3. —(1) Every person to whose order a ship to which these Regulations apply is being constructed shall cause a plan of the ship, on a scale not smaller than 1 in 100, to be submitted to a surveyor of ships on a day not later than the day on which the keel of the ship is laid, showing clearly the proposed arrangement of the crew accommodation in the ship and its proposed position in relation to other spaces therein. Plans.

(2) Every such person shall cause the following plans to be submitted to a surveyor of ships on a day not later than the day on which the construction of any part of the crew accommodation is begun—

(a) plans of the proposed crew accommodation, on a scale not smaller than 1 in 50 in the case of a ship under 152 metres in length and not smaller than 1 in 100 in the case of any other ship, showing clearly the purpose for which each space therein is to be appropriated and the proposed disposition of the furnishings, fittings and obstructions therein ; and

(b) plans showing clearly the proposed arrangements for supplying water to the crew accommodation and for heating, lighting and ventilating the accommodation.

(3) The owner of every ship to which these Regulations apply shall submit or cause to be submitted to a surveyor of ships before any alteration or reconstruction is carried out in the crew accommodation thereof plans on the scales and showing the information, referred to in paragraphs (1) and (2) of this regulation, and relating to the crew accommodation as altered or reconstructed, as the case may be :

Provided that if the crew accommodation in any ship is altered or reconstructed at a place outside Nigeria in consequence of an emergency or an accident to the ship, such plans shall be submitted to a surveyor of ships as soon as may be.

Position of
Crew
Accommoda-
tion.

4.—(1) In every ship to which these Regulations apply the crew accommodation, other than store rooms, shall be wholly situated above the summer load line, if any, marked on the ship in accordance with section 293 of the Act ; and the Nigerian Maritime Administration and Safety Agency may exempt from the requirements of this paragraph any—

- (a) ship of under 200 tonnes ;
- (b) passenger ship ;
- (c) whale catcher ;
- (d) tug ;
- (e) cable ship ;
- (f) salvage ship ;
- (g) crane ship ;
- (h) dredger and any ship engaged in the conveyance of the spoil of dredging ; and
- (i) other ship not being a ship engaged in the carriage of cargo,

if he is satisfied that compliance therewith is unreasonable or impracticable by reason of the size or intended service of the ship.

(2) In every ship to which these Regulations apply, the crew accommodation other than store rooms, shall be situated amid-ships or aft; and the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirements of this paragraph to the extent to which it is satisfied that compliance therewith is unreasonable or impracticable by reason of the size or intended service of the ship :

Provided that in ships of 500 tonnes or over no part of the crew accommodation, other than storerooms, shall be forward of the collision bulkhead.

(3) Sleeping rooms forming part of the crew accommodation of a passenger ship to which these Regulations apply shall not be situated immediately beneath a working passageway.

Height of
Crew
Accommoda-
tion.

5. — (1) In every ship to which these Regulations apply the height of the crew accommodation measured from the top of the floor beams to the top of the crown beams shall not be less than the following—

(a) in ships of under 1,600 tonnes .. 2 metres and

(b) in ship of 1,600 tonnes or over .. 2⁰ metres.

(2) The Nigerian Maritime Administration and Safety Agency may exempt from the requirements of this paragraph—

(a) any ship, in respect of store rooms and sanitary accommodation ; and

(b) any sea-going ship which is for the greater part of her commission employed on inland waters,

to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(3) Every sleeping room forming part of the crew accommodation in a ship to which these Regulations apply shall be so constructed as to provide a clear headroom of at least 2 metres at every point in the room which is available for free movement ; and the Nigerian Maritime Administration and Safety Agency may exempt any ship under 500 tonnes from the requirements of this paragraph to the extent it is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

6.—(1) In every ship to which these Regulations apply all bulkheads enclosing or within any part of the crew accommodation shall be properly constructed of steel or other and suitable material ; and if the bulkheads are exposed to the weather they shall be of watertight and gastight construction, and means of closure shall be provided for all openings in such bulkheads so as to enable them to be made weathertight.

Construction
of Bulkheads
and Paneling.

(2) Any bulkhead which separates any part of the crew accommodation (other than a recreation deck space) from a space used as—

(a) a permanent coal bunker ;

(b) an oil fuel bunker ;

(c) a cargo or machinery space ;

(d) a lamp room or paint room ;

(e) a store room not forming part of the crew accommodation (other than a dry provision store room) ;

(f) a chain locker ; or

(g) a cofferdam,

shall be gastight, and shall be watertight where necessary to protect the crew accommodation.

(3) Any bulkhead which separates any part of the crew accommodation from a dry provision store room (whether or not such store room forms part of the crew accommodation) shall be gastight.

(4) Subject to the provisions of paragraph (5) of regulation 28 of these Regulations any bulkhead which separates any part of the crew accommodation from sanitary accommodation or from a laundry or drying room, galley or cold store room (whether or not such sanitary accommodation, laundry, drying room, galley or cold store room forms part of the crew accommodation) shall be gastight, and shall be watertight to such height as is necessary to prevent the passage of water into the adjoining space ; and in particular any bulkhead separating sanitary accommodation from any other part of the crew accommodation shall, except in a doorway, be watertight to a height of at least 3.6 centimetres above the floor of the sanitary accommodation :

Provided that the requirements of this paragraph shall not apply to bulkheads separating—

- (a) sanitary accommodation from other sanitary accommodation ;
- (b) a laundry or drying room from another laundry or drying room ;
- (c) a galley from another galley or a pantry ;
- (d) a cold store room from another cold store room ; or
- (e) sanitary accommodation appropriated for the sole use of one person from a sleeping room which it may be directly entered.

(5) Any inside panelling in the crew accommodation shall be constructed of plywood or other suitable material with a surface which can be easily kept clean and neither bulkheads nor inside panelling shall be constructed with tongued and grooved board or in a manner likely to harbour vermin.

Overhead
Deck.

7. —(1) In every ship to which these Regulations apply, being a ship constructed of steel or other metal, every deck which forms the crown of any part of the crew accommodation (in this regulation referred to as the "overhead deck"), and is exposed to the weather, shall be constructed of steel or other metal.

(2) The Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirements of paragraph (1) of this regulation to the extent to which it is satisfied that it is necessary to do so by reason of the intended service of the ship.

(3) The upper side of every such deck shall be sheathed with wood or with a material which complies with the requirements specified in the Second Schedule to these Regulations and such sheathing shall be properly laid and, if it consists of wood, shall be properly caulked.

(4) The Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirements of paragraph (3) of this regulation to the extent to which it is satisfied that the undersides of the overhead decks are insulated with a material (other than wood) which complies with the

requirements specified in the Third Schedule to these Regulations, and which is so fitted as to avoid as far as possible absorption of water, condensation, transmission of noise and harbouring of dirt and vermin.

(5) Every wooden overhead deck shall be at least 6.3 centimetre thick and every wooden sheathing shall be at least 5.7 centimetres thick.

(6) The Nigerian Maritime Administration and Safety Agency may exempt any ship from either of the requirements of paragraph (5) of this regulation to the extent that it is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

8.—(1) In every ship to which these Regulations apply the decks which form the floors in the crew accommodation shall be properly constructed and shall have a surface which provides a good foothold and is capable of being easily kept clean. The floor covering shall be impervious to water and, if the deck is situated on top of an oil tank, impervious to oil. Flooring.

(2) Wooden decks which form the floors in the crew accommodation shall be at least 53.4 centimetres thick and shall be properly laid and caulked. The Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirements of this paragraph to the extent to which it is satisfied that the compliance therewith is unreasonable or impracticable in the circumstances.

(3) The surface of metal decks which form the floors of the crew accommodation, not being floors in sanitary accommodation, galleys, store rooms or laundries, shall be covered with linoleum or wooden planking, or with a material which complies with the requirements specified in the Second Schedule to these Regulations.

(4) The joining of the material with the side walls shall be rounded in a manner which will avoid crevices and such linoleum, planking or material shall be properly laid and shall provide a good foothold.

(5) The joining of the floors with the side walls shall be rounded in a manner which will avoid crevices.

9.—(1) In every ship to which these Regulations apply, the crew accommodation and the means of access thereto and egress therefrom shall be so arranged and constructed and situated in such a position as to ensure— Protection
from Weather

(a) the protection of the crew against injury to the greatest practicable extent ;

(b) the protection of the crew accommodation against the weather and the sea ;

(c) the insulation of the crew accommodation from heat and cold ;

(d) the protection of the crew accommodation against moisture due to condensation ;

(e) the exclusion from the crew accommodation of effluvia originating in other spaces in the ship ; and

(f) the exclusion from the crew accommodation, to the greatest practicable extent, of noise originating in other spaces in the ship.

(2) Without prejudice to the generality of paragraph (1) of this regulation—

(a) every opening from an open deck into the crew accommodation shall be protected against the weather and the sea ;

(b) the crew accommodation shall be accessible at all times from the open deck ;

(c) access to sleeping rooms, mess rooms, recreation rooms and studies which form part of the crew accommodation shall be obtained from a passageway which shall be provided with a hinged door at any entrances to the open deck ; and the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirements of this sub-paragraph to the extent to which it is satisfied that compliance therewith is unreasonable or impracticable by reason of the size or intended service of the ship ;

(d) bow hawse pipes shall not be situated in the crew accommodation; and the Nigerian Maritime Administration and Safety Agency may exempt any ship of under 406 tonnes from the requirements of this sub-paragraph ;

(e) steam supply and exhaust pipes for steering gear, winches and similar equipment shall not pass through the crew accommodation :

Provided that, if in the case of any ship of 500 tonnes or over ; the Nigerian Maritime Administration and Safety Agency is satisfied that alternative arrangements are unreasonable or impracticable in the circumstances, he may permit such pipes, if properly encased, to pass through passageways forming part of the crew accommodation subject, in the case of supply pipes, to the following conditions—

(i) the pipes shall be constructed of solid drawn steel or other suitable material,

(ii) the pipes shall be of a scantling sufficient to withstand the maximum pressure from the ship's boiler system,

(iii) all connections in the pipes shall be by faced flanges properly jointed, and

(iv) the pipes shall be fitted with adequate drainage arrangement.

the Nigerian Maritime Administration and Safety Agency may exempt any ship of under 500 tonnes from the requirements of this sub-paragraph if it is satisfied that adequate arrangements have been made to ensure the safety of the crew ;

(f) all steam pipes, hot water pipes and calorifiers in or serving the crew accommodation shall be efficiently lagged wherever lagging is necessary for the conservation of heat or the protection of the crew against injury or discomfort; and all cold water pipes in the crew accommodation shall be efficiently lagged wherever lagging is necessary for the prevention of condensation ;

(g) chain pipes, and ventilator trunks to cargo spaces or tanks, shall be made of steel or other suitable material and shall be gastight where they pass through any part of the crew accommodation ;

(h) batteries for the operation of the ship's radio installation, if any, shall not be placed in any sleeping room provided for the crew, and precautions shall be taken which will ensure that fumes from such batteries cannot discharge into any parts of the crew accommodation ;

(i) the bulkheads and the parts of the ship's side which enclose the crew accommodation, shall be insulated in a manner which will prevent overheating of the accommodation and be covered with protective covering which will prevent the condensation of moisture ; and the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirements of this sub-paragraph to the extent to which it is satisfied that the crew accommodation is adequately protected by its position and ventilation against overheating and condensation ;

(j) every bulkhead casing and deck separating the crew accommodation from other spaces in the ship in which heat or cold may be generated shall be insulated in a manner which will prevent the crew accommodation being so affected by such heat or cold or by condensation as to prejudice the health or comfort of the crew ;

(k) every ship for the time being regularly engaged on voyages to, within or through the Tropics or the Persian Gulf shall be provided with awnings which will cover—

(i) all exposed decks and house-tops situated immediately above any part of the crew accommodation,

(ii) all exposed sides of galleys situated on an open deck,

(iii) such portions of the deck spaces provided for the recreation of the crew in compliance with paragraph (6) of regulation 21 of these Regulations as will provide a shaded area adequate in extent having regard to the number of persons in the crew and to any shade provided for such spaces by overhanging decks,

the awnings shall be supported by stanchions or by other suitable means ;

(l) there shall be no direct opening between the crew accommodation (other than recreation deck spaces) and any space used as a store room for engine room stores or deck department stores. The Nigerian Maritime Administration and Safety Agency may exempt—

(i) any ship of under 500 tonnes, and

(ii) any whale catcher from the requirements of this sub-paragraph to the extent to which he is satisfied that compliance therewith is impracticable in the circumstances ;

(m) there shall be no direct opening between the crew accommodation (other than recreation deck spaces) and spaces used as—

(i) permanent coal bunkers,

(ii) oil fuel bunkers,

(iii) cargo or machinery spaces,

(iv) lamp rooms or paint rooms,

(v) store rooms not forming part of the crew accommodation (other than store rooms for engine rooms or deck department stores),

(vi) chain lockers, or

(vii) cofferdams :

Provided that there may be a direct opening between machinery spaces and sanitary accommodation and changing rooms provided for the sole use of officers and ratings of the engine room department ; but the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirements of this sub-paragraph in so far as it relates to a direct opening between any passageway forming part of the crew accommodation and any of the aforesaid spaces; and may further exempt any whale catcher from such requirements in so far as it relates to a direct opening between any machinery space and any part of the crew accommodation ;

(n) subject to the provisions of paragraph (3) of regulation 23, paragraph (6) of regulation 27 and paragraph (16) of regulation 31 of these Regulations, there shall be no direct opening between the crew accommodation (other than recreation deck spaces or passageways) and any sanitary accommodation, laundry or drying room (whether or not such sanitary accommodation, laundry or drying room forms part of the crew accommodation) :

Provided that nothing in this sub-paragraph shall prohibit direct openings between spaces forming part of the sanitary accommodation, or between spaces appropriate for use as laundries or drying rooms ;

(o) any part of the crew accommodation which is adjacent to any part (other than the crown) of a tank in which oil may be carried in bulk, shall be separated therefrom by a gastight division additional to the division which retains the oil, and the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirement of this sub-paragraph if it is satisfied that the division which retains the oil is likely to remain oiltight under service conditions;

(p) if any part of the crew accommodation is situated on a deck which forms the crown of a space in which oil may be carried in bulk, such deck shall be oiltight. No manholes or other openings to the oil tanks shall be situated in the crew accommodation, and the Nigerian Maritime Administration and Safety Agency may exempt any ship used in treating whales or for the carriage of persons employed in catching or treating whales from the requirements of this sub-paragraph in so far as they relate to manholes or other openings in the oil tanks ;

(q) if any part of the crew accommodation is situated on a deck forming the crown of a permanent coal bunker, such deck shall be gastight ;

(r) the means of access to and egress from every part of the crew accommodation shall be so situated that in the event of fire in any lamp room or paint room in the ship, access to and egress from the crew accommodation will not be impeded.

10.—(1) In every ship to which these Regulations apply, other than a ship employed solely within the Tropics or the Persian Gulf, all sleeping rooms, mess rooms, recreation rooms, sanitary accommodation, offices, studies and hospitals forming part of the crew accommodation shall be provided with a heating system which shall be permanently installed and capable of ensuring that when the ventilation system provided for such rooms or accommodation in compliance with these Regulations is working so as to furnish at least 0.4 cubic metres of fresh air per minute for each person whom the room or accommodation is designed to accommodate at one time and the temperature of the open air is -1° centigrade the temperature therein can be maintained at 10 degrees centigrade : Heating.

Provided that the temperature within a water closet shall not be required to be maintained at more than 1° centigrade above the ambient temperature in the open air. If the temperature within any water closet is capable of being so maintained by heat derived from an adjoining compartment, a heating system shall not be required to be provided in that water closet; and the Nigerian Maritime Administration and Safety Agency may exempt from the requirements of this paragraph—

(a) any ship of under 500 tonnes, and

(b) any ship intended to be engaged solely on voyages in the Tropics or the Persian Gulf, if it is satisfied that the crew accommodation is fitted with stoves which are properly installed and adequately guarded, or with other suitable means of heating.

(2) The permanent heating system required by the foregoing paragraph shall be operated by steam, hot water or electricity, or shall be a system supplying warm air.

(3) The heating equipment shall be so constructed, installed and, if necessary, shielded as to avoid the risk of fire and not to constitute a source of danger or discomfort to the crew and in particular, means shall be provided, unless the provision thereof is unreasonable or impracticable in the circumstances, by which, without the use of a tool or key, the heat emitted by the radiator or other heating device fitted in any space can be turned off and on and varied.

(4) The heating equipment shall be so constructed that its operation is not affected by the use or non-use of any steering gear, deck machinery, calorifiers or cooking appliances in the ship.

(5) The heating system shall be in operation at all times when any members of the crew are living or working on board the ship and circumstances require its use :

Provided that while the ship is in port, the heating system shall not be required to be in operation if efficient temporary means of heating are provided for such parts of the crew accommodation as are in use.

Lighting.

11.—(1) In every ship to which these Regulations apply, every part of the crew accommodation, other than pantries, laundries, drying rooms, lockers and store rooms shall be properly lighted by natural light :

Provided that if in any space in a passenger ship or in a ship engaged in the whaling industry it is impracticable to provide proper natural lighting, such lighting shall not be required if adequate electric lighting is always available in that space. The Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirement of this paragraph in relation to sanitary accommodation and passageways to the extent to which it is satisfied that compliance therewith is unreasonable or impracticable in the circumstance.

(2) The natural light of a sleeping room, mess room, recreation room or hospital ward shall be deemed to be proper for the purposes of this regulation if it is sufficient to enable an ordinary newspaper to be read by a person of normal vision at any point in the room, being a point available for free movement, during day time and in clear weather.

(3) Every side scuttle in a sleeping room, mess room, smoking room or recreation room in the crew accommodation shall be capable of being opened:

Provided that this paragraph shall not apply to a side scuttle which is required to be of the non-opening type by the provisions of the Merchant Shipping (Passenger Ship Construction) Rules.

(4) In every ship of 3,000 tonnes or over every such side scuttle shall be at least 4.8 centimetres in diameter and the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirement of this paragraph to the extent to which it is satisfied that compliance therewith is unreasonable or impracticable in the circumstance.

(5) In every ship to which these Regulations apply, an electrical system shall be installed which is capable of providing adequate lighting in every part of the crew accommodation.

(6) The electric lights shall be so arranged as to give the maximum benefit to the crew, and in particular an electric reading light shall be fitted at the head of each bed and shall be capable of being switched on and off from the bed.

(7) A lamp emitting at least 200 lumens shall be fitted in every such reading light in a sleeping room, and a lamp emitting at least 400 lumens shall be fitted in every such light in a hospital ward.

(8) An efficient alternative system of lighting or source of electric power shall always be available for lighting the crew accommodation.

(9) The Nigerian Maritime Administration and Safety Agency may exempt any ship of under 500 tonnes from the requirement of this paragraph if it is satisfied that compliance therewith is unreasonable or impracticable in the circumstance and that other suitable artificial lighting is provided in the crew accommodation.

(10) In addition to any other lights required by these Regulations, the spaces referred to in sub-paragraphs (a) to (k) inclusive of paragraph 12 of this regulation shall be provided with the lighting therein specified.

(11) The electric lighting of the spaces referred to in sub-paragraphs (a) to (k) inclusive of paragraph 12 shall be deemed to be adequate for the purposes of these Regulations if, when the lamps and paintwork are new, the illumination in the horizontal plane, when measured at the points and in the manner prescribed in paragraph 11 of this regulation is steady and subject to a tolerance of ten *per cent* is maintained at a value of not less than that prescribed for every such space.

(12) The points at which illumination shall be measured shall be as follows—

(a) where general measurement points are prescribed for the illumination of a space, then measurements shall be taken at every point midway between every two adjacent lamps and at every point midway between every lamp and any position on any boundary of the space ;

Provided always that where within any space a part of that space (being a part of that space available for free movement) is shaded from the direct rays of a lamp by a re-entrant angle formed in the boundary of the space, then the central point of the part of the space so shaded shall also be a general measurement point ; and

(b) where particular measurement points are also prescribed for a space, then measurements shall in addition be taken at every such point,

and in all cases, measurements shall be taken at a height of 0.83 metre above the floor, except that in the case of passageways, companionways, and covered recreation deck spaces, measurements may be taken either at a height of 0.83 metre above the floor or at floor level, provided that in the latter case the reflection factor of the floor surface shall not be less than forty *per cent*. Illumination of provision storerooms shall be measured when the rooms are empty.

(13) The following spaces shall be provided with the lighting therein specified—

(a) sleeping rooms and day rooms—

(i) 22 lux immediately in front of any drawer, bookcase, clothes locker, wardrobe and toilet mirror,

(ii) 54 lux at any wash-basin,

(iii) 65 lux at any seat at a writing desk or table, and at not less than half the remaining seats in a sleeping room provided for the use of more than one person,

and for the purposes of this sub-paragraph reading lights at the heads of beds shall not be taken into account in determining the illumination of a space except in the case of a sleeping room provided for the use of one person only ;

(b) mess rooms—

(i) 22 lux at general measuring points,

(ii) 54 lux at any table and sink ;

(c) recreation and smoking room—

(i) 2 lux at general measuring points,

(ii) 54 lux at the recreation tables,

(iii) 65 lux at any seat at a writing position at a desk or table and at not less than half the remaining seats ;

(d) hospital wards—

(i) 22 lux at general measuring points,

(ii) 54 lux at any wash-basin,

and in addition to the electric reading lamp required to be provided at the head of each bed in accordance with paragraph (5) of this Regulation, at least one fixed lamp shall be installed. The portable electric lamp required to be provided by paragraph (10) of regulation 31 of these Regulations shall emit at least 600 lumens for the purposes of this sub-paragraph, reading lights at the head of beds shall not be taken into account in determining illuminations except in the case of a hospital ward provided for the use of one person only ;

(e) Offices and Studies—

(i) 22 lux immediately in front of any drawer and any bookcase,

(ii) 86 lux at every writing position at a desk or table ;

(f) Sanitary Accommodation (including such accommodation in Hospitals)

(i) water closets, 32 lux in way of the pan,

(ii) wash rooms and bathrooms, 32 lux at all general measurement points,

(iii) 54 lux at any wash-basin or washing trough and at or near the head of any bath ;

(g) laundries—

(i) 32 lux at general measuring points,

(ii) 54 lux at any washing trough ;

(h) Drying Rooms 22 lux in the centre of the space ;

(i) galleys (including Bakeries and Pantries) 64 lux at working positions and the lamps shall be so disposed as to ensure that the food preparation tables, the range top, the serving tables and the washing up sinks receive the maximum amount of light ;

(j) provision store rooms—

(i) dry store rooms, 22 lux at general measurement points and 22 lux immediately in front of shelving and any cupboard,

(ii) cold store rooms, half the standard prescribed for a dry store Room ;

(k) passageway, companionways and covered recreation deck spaces, 22 lux at general measurement points ; and a lamp shall be placed at or near the head of each stairway or ladder or hatchway and at or near doors of any lockers provided for oilskins or working clothes.

12.—(1) In every ship to which these Regulations apply the enclosed parts of the crew accommodation shall be ventilated by a system which will maintain the air therein in a state of purity adequate for the health and comfort of the crew.

(2) The system shall be capable of being so controlled as to ensure sufficiency of air movement under all conditions of weather and climate to which the ship is likely to be subjected during the voyages on which she is intended to be engaged, and shall be additional to any side scuttles, skylights, companions, doors or other apertures not intended solely for ventilation.

(3) Every such enclosed space, being a space not ventilated by a trunked mechanical ventilation system, shall be provided with a natural system of inlet and exhaust ventilation and every inlet ventilator forming part of such system, being a ventilator situated in the open air, shall be of a cowl or other equally efficient type and shall be so situated that, as far as is practicable, it is not screened from the wind in any direction ; and no such ventilator shall be situated directly over a doorway, stairway or exhaust opening.

(4) The sectional area of every part of the inlet and exhaust system (other than a part serving only a drying room or locker) shall be at least six square inches for each person for whose use at anyone time the space is appropriated, shall be not less than 123 square centimetres in all at any point in the system; and the effective area of the inlet and exhaust system serving each space shall be capable of being adjusted from fully open down to a minimum of 20 square centimetre for each person likely to use the space at any one time.

(5) Every such closed space, other than a cold store room, forming part of the crew accommodation of a ship to which these Regulations apply, of 500 tonnes or over, shall be provided with a trunked mechanical ventilation system complying with the requirements specified in the First Schedule to these Regulations :

Provided that such a system shall not be required in any galley, which is situated on an open deck and exposed to the weather on the fore end and the port and starboard sides ; and the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirement of this paragraph, in so far as it relates to the ventilation of a store room for the storage of dry provisions, if it is satisfied that compliance with that requirement is unnecessary by reason of the position of the store room.

(6) In the crew accommodation of every ship to which these Regulations apply, being a ship not provided with trunked mechanical ventilation and not being a ship for the time being regularly engaged only on voyages north of 53° North latitude or south of 45° South latitude, an electric fan shall be fitted in every sleeping room, mess room, recreation room, study, office, galley and

pantry ; and the Nigerian Maritime Administration and Safety Agency may exempt any ship of under 500 tonnes from the requirement of this paragraph.

(7) Power for the operation of the trunked mechanical ventilation system or fans, as the case may be, required by the foregoing paragraphs of this Regulation shall be available at all times when any members of the crew are on board the ship and circumstances require such system or fans to be used.

(8) The following spare gear shall be provided for each size of electric motor employed to operate a trunked mechanical ventilation system in the crew accommodation of a ship to which these Regulations apply—

(a) for direct Current Motors—

- (i) 1 armature,
- (ii) 1 field coil,
- (iii) 1 set of bearings,
- (iv) 1 set of carbon brushes,
- (v) 1 brush holder ;

(b) for alternating current motors--

- (i) 1 set of stator windings, complete with insulation pieces,
- (ii) 1 set of bearings,

the spare gear shall be properly packed for storage.

13.—(1) In every ship to which these Regulations apply efficient drainage by pipes or channels shall be provided for every part of the crew accommodation situated on an open deck wherever such drainage is necessary for clearing water shipped from the sea. Drainage.

(2) There shall be no drainage from any source (not being sanitary accommodation) into the sanitary accommodation forming part of the crew accommodation.

(3) Every space appropriated for use as sanitary accommodation shall be served by one or more scuppers which do not serve any space other than sanitary accommodation. The scuppers shall be at least two inches in diameter and shall be situated wherever water is likely to collect on the floor of the space :

Provided that no scupper shall be required in washing accommodation appropriated for the sole use of one person.

14. (1) In every ship to which these Regulations apply the interior sides and ceilings of every part of the crew accommodation shall be covered with enamel, paint or other suitable material and the paint, enamel or other material shall be of good quality and white or light in colour. Painting, etc.

(2) Lime wash or paint containing nitro-cellulose shall not be applied in the crew accommodation.

(3) The wooden parts of the furniture and fittings in the crew accommodation shall be finished externally with paint, varnish, polish or by other suitable means.

(4) All paint, varnish, polish and other finishes in the crew accommodation shall be capable of being easily kept clean and shall be maintained in good condition.

Marking.

15.—(1) Every sleeping room forming part of the crew accommodation of a ship to which these Regulations apply shall be marked inside the room with whichever of the markings specified in Part I of the Fourth Schedule to these Regulations is appropriate in the circumstances.

(2) Every space, other than a sleeping room or an open deck, forming part of the crew accommodation of such a ship shall be marked either inside the space or on or over the door to such space with whichever of the markings specified in Part II of the Fourth Schedule to these Regulations is appropriate in the circumstances.

(3) All markings required by the foregoing provisions of this regulation shall be in clear characters and in a readily visible position on the ship's structure and the markings shall be cut into the structure or otherwise marked in an equally permanent manner.

(4) No space forming part of the crew accommodation of a ship to which these Regulations apply shall be marked, whether inside or outside the space, with any markings which may be taken to indicate that the space is appropriated for use by persons differing in number or description from the persons for whose use the space has been certified by a surveyor of ships.

Sleeping
Rooms.

16.—(1) In every ship to which these Regulations apply, unless the circumstances are such that no members of the crew are required to sleep on board, sleeping rooms shall be provided for the crew in accordance with the following provisions of this regulation ; and separate and appropriate sleeping rooms shall be provided wherever required by the widely different national habits and customs of groups of persons in the crew.

(2) Each of the following classes of person shall be provided with sleeping rooms separated from those provided for the other classes—

(a) officers ;

(b) petty officers ;

(c) apprentices ;

(d) ratings of the deck department, other than petty officers ;

(e) ratings of the engine room department, other than petty officers ;

(f) ratings of the catering department, other than petty officers.

(3) Every watch of ratings shall be provided with sleeping rooms separate from those of other watches. Day-men shall be provided with sleeping rooms separate from those of watch-keepers.

(4) The Nigerian Maritime Administration and Safety Agency may exempt from the requirements of paragraph (2) and (3) of this regulation—

(a) any whale catcher ; and

(b) any other ship to the extent that he is satisfied that compliance with the said requirement is unreasonable or impracticable by reason of the size of the ship.

(5) The Nigerian Maritime Administration and Safety Agency may further exempt any ship engaged in the whaling industry from the requirements of paragraph (3) of this regulation.

(6) The maximum number of persons accommodated in sleeping rooms shall be as follows—

(a) officers in charge of a department, navigating and engineer officers in charge of a watch, and First or only Radio Officers, 1 person per room ;

(b) other officers,-wherever practicable, 1 person per room and in no event more than 2 persons per room ;

(c) apprentices,-wherever practicable not more than 3 persons per room, and in no event more than 4 persons per room ;

(d) chief or only steward and chief or only cook, in either case in a ship of 3,000 tonnes or over regularly employed otherwise than as a home trade ship, 1 person per room ;

(e) petty officers not being persons referred to in sub-paragraph (d) of this paragraph, wherever practicable, 1 person per room, and in no event more than 2 persons per room ;

(f) other ratings-wherever practicable, 2 or 3 persons per room, and in no event more than 4 persons per room ;

Provided that in any passenger ship the Nigerian Maritime Administration and Safety Agency may permit more than 4, but not more than 10, such ratings to be accommodated in one room if it is satisfied, after consultation with the owner of the ship or with such organisation or organisations as appear to him to be representative of the ratings concerned, that the comfort of these ratings will thereby be increased.

(7) The Nigerian Maritime Administration and Safety Agency may exempt any ship used in treating whales or for the carriage of persons employed in catching or treating whales, from the requirements of paragraph (6) of this regulation in so far as they relate to sleeping accommodation for persons not engaged to work the ship.

(8) The Nigerian Maritime Administration and Safety Agency may exempt also any whale catcher from the requirements of sub-paragraph (a) of paragraph (6) of this regulation and any ship of under 400 tonnes from the requirements of sub-paragraphs (a) and (d) of this paragraph.

(9) Subject to the provisions of sub-paragraphs (b) and (c) of this paragraph, the minimum floor area provided for each person in a sleeping room forming part of the crew accommodation of a ship to which these Regulations apply shall be as follows—

(a) in ships of	square metre
(i) under 400 tonnes	1.4
(ii) 400 tonnes or over but under 800 tonne	1.9
(iii) 800 tonnes or over but under 3,000 tonnes	2.3
(iv) 3,000 tonnes or over	2.8

(b) subject to the provisions of sub-paragraph (c) of this paragraph the minimum floor area provided in a sleeping room in a passenger ship shall be 2.2 square per person if more than 4 rating are accommodated in that room ;

(c) subject to the provisions of this sub-paragraph the minimum floor area provided for each person in a sleeping room for such ratings as are referred to in paragraph (2) of regulation 38 of these Regulations (in this sub-paragraph referred to as "special ratings") shall be, in ships of—

	square metre
(i) under 400 tonnes	1.3
(ii) 400 tonnes or over but under 3,000 tonnes	1.7
(iii) 3,000 tonnes or over	1.9

(d) the total floor area of the sleeping rooms provided in the ship for special ratings shall not be less than would be required by sub-paragraph (a) of this paragraph to be provided for such number of ratings as would be necessary in substitution for the special ratings if the special ratings were replaced by other ratings ;

(e) in determining the floor area of a room for the purpose of this paragraph spaces occupied by berths, lockers, seats or chests of drawers shall be taken into account and spaces which by reason of their small size or irregular shape cannot accommodate furniture and do not contribute to the area available for free movement shall not be taken into account.

17.—(1) Every sleeping room in the crew accommodation of a ship to which these Regulations apply shall be fitted with a bed for each person accommodated in the room. Beds.

(2) The framework of each bed, and the lee-boards or lee-rails thereof, if any, shall be constructed of metal or other material which is hard smooth and unlikely to become corroded.

(3) The framework shall be so made as not to be likely to harbour vermin, and in particular, if the bed is constructed with tubular frames, the frames shall be completely sealed and without perforations.

(4) There shall be unobstructed access to at least one side of each bed and, in particular, if the adjacent sides of two beds in the same room are parallel to each other or, when projected, make an angle of less than 90° with each other, the distance between those sides at any point shall not be less than 0.76 metres if both beds are in single tier or 1 metre in any other case.

(5) Where beds abut upon each other they shall be separated by screens made of wood or other suitable material.

(6) No bed shall be placed—

(a) within 10 centimetres of a ventilation trunk which may be used for circulating hot air, or

(b) within 5 centimetres of a bulkhead or the ship's side, unless the bed is so supported and the room so constructed as to avoid harbouring dirt and vermin in or near the bed, to enable the bedding to be kept clean and dry, and to minimise the soiling of paint work in way of the bed.

(7) Beds shall not be arranged in tiers of more than two.

(8) Beds placed along the ship's side shall be in single tier, except in a room in which there is no side scuttle and the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirement of this paragraph to the extent to which it is satisfied that the beds in the sleeping room are clear of side scuttles, and that the comfort of the crew will thereby be increased.

(9) No bed shall—

(a) be less than 1 foot from the floor of the room measured from the bottom of the mattress referred to in paragraph (12) of this regulation ; and

(b) if the upper bed in a double tier, be at least 0.76 metre below the lower side of the deck head beams or other obstructions measured from the bottom of the mattress; and the bottom of the mattress in the lower bed shall be at least 1 metre below the bottom of the mattress in the upper bed if the height of the sleeping room is .3 metres or more, and at least 0.8 metre below the bottom of the mattress in the upper bed if the height of the sleeping room is less than 2.3 metres, and for the purposes of this sub-paragraph the height of the room shall be measured from the top of the floor beams to the top of the crown beams.

(10) The Nigerian Maritime Administration and Safety Agency may exempt—

(a) any ship of under 500 tonnes from any of the requirements of paragraph (9) of this regulation ; and

(b) any ship from the requirements of sub-paragraph (b) of paragraph (9) of this regulation to the extent to which it is satisfied that it is unreasonable or impracticable in the circumstances to remove obstructions above the beds in the crew accommodation of that ship.

(11) The size of the beds provided for the crew shall—

(a) subject to the provisions of sub-paragraph (b) of this paragraph, be at least 1.9 metres by, 0.7 metres the measurements being taken inside the lee-boards or lee-rails, if any, and at right angles to each other ;

(b) in a ship of 3,000 tonnes or over for the Chief Officer and for the Chief and Second Engineers, be at least 1.9 metres by 0.8 metre in a passenger ship and at least 1.9 metres by 1.1 metre in any other ship, the measurements in each case being taken as aforesaid.

(12) Every bed provided for a member of the crew shall be fitted with a spring bottom or spring under-mattress, and with a mattress made of material which will resist damp and is unlikely to harbour vermin. A bottom of wood, canvas or other dust-proof material shall be fitted to every bed which is fitted above another bed.

Furniture and
Fittings in
Sleeping
Rooms.

18.—(1) In every ship to which these Regulations apply every sleeping room for ratings other than petty officers shall be provided with the following equipment—

(a) for each person accommodated in the room—

(i) one drawer having a capacity of at least 0.0566 cubic metres ; and

(ii) one clothes locker or wardrobe, in either case at least 1.68 metres in height and 2030 square centimetres in internal sectional area; the locker or wardrobe shall be fitted with a shelf not less than 23 centimetres and

not more than 38 centimeters below its top and with fittings on which clothes may be hung ;

(iii) at least one coat hook in addition to any coat hooks fitted in a locker or wardrobe ;

(b) a table of fixed or drop-leaf type, or a desk, or a sliding leaf or top fitted to a chest of drawers ;

(c) comfortable seats sufficient to accommodate at one time all the persons accommodated in the room and such seats shall be provided in addition to the beds in the room ; but the Nigerian Maritime Administration and Safety Agency may exempt any passenger ship or ship engaged in the whaling industry from the requirements of this sub-paragraph to the extent to which he is satisfied that a lesser number of seats is adequate in the circumstances ;

(d) a mirror suitable for toilet purposes ;

(e) a cabinet suitable for containing toilet requisites ;

(f) a book rack ;

(g) a runner of jute, coir or other suitable material at one side of each bed or tier of beds, as the case may be ;

(h) a curtain fitted to each bed, unless the room accommodates only one person ;

(i) a curtain fitted to each side scuttle, unless the side scuttle is fitted with blinds or jalousies,

and the Nigerian Maritime Administration and Safety Agency may exempt any whale catcher from any of the requirements of sub-paragraphs (g), (h) and (i) of this paragraph.

(2) Paragraph (1) of this regulation shall apply to sleeping rooms for petty officers as it applies to sleeping rooms for other ratings, subject to the following modifications and additions—

(a) for each person accommodated in the room a second drawer having a capacity of at least 0.04 cubic metres shall be provided in addition to the drawer referred to in sub-paragraph (a) of paragraph (1) of this regulation ;

(b) the clothes lockers or wardrobes provided shall be made of hardwood ;

(c) each room shall be provided with—

(i) a rack for holding one drinking water bottle and one tumbler for each person accommodated in the room and the rack may be fitted inside the cabinet for toilet requisites ;

Provided that a rack for holding a drinking water bottle shall not be required in any room in which a supply of drinking water is laid on,

(ii) a wash-basin, of vitreous china or other equally hygienic and durable material, which shall be fitted with an efficient and hygienic discharge overside or to an enclosed tank with a suction pipe served by a mechanically operated pump :

Provided that a wash-basin shall not be required to be fitted in a sleeping room for petty officers if washing accommodation is readily accessible from the sleeping room.

(3) In every sleeping room in which more than one petty officer or other rating is accommodated, every drawer, locker and wardrobe shall be fitted with a secure lock or hasp for a padlock and in every sleeping room in which only one petty officer or other rating is accommodated the locker or wardrobe shall be fitted with such a lock or hasp.

(4) Subject to the provisions of paragraph 4 of this regulation every sleeping room for officers shall be provided with the following equipment -

(a) for each officer accommodated in the room---

(i) at least three drawers with a total capacity of 0.283 cubic metres or as near thereto as is practicable in the circumstances,

(ii) a wardrobe at least 1.67 metres in height and 2970 square centimetres in internal sectional area,

(iii) at least two coat hooks, in addition to any coat hooks fitted in the wardrobe ;

(b) a writing desk fitted, if practicable, with drawers additional to the aforesaid drawers ;

(c) a chair with arm rests ;

(d) a settee at least 1.8 metres in length or as near thereto as is practicable in the circumstances :

Provided that the Nigerian Maritime Administration and Safety Agency may permit the settee to be dispensed with -

(i) if agency is satisfied that a settee of adequate dimensions cannot be placed in the room without interfering with the comfort of the officers, or

(ii) in the case of a room which only accommodates one officer, if the Nigerian Maritime Administration and Safety Agency has consulted with such organisation as appears to it to be representative of the class of officer concerned and is satisfied that a fully upholstered easy chair with closed arms is provided in the room ;

(e) a mirror suitable for toilet purposes ;

(f) a cabinet suitable for containing toilet requisites ;

(g) a rack suitable for holding—

(i) one drinking water bottle, and

(ii) one tumbler for each officer accommodated in the room and the rack may be fitted inside the cabinet for toilet requisites :

Provided that a rack for holding a drinking water bottle shall not be required in any room in which a supply of drinking water is laid on ;

(h) a wash-basin of vitreous china or other equally hygienic and durable material, which shall be fitted with an efficient and hygienic discharge overside or to an enclosed tank with a suction pipe served by a mechanically operated pump :

Provided that a wash-basin shall not be required to be fitted in a sleeping room if washing accommodation is readily accessible therefrom ;

(i) a splash plate or other means of protection for the wall above the wash-basin, if any ;

(j) a carpet runner of wool or similar material ;

(k) curtains fitted to each bed, unless the room accommodates only one officer ;

(l) curtains fitted to each side scuttle, unless the sidescuttle is fitted with blinds or jalousies ;

(m) a book case in any room which accommodates a Chief Officer, Chief Engineer or Second Engineer, or in the case of a passenger ship a First Radio Officer ; and

(n) a book case or book rack in rooms which accommodate other Officers, and the Nigerian Maritime Administration and Safety Agency may exempt any ship of under 400 tonness from any of the requirements of sub-paragraphs (a), (b) and sub-paragraphs (k) to (n) inclusive, of this paragraph to the extent to which it is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(5) Any of the equipment referred to in sub-paragraphs (b), (c), (d), (m) and (n) of paragraph (4) of this regulation may be provided in a day room available for the sole use of the officers concerned, instead of their sleeping room, and any of the equipment referred to in sub-paragraphs (e) to (i) inclusive of the said paragraph may be provided in washing accommodation approved for the exclusive use of one officer instead of in the sleeping room of that officer.

(6) Sleeping rooms for apprentices shall so far as is reasonable and practicable in the circumstances be provided with the equipment (other than a book case) referred to in paragraph (4) of this regulation :

Provided that any of the equipment referred to in sub-paragraphs (b), (c), and (d) of the said paragraph may be provided in a study for the sole use of the apprentices instead of in their sleeping rooms.

(7) Subject to the foregoing provisions of this regulation, all lockers, wardrobes, tables, desks, the un-upholstered parts of chairs and settees and similar furnishings provided in compliance with this regulation shall be made of polished hardwood, rustproof metal or other smooth and impervious material not likely to crack, warp or become corroded, and all furniture provided in sleeping rooms shall be so made as not to be likely to harbour vermin.

Mess Rooms.

19.—(1) In every ship to which these Regulations apply, unless the circumstances are such that no members of the crew are required to mess on board, mess rooms shall be provided for the crew and shall be of such dimensions as will be sufficient to accommodate the greatest number of persons likely to use them at any one time.

(2) Separate and appropriate mess rooms shall be provided wherever required by the widely different national habits and customs of groups of persons in the crew.

(3) No mess room shall be combined with a sleeping room, and the Nigerian Maritime Administration and Safety Agency may exempt any ship of under 305 tonnes from the provision of this paragraph if it is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(4) In every ship of 500 tonnes or over the mess rooms provided for ratings shall be separate from those provided for the Master of the ship or for officers.

(5) In every ship of 1,000 tonnes or over a single mess room shall be provided for all officers in the ship :

Provided that the officers may be accommodated in separate mess rooms if their sleeping rooms are in widely separated portions of the ship.

(6) In every ship of 1,000 tonnes or over each of the following classes of ratings shall be provided with mess rooms separate from those provided for the other classes—

- (a) petty officers of the deck department ;
- (b) petty officers of the engine room department ;
- (c) other ratings of the deck department ;
- (d) other ratings of the engine room department.

(7) Subject to the provisions of paragraph (1) of this regulation, the Nigerian Maritime Administration and Safety Agency may permit the provision in any ship of combined mess rooms as follows—

- (a) for petty officers of the deck and engine room departments ;
- (b) or petty officers and other ratings of the same department ;
- (c) for all ratings (other than petty officers) of the deck and engine room departments.

(8) Subject as aforesaid the Nigerian Maritime Administration and Safety Agency may further permit the provision in any ship of a single mess room for all petty officers and other ratings of all departments, if it is satisfied that such an arrangement is preferred either by the owner of the ship or by an organisation which appears to the Nigerian Maritime Administration and Safety Agency to be representative of owners of Nigerian ships, and by an organisation which appears to it to be representative of the seamen concerned.

(9) In every ship of 3,000 tonnes or over, being either—

- (a) a ship other than a home trade ship ; or
- (b) a home trade ship with a catering department of more than 5 persons,

mess rooms shall be provided for ratings of the catering department which shall be separate from those provided for ratings of other departments, unless the Nigerian Maritime Administration and Safety Agency permits a combined mess room for petty officers and other ratings of all departments in accordance with the provisions of paragraph (6) of this regulation.

(10) If in any other ship, a separate mess room is not provided for ratings of the catering department, messing accommodation shall be provided for them in mess rooms provided for other ratings.

(11) Apprentices shall be provided with a separate mess room or with messing accommodation in the officers' mess room.

(12) The Nigerian Maritime Administration and Safety Agency may exempt ---

- (a) any passenger ship ; and
- (b) any ship engaged in the whaling industry,

from the requirements of this regulation to the extent to which it is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

20.—(1) Every mess room forming part of the crew accommodation in a ship to which these Regulations apply shall be provided with sufficient tables to allow a space of at least 16 centimetres measured along the edge of a table for each person likely to use the room at anyone time.

Furniture and
Fittings in
Mess Rooms.

(2) Each table shall be at least 60 centimetres wide if seats are provided on both sides of the table, and at least 38 centimetres wide if seats are provided

only on one side of the table and the table shall be of such a size and so situated as to be readily accessible.

(3) Single chairs shall be provided in the mess room for each person using the room at any one time and such chairs shall be fitted with arm rests unless chairs with arm rests are available in a recreation room for the persons using the mess room :

Provided that settees may be substituted for chairs adjacent to a bulkhead or the ship's side and such settees shall be at least 38 centimetres wide and shall be fitted with upholstered or padded seats covered with material impervious to dirt and moisture, and shall be provided with comfortably shaped backs; and if the mess room is appropriated for use by officers or petty officers, whether or not together with other ratings, the backs of the settees shall also be padded or upholstered and shall be covered with material impervious to dirt and moisture.

(4) Every mess room provided for persons who do not provide their own food shall be fitted with either --

(a) a storage locker or rack in either case capable of holding sufficient mess utensils for those persons ; or

(b) a storage locker at least 38 centimetres by 38 centimetres by 30 centimetres in size for each of those persons.

(5) Every mess room provided for persons who provide their own food shall be fitted with a storage locker for each person which shall be of sufficient size to be capable of containing his mess utensils together with a supply of food sufficient for him for at least 7 days.

(6) All storage lockers provided in compliance with paragraph 4 shall be adequately ventilated, and all storage lockers provided for one person shall be fitted with a lock or hasp for a padlock, and shall be so fixed as to clear the floor by at least 0.3 metres :

Provided that the lockers or racks may be fitted in a pantry, store room or other suitable place outside a mess room, and readily accessible therefrom. No lockers or racks, being lockers or racks intended to contain food, shall be fitted in a sleeping room, not being a sleeping room combined with a mess room.

(7) A dresser, hot-press, sink and boiler or other means from which boiling drinking water shall always be available shall be fitted in each mess room, unless such equipment is fitted in a pantry readily accessible from the mess room or, in the case of a ship of under 1,000 tonnes, in a galley. Such equipment shall be adequate in size for the number of persons likely to use the room at any one time.

(8) If in the case of a mess room provided for officers or petty officers the dresser is fitted in a pantry a sideboard shall be provided in the mess room.

(9) A supply of fresh water shall be laid on to the sink and boiler.

(10) The Nigerian Maritime Administration and Safety Agency may exempt—

(a) any ship of under 1,000 tonnes from the requirement of a hot-press ;

(b) any ship of under 500 tonnes from any of the requirements of paragraphs 7, 8 and 9.

(11) All tables, lockers, dressers and the un-upholstered parts of chairs and settees in the mess room shall be made of polished hardwood, rustproof metal or other smooth and impervious material not likely to crack, warp or become corroded ; and all furniture provided in the mess room shall be so made as not to be likely to harbour vermin.

(12) The Nigerian Maritime Administration and Safety Agency may exempt—

(a) any passenger ship ;

(b) any ship engaged in the whaling industry,

from the requirements of this regulation to the extent to which it is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

21.—(1) In every ship to which these Regulations apply, being a ship of 3048 tonnes or over employed otherwise than as a home trade ship, a smoking room shall be provided for the recreation of the officers, and shall not be combined with a mess room.

Recreation
Spaces and
Studies.

(2) The smoking room shall be provided with tables each having a top approximately 0.37 square metres in area with tub chairs or easy chairs sufficient to accommodate at one time at least one-third of the number of officers for whose use the room is provided, and a bookcase.

(3) In every ship to which these Regulations apply, being a home trade ship of 300 tonnes or over, or a ship of under 3,000 tonnes regularly employed otherwise than as a home trade ship, the mess room provided for the officers shall be available and furnished for use as a smoking room, unless a separate smoking room is provided for their use.

(4) In every ship to which these Regulations apply recreation accommodation shall be provided in a mess room or elsewhere for ratings and shall be conveniently situated and appropriately furnished and where such accommodation is provided elsewhere than in a mess room the seating provided

shall be sufficient to accommodate at one time at least one-third of the number of ratings for whom that accommodation is provided.

(5) The Nigerian Maritime Administration and Safety Agency may exempt any whale catcher from the requirements of paragraph (4) of this regulation.

(6) If more than two apprentices are accommodated in one sleeping room in a ship to which these Regulations apply, a separate room shall be provided in the ship for their use as a study, unless another suitable place is available to them for purposes of study.

(7) In every ship to which these Regulations apply, being a ship of 500 tonnes or over, a bookcase shall be provided for, and shall be accessible to, all members of the crew ; and the Nigerian Maritime Administration and Safety Agency may exempt any whale catcher from the requirements of this paragraph.

(8) In every ship to which these Regulations apply space shall be provided on an open deck for the use of the crew for recreational purposes and the space shall be adequate in area (in so far as the ship allows) having regard to the number of persons in the crew.

(9) Separate and appropriate recreation rooms shall be provided wherever required by the widely different national habits and customs of groups or persons in the crew.

Office
Accommoda-
tion.

22.—(1) In every ship to which these Regulations apply, being a ship of 3000 tonnes or over, and not being a ship used in treating whales or engaged in the carriage of persons employed in catching or treating whales, two separate rooms shall be provided for use as offices and shall be appropriately furnished for that purpose and one of such rooms shall be appropriated for use by the Chief Officer or the officers of the deck department, and the other for use by the Chief Engineer or for the officers of the engine room department.

(2) The office accommodation shall be in a room not used for any other purpose except study :

Provided that an office appropriated solely for use by an individual officer may be combined with the day room of that officer.

Washing
Accommoda-
tion.

23.—(1) In every class of ship to which these Regulations apply each of the following classes of persons shall be provided with washing accommodation separate from that provided for the other classes—

- (a) officers and apprentices ;
- (b) petty officers ;
- (c) ratings other than petty officers :

Provided that the Nigerian Maritime Administration and Safety Agency may, in relation to any ship, permit any combination of the foregoing classes to be treated as one class for the purposes of these Regulations, if it is satisfied that the circumstances so require.

(2) The washing accommodation shall be situated close to the sleeping accommodation of the persons for whose use it is appropriated :

Provided that part of the washing accommodation for ratings of the engine room department may be adjacent to the engine room and stokehold; and the Nigerian Maritime Administration and Safety Agency may exempt any whale catcher from the requirements of this paragraph.

(3) Access to washing accommodation shall not be directly obtained from a mess room or a sleeping room and shall wherever reasonable and practicable in the circumstances be obtained from a passageway:

Provided that access to washing accommodation may be obtained directly from not more than two sleeping rooms accommodating not more than four persons in all, if the washing accommodation is appropriated for use solely by the person or persons accommodated in those sleeping rooms.

(4) The following equipment shall be provided in the washing accommodation for each class of persons referred to in paragraph (1) of this regulation

- (a) one bath or shower for every eight persons ;
- (b) one wash-basin for every six persons ; and
- (c) one mirror suitable for toilet purposes for every six persons,

and each of such classes shall be provided with at least one bath or shower and at least one wash-basin. One additional bath or shower shall be provided for any of such classes in which the total number of persons exceeds by four or more a multiple of eight, and one additional wash-basin shall be provided for any of such classes in which the number of persons exceeds by three or more a multiple of six.

(5) For the purposes of paragraph (4) of this regulation—

- (a) a bath and shower combined shall be deemed to be only a bath ;
- (b) no account shall be taken, in determining the number of baths and showers required, of—
 - (i) any private bath or shower, or
 - (ii) the persons for whose use a private bath or shower is appropriated ;
- (c) no account shall be taken, in determining the number of wash-basins required of—

(i) any private wash-basin, or

(ii) the persons for whose use a private wash-basin is appropriated;

(d) a bath, shower or wash-basin shall be deemed to be private if it is appropriated for the exclusive use of not more than four persons.

(6) The Nigerian Maritime Administration and Safety Agency may exempt from any of the requirements of paragraph (4) of this regulation--

(a) any ship in which the crew number more than 100; and

(b) any passenger ship engaged solely on voyages which are normally of less than 4 hours duration.

(7) The wash-basins shall be made of vitreous china or other material having a smooth and impervious surface not likely to crack, flake or become corroded.

(8) Every wash-basin provided in a passenger ship, being a basin fitted with hot and cold fresh-water taps, shall have a capacity of at least 4.5 litres, and every other wash-basin provided in compliance with these Regulations shall have a capacity of at least 7 litres.

(9) The capacity of wash-basins shall be measured for the purposes of paragraphs (7) and (8) of this regulation to a level at least 4 centimetres below the rim of the bowl.

(10) Every bath shall be at least 1.3 metres in internal length unless it is combined with a shower.

(11) Every bath shall be made of vitreous enamelled iron, or other material having a smooth and impervious surface not likely to crack, flake or become corroded.

(12) The floor area of every shower space shall be at least 0.58 square metres, and each side of the space shall be at least 0.76 metres long.

(13) Baths and showers provided for any class of persons shall be situated in or adjacent to a room containing wash-basins and provided for that class of person.

(14) Screening shall be provided to ensure privacy for any bath or shower which is in the same room as any wash-basin and any other bath or shower, unless the room is appropriated for the sole use of one person.

(15) The screening shall be made of robust and opaque material, and shall be rigid on at least three sides of every bath and shower space and shall, wherever reasonable and practicable in the circumstances, enclose sufficient space to permit a person to dress and undress in comfort therein.

(16) Every wash-basin, bath and shower shall be fitted with an efficient and hygienic discharge system and, in particular, the waste pipes shall be fitted in a manner which will minimise the risk of obstruction and facilitate cleaning.

(17) Every shower space shall be fitted with a handrail, a kerb and individual drainage; and every bath and shower space shall be provided with a grating or mat.

(18) Spring loaded draw off taps for hot and cold fresh water shall be fitted on a bulkhead or partition in every wash room provided for ratings, unless taps for hot and cold fresh water are fitted to each wash-basin in that room; and draw off taps for cold salt water shall be fitted in every such wash room unless there are other adequate means of washing down the room.

(19) The Nigerian Maritime Administration and Safety Agency may exempt

(a) any ship of under 500 tonnes ; and

(b) any whale catcher,

from the requirements of paragraph (18) of this regulation relating to hot water taps to the extent to which it is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(20) Nothing in this regulation shall apply to the washing accommodation forming part of a permanent hospital, and for the purposes of paragraph (4) thereof no account shall be taken of any wash-basin, bath or shower fitted in a permanent hospital.

24. (1) In every ship to which these Regulations apply there shall be available a supply of fresh water sufficient for the wash-basins, baths and showers fitted in compliance with these Regulations.

Supply of
Water to
Washing
Accommoda-
tion.

(2) The supply shall be provided from tanks of a capacity of at least 45.5 litres for each member of the crew for each day likely to elapse between successive replenishments of the water or by other equally efficient means.

(3) If service tanks are fitted for that purpose they shall be directly connected with the ship's main washing water or drinking water storage tanks.

(4) In ships of 1,000 tonnes or over any pumping necessary for the supply of fresh water shall be by mechanical power.

(5) Hot and cold water shall be laid on to all wash-basins, baths and showers fitted in compliance with these Regulations :

Provided that—

(a) in the case of a bath and shower combined, hot and cold fresh water shall be required to be laid on only to the bath or the shower ; and

(b) hot and cold fresh water shall not be required to be laid on to wash-basins provided for the sole use of ratings if it is laid on to spring-loaded draw-off taps in the same room in accordance with paragraph (18) of regulation 23 of these Regulations.

(6) Cold fresh water shall be laid on to any wash-basins which are additional to those required by these Regulations and are fitted in sleeping rooms.

(7) The hot fresh water shall be at a constant temperature of at least 66°C and shall be supplied by thermostatically controlled calorifiers or by other equally safe and efficient means.

(8) Every shower bath shall be provided with an anti-scalding mixture valve, which shall be adjusted so that the temperature of the shower-water (whether salt or fresh) can be varied by the person using a shower over the range of temperatures between the ambient temperature and a temperature of between 42°C and 46°C.

(9) The Nigerian Maritime Administration and Safety Agency may exempt—

(a) any ship of under 500 tonnes ; and

(b) any whale catcher,

from the requirement of this regulation relating to the supply of hot water to the extent to which it is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

Supply of
Drinking
Water.

25.—(1) In every ship to which these Regulations apply a supply of drinking water shall be provided in the crew accommodation from tanks of an adequate capacity for the purpose having regard to the number of persons in the crew and the time likely to elapse between successive replenishment of the water, or by other equally efficient means.

(2) If service tanks are fitted for that purpose they shall be directly connected to the ship's main drinking water storage tanks and, in ships of 3000 tonnes or over, any pumping necessary for the supply of drinking water in crew accommodation shall be by mechanical power.

(3) Cold drinking water shall be laid on to taps in the galleys and pantries, and in the mess rooms provided for those members of the crew for whose use service pantries are not provided.

(4) In every ship to which these Regulations apply, being a ship of 1000 tonnes or over employed otherwise than as a home trade ship, means shall be provided whereby the crew shall obtain access to drinking water which has been cooled by passing it through a cooling-tank or by other suitable means.

26.—(1) In every ship to which these Regulations apply, being a ship of 500 tonnes or over washing troughs or other suitable facilities shall be provided to enable the crew to wash their clothes, and shall be adequate in size and sufficient in number for that purpose.

(2) The troughs shall be made of or coated with hygienic and durable material having a smooth and impervious surface not likely to crack, flake or become corroded and the troughs or other facilities shall be situated in room appropriated for use only as a laundry:

Provided that the troughs or other facilities may be situated in the crew's washing accommodation if the provision of a separate laundry is unreasonable or impracticable in the circumstances and the troughs or other facilities shall be provided with an adequate supply of hot and cold fresh water, and shall be so arranged as to discharge overboard or into an enclosed tank served by a mechanically operated suction pump.

(3) The Nigerian Maritime Administration and Safety Agency may exempt any whale catcher from the requirements of paragraph (2) of this regulation if it is satisfied that the wash-basins provided therein in compliance with regulation 24 of these Regulations are suitable for washing clothes.

(4) In every ship to which these Regulations apply, rooms for drying the crew's clothes shall be provided and shall be separate from sleeping rooms, mess rooms, recreation rooms, offices, store rooms, galleys, pantries and hospitals and shall be fitted with racks or rods with sufficient space having regard to the number of persons in the crew and the duration of the voyages on which the ship is intended to be engaged.

(5) The heating of such rooms shall be capable of being controlled independently of the heating of any other space in the ship, and the exhaust ventilation of such rooms shall be independent of all other spaces in the ship unless it is provided by a trunked mechanical ventilation system:

Provided that in ships of under 500 tonnes drying cabinets or other suitable facilities may be substituted for a drying room.

(6) In every ship to which these Regulations apply adequately ventilated compartments or lockers shall be provided for hanging oilskins and working clothes used by the crew, and separate compartments or lockers shall be provided for officers and ratings.

(7) The compartments or lockers shall be situated outside the sleeping rooms of the crew and in a position readily accessible therefrom; and the Nigerian Maritime Administration and Safety Agency may exempt any ship of under 500 tonnes from any of the requirements of this paragraph; and paragraph (6) of this regulation.

27.—(1) In every ship to which these Regulations apply each of the following classes of persons shall be provided with water closets separate from those provided for the other classes—

- (a) officers and apprentices ;
- (b) petty officers ;
- (c) ratings other than petty officers:

Provided that the Nigerian Maritime Administration and Safety Agency may, in relation to any ship, permit any combination of the foregoing classes to be treated as one class for the purposes of this regulation if it is satisfied that the circumstances so require.

(2) Water closets shall be provided as follows—

(a) one for every eight persons in each of the classes as aforesaid and each of such classes shall be provided with at least one water closet, and one additional water closet shall be provided for any of such classes in which the total number of persons exceeds by four or more a multiple of eight :

Provided that—

(i) in determining the number of water closets required by this sub-paragraph, no account shall be taken of any private water closet, or the persons for whose use a private water closet is appropriated,

(ii) if the number of persons in any class exceeds 100, the number of water closets provided for that class shall be the greater of the following thirteen, or ten, together with four *per cent* of the number of persons in excess of 100, calculated to the next following whole number,

and for the purpose of this sub-paragraph, a water closet shall be deemed to be private if it is appropriated for the sole use of not more than 4 persons; and the Nigerian Maritime Administration and Safety Agency may exempt from the requirements of this sub-paragraph any passenger ship engaged solely in voyages the normal duration of which does not exceed 4 hours;

(b) in addition to the water closets required by sub-paragraph (a) there shall be provided such number of water closets, if any, as is required to increase the total number of water closets provided for the crew to the following—

- | | |
|---|----|
| (i) in ships of 500 tonnes but under 800 tonnes | 3, |
| (ii) in ships of 800 tonnes but under 3000 tonnes | 4, |
| (iii) in ships of 3,000 tonnes or over | 6, |

(b) in determining the number of water closets required by this paragraph no account shall be taken of any water closet forming part of a permanent hospital.

(3) The water closets shall be situated close to the sleeping rooms of the persons for whom they are provided and in particular, a water closet shall be situated close to the sleeping rooms of any radio officers in the crew if such sleeping rooms are in a position remote from other sleeping rooms.

(4) If the entrance to a water closet is from an open deck, the entrance shall, if practicable, be properly screened.

(5) If the means of entry into water closets forming part of the crew accommodation is from a passageway leading to other parts of the crew accommodation, a lobby shall be provided at the entrance of the water closet or, where a lobby is not practicable, a self closing door and any doors between a water closet and a passageway shall be close fitting and without apertures.

(6) The Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirement that the doors shall be close fitting and without apertures to the extent to which it is satisfied that the exhaust ventilation arrangements from the water closet render compliance therewith unnecessary.

(7) Access to water closets shall not be obtained directly from a mess room or sleeping room :

Provided that access to a water closet may be obtained directly from not more than two sleeping rooms altogether accommodating not more than four persons, if the persons so accommodated are three or four in number, the water closet pedestal shall be so screened as to ensure privacy.

(8) Every water closet shall be completely enclosed by bulkheads and shall be provided with exhaust ventilation directly to the open air :

Provided that a water closet may be separated by a partition consisting of steel or other opaque and rigid material open at the top and bottom from—

(a) another water closet ;

(b) a urinal ; or

(c) washing accommodation if the water closet is served by a trunked mechanical ventilation system which effectively removes odours therefrom.

(9) Every water closet shall be so constructed as to facilitate cleaning and not to harbour dirt or vermin.

(10) Subject to the provisions of paragraph (11) of this regulation, every water closet shall be provided with the following—

(a) a water closet pedestal of single type with

- (i) a pan of white vitreous china or other suitable material,
- (ii) a seat of polished hardwood or other suitable material, with an opening of 10 centimetres at the front,
- (iii) a trap with a metal inspection plate, and
- (iv) an efficient ventilator connected to the outlet ;

(b) an adequate flush of water, which shall be always available and supplied through self-closing non-concussive supply valves with a portable seating in metal which is not likely to become corroded ;

(c) a soil pipe not less than 10 centimetres in diameter, so constructed as to facilitate cleaning and minimise the risk of obstruction; the pipe shall have a direct overboard outfall fitted with a storm-valve, unless it is connected with a main sewage outfall by an efficient and hygienic system ;

(d) a device for holding toilet paper ;

(e) a handrail or grip.

(11) Every water closet provided for the exclusive use of such ratings as are referred to in paragraph (2) of regulation 38 of these Regulations shall be designed and equipped in a manner suited to the national habits and customs of those ratings and in particular, shall be provided with—

(a) a water closet pedestal of single type with a trapped pan of white vitreous china or other suitable material ;

(b) an arrangement which automatically flushes the pan at intervals not exceeding 5 minutes and provides a continuous trickle of water ; and

(c) a soil pipe such as is referred to in sub-paragraph (c) of paragraph (10) of this regulation ; and the pipe shall be fitted with a metal inspection plate and efficient ventilation,

and the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirements of this paragraph if it is satisfied that the water closets provided for the aforesaid ratings comply with the requirements of paragraph (10) of this regulation and have been properly adapted so as to be suited to the national habits and customs of those ratings.

(12) The provisions of this regulation shall **not** apply to water closets forming part of a permanent hospital.

Galleys.

28.—(1) Every ship to which these Regulations apply shall be provided with a galley for the preparation of food for the crew, unless the circumstances are such that no members of the crew are required to mess on board.

(2) The galley shall be situated as near as may be to the mess rooms provided for the crew and any necessary equipment shall be provided to enable food to be served hot in the mess rooms under all weather conditions.

(3) The galley shall be situated in a position, which will prevent, as far as is practicable, the entry into the galley of coal dust from coal chutes or bunker hatchways.

(4) There shall be no direct opening between the galley and any sleeping room and the Nigerian Maritime Administration and Safety Agency may exempt any ship of under 500 tonnes from the requirements of this paragraph.

(5) Any galley situated on an open deck shall be provided with weather doors which are horizontally divided into halves, so that the upper half can be opened independently of the lower half, if such a division is necessary for the lighting, ventilation or privacy of the galley or for the service of food therefrom.

(6) Every galley shall, so far as is reasonable and practicable, be lighted by natural lighting from all the sides and from overhead.

(7) Every galley shall be provided with at least three fixed points for artificial lighting, one of which shall be situated close to a cooking range required by this regulation. The Nigerian Maritime Administration and Safety Agency may exempt any ship of under 1000 tonnes from the requirements of this paragraph.

(8) If the galley is situated on an open deck, openings shall be cut in the sides and ends of the galley for ventilation purposes and shall be fitted with dust-tight shutters made of steel or other suitable material and permanently attached to the structure of the galley; and the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirements of this paragraph if it is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(9) Every galley shall be provided with exhaust fans which discharge the fumes into the open air; and the Nigerian Maritime Administration and Safety Agency may exempt from the requirement of this paragraph—

(a) any ship of under 1000 tonnes;

(b) any other ship, if he is satisfied that the galley is so situated that the fumes therefrom can discharge only into the open air.

(10) The floor of the galley shall be provided with gutters and with scuppers which shall be led overboard or to an enclosed tank served by a mechanically operated suction pump and the position and number of the gutters shall be such as will ensure the efficient drainage of the floor.

(11) The cooking appliances in the galley shall be arranged in a manner which will facilitate the cleaning of the galley.

(12) All cupboards and dressers in the galley shall be made of material which is impervious to dirt and moisture and can easily be kept clean and all metal part of the cupboards and dressers shall be rustproof.

(13) The cupboards and dressers shall be so made as not to be likely to harbour dirt or vermin and the bottoms of all the cupboards and dressers shall either be flush with the deck or shall be so fitted as to enable the deck space beneath them to be readily accessible for cleaning.

(14) Every galley shall be provided with such equipment as will enable food in sufficient quantity to be properly and readily prepared for the persons whom the galley is intended to serve, and the cooking utensils to be hygienically cleansed.

(15) Without prejudice to the generality of the preceding paragraph—

(a) every galley shall be provided with one or more cooking appliances with—

(i) a total oven capacity, suitable for roasting and baking, of at least 0.0071 cubic metres, and

(ii) an area of range top-plate or boiling table, amounting to at least 0.028 square metres,

for each person whom the galley is intended to serve ; and the Nigerian Maritime Administration and Safety Agency may exempt any ship from any of the requirements of this sub-paragraph in so far as they relate to cooking appliances in galleys intended to serve more than 60 persons, or to the area of any top-plate or boiling table in which electricity or heat-storage is employed, or to the area of any appliance which the Nigerian Maritime Administration and Safety Agency is satisfied is of unusual design ;

(b) every galley shall be provided with at least the number of ovens and fire-grates specified in the following table—

<i>Number of persons whom the galley is intended to serve</i>	<i>Number of ovens</i>	<i>Number of fire-grates</i>
Not more than 20	1	1
More than 20, but not more than 30 ...	2	1
More than 30 but not more than 60	2	2
More than 60	3	2

Provided that no fire-grate shall be required in a galley fitted only with electric or gas cooking appliances ; and the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirement of a second fire-grate if it is satisfied that adequate heat is readily available from one fire-grate and that adequate provision of spare parts is made for such grate and for any equipment necessary for its proper operation ;

(c) the top-plate of every cooking range shall be at a height which will enable it to be conveniently used by a person of normal standing on the floor of the galley, unless a separate boiling table is provided at such a height ; and the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirements of this paragraph, if it is satisfied that compliance therewith is unnecessary by reason of the voyages on which the ship is intended to be engaged or the national habits and customs of the persons whom the galley is intended to serve.

(16) Salt water taps shall not be fitted over a sink in any galley or other place in which food may be prepared for the crew.

(17) Hot and cold fresh water shall be laid on to a sink in the galley for washing up purposes, and a connection shall be provided on a water pipe in the galley, and shall be suitable for the connection of a hose with which the floor may be scoured.

29.—(1) In every ship to which these Regulations apply, not being a ship in which each member of the crew provides his own food, one or more store rooms shall be provided for the storage of dry provisions for the crew and such rooms shall be fitted with sufficient shelves, cupboards and bins having regard to the maximum period likely to elapse between successive replenishments of stores and to the maximum number of persons for whom food is to be served.

Dry Provision
Store Room.

(2) Every dry provision store room shall be enclosed by bulkheads constructed of steel or other suitable material.

(3) Access to every dry provision store room shall be obtained from a passageway, galley, pantry or another store room, or from a position on an open deck which, in so far as is reasonable and practicable in the circumstances, shall be a protected position.

(4) Every dry provision store room shall be so situated, constructed and ventilated as to avoid deterioration of the stores through heat, draught, condensation or infestation by insects or vermin.

(5) Without prejudice to the generality of the foregoing paragraph, no dry provision store room shall be situated over a boiler room or any other space in which heat is generated or shall adjoin a galley or machinery casing ; and the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirements of this paragraph if it is satisfied that compliance therewith is unreasonable or impracticable in the circumstances and that the dry provision store room is adequately insulated.

(6) No part of a dry provision store room shall be used for the storage of bedding or textiles.

30.—(1) In every ship to which these Regulations apply, refrigerating equipment and cold store rooms shall be provided and shall be, having regard to the period likely to elapse between successive replenishments of stores, adequate for the storage of perishable provisions for the crew. The Nigerian Maritime Administration and Safety Agency may exempt any ship of under 1,000 tonnes from the requirements of this paragraph if it is satisfied that the ship is provided with adequate alternative equipment for the storage of perishable provisions.

(2) Access to every cold store room shall be obtained from a passageway, galley or pantry or from another store room.

31.—(1) Every ship to which these Regulations apply, being a ship (other than a whale catcher or a tug) which is intended to be at sea on any occasion for a continuous period of more than three days with a crew of 15 or more persons, shall be provided with a space appropriated for use as a permanent hospital for the crew and the space so appropriated shall not at any time be used for any purpose other than for the treatment of sick persons.

(2) The Nigerian Maritime Administration and Safety Agency may exempt from the requirement of paragraph (1) any ship engaged only on voyages or excursions wholly between ports within Nigeria.

(3) In every other ship to which these Regulations apply a room shall be appropriated for use, when necessary, as a temporary hospital and when such room is in use as a hospital it shall not be used for any purpose other than the treatment of sick persons.

(4) The Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirement of paragraph (3) of this regulation if it is satisfied that compliance therewith is unnecessary in the circumstances.

(5) Every hospital, whether permanent or temporary, shall be situated in a position, which will ensure the greatest possible quiet and comfort for the patients.

(6) The hospital shall be readily accessible and, in the case of a ship not carrying a duly qualified medical practitioner or duly qualified nurse exclusively employed as a member of the crew, shall be so situated as to be readily accessible from the sleeping accommodation of the Master of the ship or a person appointed by the Master to take charge of the patients and be so situated as to facilitate the proper treatment of patients in all weathers.

(7) The minimum width of the entrance to every permanent hospital shall be 76 centimetres or as near thereto as is practicable in the circumstances and the hospital shall be so arranged that a stretcher can easily be carried into the hospital and placed alongside at least one single-tier bed therein.

(8) The floor covering in every permanent hospital shall, as far as is practicable be free from joints.

(9) Every permanent hospital shall include a hospital ward fitted on at least two sides with side scuttles at least 30 centimetres in diameter and the side scuttles shall be capable of being opened :

Provided that, if it is not practicable to fit a side scuttle on two sides of the hospital ward, a skylight, capable of being opened and of as large a size as is practicable, may be substituted for a side scuttle on one side of the ward; and all side scuttles in the hospital, and any skylight therein which is exposed to the direct rays of the sun, shall be provided with curtains, blinds or jalousies.

(10) The Nigerian Maritime Administration and Safety Agency may exempt from the requirements of paragraph (8) of this regulation—

(a) any ship of under 1000 tonnes ; and

(b) any other ship, if it is satisfied that the permanent hospital therein is fully air-conditioned or served by a trunked mechanical ventilation system.

(11) In addition to any mechanical ventilation required by regulation 12 of these Regulations, every permanent hospital shall be provided with adequate natural supply and exhaust ventilation to the open air by means of ventilators, independent of the ventilators provided for any other space in the ship; and the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirement of this regulation if it is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(12) Every permanent hospital shall be provided with an electric fan, unless it is served by a trunked mechanical ventilation system.

(13) Any radiators in a permanent hospital shall be installed as far away as is practicable from the heads of beds.

(14) In addition to the lighting required by regulation 11 of these Regulations, every permanent hospital shall be provided with a portable electric lamp and with such accessories as are necessary for its use.

(15) In every ship which is required by this regulation to be provided with a permanent hospital at least one bed shall be provided in a hospital ward for every 50, or fraction of 50, members of the crew; and the Nigerian Maritime Administration and Safety Agency may exempt from the requirement of this paragraph any ship carrying more than 300 persons, to the extent to which it is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(16) At least one single tier bed shall be provided in a ward in every permanent hospital and the bed shall, if practicable, be so arranged as to be accessible from both sides and from the foot.

(17) If any beds in the ward are arranged in double tiers, the upper tier shall be hinged or shall be removable.

(18) Subject to the foregoing provisions of paragraphs (16) and (17) of this regulation, the provisions of paragraphs (3) to (13) (a) inclusive and paragraph (12) of regulation 17 of these Regulations shall apply to hospital beds as they apply to beds in a sleeping room.

(19) In every ward in a permanent hospital one of each of the following items of equipment shall be provided for each bed in the hospital ward and shall be within reach of that bed—

(a) a locker approximately 0.0929 metre square by 0.6 metres high, and fitted with a flat top and a shelf ;

(b) a water bottle ; and

(c) a tumbler.

(20) In every ward in a permanent hospital the following items of equipment shall be provided—

(a) seats adequate in number, having regard to the number of beds in the ward ;

(b) a clothes locker additional to that required by paragraph (19) of this regulation, and complying with the specifications set forth in sub-paragraph

(a) (ii) of paragraph (1) of regulation 18 of these Regulations ;

(c) a box cover which will conceal a bed-pan : and

(d) electric bell pushes so arranged as to be within reach of each bed and communicating with the sleeping room of the person in charge of the patients.

(21) A wash basin having a capacity of at least 6.8 litres shall be fitted in every permanent hospital and in ships of 5000 tonnes or over a bath at least 1.3 metres in internal length shall be fitted in washing accommodation forming part of the hospital and adjacent to the hospital ward.

(22) The wash basin and bath shall be made of or coated with hygienic and durable material having a smooth and impervious surface not likely to crack, flake or become corroded and be fitted with an efficient and hygienic discharge system, separate, if practicable, from any other discharge system in the ship and in particular the waste pipes shall be fitted in a manner which will facilitate cleaning.

(23) A scupper at least 5 centimetres in diameter shall be fitted in the lowest part of any room (other than a ward) which contains such wash basin or bath.

(24) The Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirement of a bath in a permanent hospital, if it is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(25) A water closet pedestal shall be fitted as part of every permanent hospital and it shall comply with the following specifications—

(a) it shall be fitted either in a water closet or in washing accommodation forming part of the hospital ;

(b) access to the water closet pedestal (or washing accommodation, as the case may be) shall be obtained directly from the hospital ward or from a lobby forming part of the hospital; and the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirement of this sub-paragraph if it is satisfied that compliance therewith is impracticable in the circumstances, and that the water closet forming part of the hospital is situated sufficiently near to the ward ;

(c) the room in which the water closet is installed shall be provided with a gas-tight, self-closing door unless it is served by a mechanical system of exhaust ventilation, and shall be so constructed as to facilitate cleaning and not to harbour dirt or vermin;

(d) such room shall be ventilated in the manner specified in paragraph (8) of regulation 27 of these Regulations and shall comply with the requirements of paragraph (10) or (11) of the said regulation whichever shall be applicable in the circumstances.

(26) In all ships engaged whether temporarily or permanently on voyages to the Persian Gulf area between the months of May and October inclusive, consideration shall, wherever practicable, be given to the provision in every hospital in every such ship for a means of air-conditioning of sufficient capacity to maintain 28° Centigrade (dry bulb) with 52 *per cent* relative humidity when the ambient conditions are 32° Centigrade (dry bulb) and 78 *per cent* relative humidity and this may be by independent unit.

(27) The Nigerian Maritime Administration and Safety Agency may exempt any ship of under 508 tonnes from any of the requirements of this regulation.

32.—(1) In every ship to which these Regulations apply a medical cabinet shall be provided in a position adjacent to the permanent hospital, if any, required by regulation 31 of these Regulations or near to the sleeping room of the person in charge of sick persons on board and the medical cabinet shall be fitted in a position which is remote from all sources of heat, and will remain dry.

Medical
Cabinet.

(2) The medical cabinet shall be of a size, design and construction suitable for storing the medicines, medical stores and the book of instruction provided in the ship for the benefit of the seamen on board, and in particular, the medical cabinet shall be provided with the following—

(a) an outer door fitted with an efficient lock ;

(b) an inner cupboard fitted with a door and a lock which shall be incapable of being opened by the key to the lock referred to in sub-paragraph (a) of this paragraph ; and such inner cupboard shall be used solely for the storage of poisonous drugs ;

(c) shelves so constructed as to facilitate the identification of medicine stored thereon ;

(d) a dispensing counter or dispensing table, in either case with a surface which can easily be kept clean ;

(e) at least two drawers suitable for the storage of medical stores and used solely for that purpose ;

(f) fittings which will enable hot water bottles to be carried in a hanging position ;

(g) a rack suitable for holding devices for measuring medicines ;

(h) a book containing readily understandable instructions for the use of medicines and medical stores provided for the crew, unless the ship carries a duly qualified medical practitioner as a member of the crew,

and the Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirements of this paragraph to the extent to which it is satisfied that compliance therewith is impracticable having regard to the size or intended service of the ship.

(3) The medical cabinet shall be lighted by an electric light which shall be inside or immediately outside the cabinet, and which will enable all the contents of the cabinet to be clearly seen in the absence of light from any other source.

(4) The medical cabinet and the place in which it is fitted shall be so ventilated as to avoid deterioration of the contents of the cabinet.

(5) The Nigerian Maritime Administration and Safety Agency may exempt from any of the requirements of this regulation any ship of under 500 tonnes, being a ship wholly engaged on voyages or excursions between ports in Nigeria only, if it is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

33.—(1) In every ship to which these Regulations apply, being a ship regularly engaged on voyages to any port to which this regulation relates, the crew accommodation, other than galleys, store rooms and recreation spaces on the open deck shall be provided with protection against the admission of mosquitoes, and such protection shall be provided by means of screens of rust-proof wire or other suitable material which shall be fitted to all side scuttles, natural ventilators, skylights, and doors leading to the open deck.

Protection
from
Mosquitoes.

(2) Any door to which such screens are fitted, being a door at the entrance to a permanent or temporary hospital, shall be of a self-closing type.

(3) The ports to which this regulation relates are the following—

(a) Ports between 20° North Latitude and 20° South Latitude on the coasts of—

(i) Asia, including the East Indian Archipelago and the Philippine Islands, but excluding Aden, Bombay, Madras, Vizagapatam, Colombo, Trincomalee, Singapore, Penang and Port Swettenham,

(ii) Africa, excluding Port Sudan and Massawa,

(b) New Guinea, New Britain, New Ireland, New Hebrides and the Solomon Islands ;

(c) Ports on the coasts of Madagascar.

(4) Any ship the crew accommodation of which is fully air conditioned may not be required to comply with all of the requirements of paragraph (1) of this regulation provided that special locking arrangements are incorporated for all side scuttles and windows, and openings which are required by these Rules as means of escape or those forming permanent openings to the open deck, must however, at all times, be adequately fitted with screens.

34.—(1) The crew accommodation in every ship to which these Regulations apply shall be maintained in a clean and habitable condition, and all equipment and installations required by these Regulations shall be maintained in good working order.

Maintenance
and
Inspection of
Crew
Accommoda-
tion.

(2) Every part of the crew accommodation (not being a store room) shall be kept free of stores and other property not belonging to or provided for the use of persons from whom that part of the accommodation is appropriated, and in particular no cargo shall be kept in any part of the crew accommodation.

(3) The Master of the ship or an officer appointed by him for the purpose shall inspect every part of the crew accommodation at intervals not exceeding seven days, and shall be accompanied on the inspection by one or more members of the crew.

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(4) The Master of the ship shall cause to be entered in the ship's official log book a record of—

(a) the time and date of the inspection ;

(b) the names and ranks of the persons making the inspection ;

particulars of any respects in which the crew accommodation or any part thereof was found by any of the persons making the inspection not to comply with these Regulations.

35. The crew accommodation in every ship to which these Regulations apply shall be inspected by a surveyor of ships whenever—

(a) the ship is registered or re-registered in Nigeria ;

(b) any part of the crew accommodation in the ship undergoes substantial alterations or repairs ;

(c) the number of persons accommodated in any sleeping room is increased above that marked in accordance with paragraph (1) of regulation 15 of these Regulations ;

(d) in the opinion of a surveyor there is reason to believe (whether or not in consequence of a complaint) that any of the provisions of these Regulations has been contravened in respect of that ship, or that any condition subject to which the Nigerian Maritime Administration and Safety Agency has exempted the ship from a requirement of these Regulations has not been satisfied ;

(e) a request for an inspection of the crew accommodation has been made to the Nigerian Maritime Administration and Safety Agency or to a surveyor of ships by or on behalf of the owner of the ship or of any organisation which appears to the Nigerian Maritime Administration and Safety Agency to be representative of the owners of Nigerian ships or the seamen concerned ; or

(f) a complaint has been lodged with a surveyor of ships or with a superintendent or shipping master, which complies with the following requirements—

(i) the complaint shall be in writing, signed by one member of the crew in the case of a ship of under 1000 tonnes, and by three members of the crew in the case of any other ship,

(ii) the complaint shall specify the respects in which it is alleged that the crew accommodation in the ship does not comply with these Regulations,

(iii) the complaint shall be lodged without undue delay,

(iv) the complaint shall be lodged at least 24 hours before the ship is due to sail, unless the ship is in port for less than 24 hours.

36. In respect of any inspection of a ship carried out for the purposes of sub-paragraphs (b), (c) (d), (e), or (f) of regulation 35 of these Regulations, the following fee shall be paid—

	N	k
(a) For each visit to the ship	5,000	00
(b) Maximum total fee in each case	35,000	00

Provided that no fee shall be payable in respect of an inspection made in pursuance of the aforesaid sub-paragraph (f) if the Nigerian Maritime Administration and Safety Agency is satisfied that the inspection was made in consequence of an unjustified complaint.

37.—(1) No accommodation provided in compliance with these Regulations shall be used, or appropriated for use, by passengers. No galley or storeroom provided in compliance with these Regulations shall be used, or appropriated for use, for the preparation or storage of food for passengers.

Accommodation
Shared with
Passengers.

(2) The Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirements of these Regulations, not being requirements relating to sleeping rooms, or office accommodation, to the extent to which it is satisfied that accommodation equal or superior in standard to the accommodation required by these Regulations is available for the use of service of the crew in common with passengers.

38.—(1) The Nigerian Maritime Administration and Safety Agency may exempt—

Additional
Exemptions.

- (a) any ship while under construction ;
- (b) any ship while undergoing trials ;
- (c) any ship of under 200 tonnes ;
- (d) any tug ;
- (e) any ship which, in his opinion, is primarily employed in a harbour, river, estuary, lake or canal ;
- (f) any passenger steamer in respect of which there is in force a passenger certificate of Class III or IV ; and
- (g) any ship engaged in the whaling industry,

from the requirements of these Regulations to the extent to which it is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(2) The Nigerian Maritime Administration and Safety Agency may exempt from the requirements of these Regulations any ship in which by reason of the type of ratings employed, it is necessary to employ a substantially greater

number of ratings than would normally be required, if it is satisfied that the ship is provided with crew accommodation for such ratings that is suited to their distinctive national habits and customs and, in the case of mess rooms, sanitary accommodation and hospitals, is equal or comparable in standard to the crew accommodation required by these Regulations.

(3) The Nigerian Maritime Administration and Safety Agency may, after consultation with the owners of the ship, or such organisation or organisations as appear to him to be representative of owners of Nigerian ships, and with such organisation or organisations as appear to it to be representative of seamen employed in Nigerian ships, exempt any ship from any of the requirements of these Regulations if it is satisfied that corresponding advantages are provided in the ship so that the crew accommodation, considered as a whole is equivalent or superior in standard to that required by these Regulations.

Non-
Deductible
Space.

39. In the measurement of a ship to which these Regulations apply for the purpose of ascertaining her registered tonnage no deduction shall be allowed for—

(a) any space appropriated for the storage of fresh water for the use of the crew ;

(b) any excess in volume of the space appropriated for the storage of provisions (other than fresh water) for the crew over 15 *per cent* of the total volume of the other spaces provided in the ship as crew accommodation and accommodation for the Master of the ship ; and

(c) any space forming part of the crew accommodation which has not been first included in the measurement of the ship's tonnage.

Interpretation.

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

"apprentice" includes a Cadet and a Midshipman ;

"chief officer" includes a first Mate and an only mate ;

"crew" means seamen and apprentices ;

"sanitary accommodation" means washing accommodation and accommodation containing water closets or urinals ;

"trunked mechanical ventilation system" means a system of ventilation complying with the specification set forth in the First Schedule to these Regulations ;

"washing accommodation" does not include—

any sleeping room or hospital ward whether or not provided with a wash-basin, bath or shower ; and

any room appropriated for use only as a laundry ;

"whale catcher" includes a ship engaged in towing whales ;

First Schedule.

"whaling" includes the taking and treatment of seals and walruses, and references to whales shall be construed accordingly.

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41. These Regulations may be cited as the Merchant Shipping (Crew Accommodation) Regulations 2010. Citation.

FIRST SCHEDULE
[Regulations 12 (5)]

TRUNKED MECHANICAL VENTILATION SYSTEM

1. The trunked mechanical ventilation system referred to in regulation 3 and paragraph (5) of regulation 13 of these Regulations (in this Schedule referred to as "the system") shall, in relation to the spaces specified in the second column of Table I annexed hereto, be capable of the respective standards of performance specified in the third or fourth column of that Table, whichever standard shall be the higher in the circumstances :

Provided that nothing in Table I shall be taken to relate to a space specified in the second column of Table II annexed hereto.

2. The system shall, in relation to the spaces specified in the second column of Table II, be capable of the respective standards of performance specified in the third and fourth columns of that Table.

3. If any store room is served by a fan which provides warmed air for any other space, the store room shall be provided with ventilation trunking separate from that serving such other space.

4. The clear area of the exhaust openings provided in conjunction with the system shall be sufficient to ensure that the velocity of air at each exhaust opening does not exceed 305 metres per minute when the system is in operation.

5. The speed of every supply fan forming part of the system shall be capable of being varied, where direct current motors are used.

6. The system shall be quiet in operation.

7. All trunking forming part of the system shall be provided with non-return flaps where such flaps are necessary for the exclusion of effluvia and the preservation of the health of the crew.

8. If the system is designed to circulate heated air as the sole means of heating the crew accommodation, the system shall be sub-divided into sections, which can be separately controlled to the extent necessary to enable a comfortable temperature to be maintained in all parts of the crew accommodation.

TABLE I

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1 Category	2	3 Fresh air changes per minute,	4 Volume of fresh air, in cubic metres per hour. for each person likely to use the room at anyone time.
A	<p>Rooms (other than rooms in Category C) in deck houses above the upper or shelter deck—</p> <p>(a) outside rooms (other than rooms adjoining machinery casing) ;</p> <p>(b) inside rooms and rooms adjoining machinery casing.</p>	<p>10</p> <p>15</p>	<p>1.4</p> <p>1.4</p>
B	<p>Rooms (other than rooms in Category C) in side-to-side super structures above the upper or shelter deck—</p> <p>(a) outside rooms (other than rooms adjoining machinery casing) ;</p> <p>(b) inside rooms and rooms adjoining machinery casing.</p>	<p>12</p>	<p>1.4</p>
C	<p>Mess rooms, smoking rooms and recreation rooms (in each case above the upper or shelter deck)—</p> <p>(a) not adjoining machinery casing ;</p> <p>(b) adjoining machinery casing.</p>	<p>15</p> <p>18</p>	<p>0.75 (a)</p> <p>0.7 (a)</p>

D	Passageways adjoining machinery casings.	4	—
E	Rooms in between decks (including shelter between decks) of ships propelled by internal combustion machinery—		
	(a) rooms clear of machinery casing ;	12	1.4
	(b) rooms abreast of but not adjoining machinery casing ;	12	1.4
	(c) rooms adjoining machinery casing (other than mess rooms, smoking rooms and recreation rooms) ;	18	1.7
	(d) mess rooms, smoking rooms and recreation rooms (in each case adjoining machinery casing).	20	0.8
F	Rooms in between decks (including shelter between decks) of steamships—		
	(a) rooms clear of machinery casing ;	12	1.4
	(b) rooms abreast of, but not adjoining machinery casing ;	15	1.7
	(c) rooms immediately above machinery casing or abreast of and adjoining machinery casing (other than mess rooms, smoking rooms and recreation rooms) ;	18	1.7
	(d) mess rooms, smoking rooms and recreation rooms (in each case adjoining machinery casing).	20	0.8

1. Whatever the number of persons likely to use the room at any one time, the total volume of fresh air per minute shall not be required to be such as would result in more than twenty fresh changes per hour.

TABLE II

1 <i>Category</i>	2	3	4
		<i>Fresh air changes per hour</i>	
		<i>Supply</i>	<i>Exhaust</i>
G	Galleys	20 (c), (d)	40 (d)
H	Sanitary accommodation, drying rooms and pantries.	10	
I	Wards in permanent hospital.	12 or such greater number as would result in the supply of not less than 1.42 cubic metres of fresh air per minute for each bed in the room.	
J	Dry provision storerooms.	Not less than 10 (c) and not more than 20.	

2. Whatever the number of persons likely to use the room at any one time, the total volume of fresh air per minute shall not be required to be such as would result in more than 25 fresh air changes per hour or 15, if at least two sides of the galley are exposed to the weather.

3. The Nigerian Maritime Administration and Safety Agency may exempt any ship from these requirements to the extent that it is satisfied that compliance therewith is unnecessary by reason of the insulation of the equipment in the galley, or by reason of the size of the galley, subject to the provisions of regulation 29 (4) of these Regulations.

SECOND SCHEDULE
[Regulations 7 (3) and 8 (3).]

DECK SHEATHINGS

1. The material referred to in paragraph (3) of regulation 8 and paragraph (3) of regulation 9 of these Regulations (in this Schedule referred to as "the material") shall comply with the following requirements—

(a) *Foothold*—the material, whether wet or dry, shall provide a good foothold.

(b) *Thermal Insulation*—

(i) if the material covers a deck exposed to the weather, it shall provide thermal insulation not less than that provided by a wooden deck 6.35 centimetres thick ;

(ii) if the material covers any other deck, it shall provide a warm and comfortable surface ;

(c) *Fire Resistance*—the material shall be such as will not readily ignite in the position in which it is laid.

(d) *Water Absorption*—the material shall be such that, after being immersed in water for a period of 48 hours, the moisture content of the material will not exceed 7 per cent of its dry weight. The Nigerian Maritime Administration and Safety Agency may exempt any ship from the requirement of this sub-paragraph.

(e) *Adhesion*— the material shall be so laid as to adhere closely under all conditions of service to the surface on which it is laid.

(f) *Non-corrosion*— the material shall not contain any substance, which may cause corrosion of the deck on which it is laid, unless the deck is effectively protected from corrosion by a coating applied for that purpose.

(g) *Danger to persons*—the material shall be such as will not produce any injurious effect upon persons who may come in contact with it.

(h) *Resistance to wear and weather*— the material shall be sufficiently hard and strong to withstand all conditions of service and shall be sufficiently flexible to prevent cracking under those conditions.

2. If the material is laid in a permanent hospital, it shall be material not likely to be damaged by surgical spirit or other liquids, which may be used in the hospital.

3. If the material is laid on the crown of an oil fuel tank, the material shall be such that if it is immersed in fuel oil for a period of 24 hours at a temperature of 65°C the weight of the material will not increase by more than 1 per cent and the material will not be penetrated by the oil.

THIRD SCHEDULE

[Regulation 7(3)]

INSULATING MATERIAL FOR THE UNDERSIDE OF DECKS

The insulating material referred to in paragraph (3) of regulation 8 of these Regulations (in this Schedule referred to as "the material") shall comply with the following requirements—

(a) *Thermal Insulation*—the material shall provide thermal insulation not less than that provided by a wooden deck 13 cm thick.

(b) *Fire Resistance*—the material shall be such as will not readily ignite in the position in which it is laid.

(c) *Adhesion*—the material shall be so laid as to adhere closely under all conditions of service to the deck under which it is laid.

(d) *Non-corrosion*—the material shall not contain any substance which may cause corrosion of the deck under which it is laid, unless the deck is effectively protected from corrosion by a coating applied for that purpose.

FOURTH SCHEDULE

[Regulation 16.]

Marking

PART I

MARKINGS FOR SLEEPING ROOMS

Certified for (a)* seamen.

Certified for (b)* seamen.

Certified for (a)* seamen or (b)* seamen.

PART II

MARKINGS FOR SPACES OTHER THAN SLEEPING ROOMS

Certified for Chief Officer (c) *

Certified for Officers.

Certified for Petty Officers.

Certified for Apprentices.

Certified for Crew.

(a)* There shall here be inserted the maximum number of seamen who may be accommodated in the room in accordance with these Regulations when it is not appropriated for use solely by such ratings as are referred to in regulation 38(2).

(b)* There shall here be inserted the maximum number of seamen who may be accommodated in the room in accordance with these Regulations when it is appropriated for use solely by such ratings as are referred to in regulation 38(2).

(c)* In the case of a room intended for the sole use of any other Officer the rank of that Officer shall here be substituted.

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

IBRAHIM ISA BIO
Minister of Transportation

**MERCHANT SHIPPING (CIVIL LIABILITY FOR OIL
POLLUTION DAMAGE AND COMPENSATION)
REGULATIONS 2010**



ARRANGEMENT OF REGULATIONS

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SCHEDULES

FIRST SCHEDULE

CERTIFICATE OF INSURANCE AND OTHER FINANCIAL SECURITY IN RESPECT OF
CIVIL LIABILITY FOR OIL PRODUCTION DAMAGE

SECOND SCHEDULE

OIL REPORT FORM

MERCHANT SHIPPING ACT

(2007 No. 27)

Merchant Shipping (Civil Liability for Oil Pollution Damage and Compensation) Regulations 2010

[9th March, 2010]

Commence-
ment.

In exercise of the powers conferred upon me by Sections 335(1), 335(3) and Sections 434 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—APPLICATION

1. For ships other than Convention ships, these Regulations shall apply in respect of actual or anticipated pollution damage, irrespective of the actual or anticipated discharge of the pollutant and irrespective of the location where any preventive measures are taken to prevent or minimize such damage,

Geographical
Application-
General.

(a) on the territory of Nigeria or in Nigerian waters ; or

(b) in the exclusive economic zone of Nigeria.

2. For Convention ships, these Regulations shall apply in respect of actual or anticipated pollution damage, irrespective of the actual or anticipated discharge of the pollutant and irrespective of the location where any preventive measures are taken to prevent or minimize such damage,

Geographical
Application-
Convention
Ships.

(a) on the territory of Nigeria or in Nigerian waters ; or

(b) in the exclusive economic zone of Nigeria ;

(c) on the territory or in the territorial sea or internal waters or the exclusive economic zone of a country other than Nigeria which is a party to the Civil Liability Convention ; or

(d) if the country has not established an exclusive economic zone, in an area beyond and adjacent to the territorial sea of that country and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured.

3.—(1) These Regulations do not apply to a drilling ship on location and engaged in the exploration or exploitation of the seabed or its subsoil in so far as a discharge of a pollutant emanates from these activities.

Exceptions.

(2) These Regulations do not apply to a floating storage unit or floating production storage and offloading unit unless it is carrying oil as a cargo on a voyage to or from a port or terminal outside an offshore oil field.

PART II—CIVIL LIABILITY FOR POLLUTION DAMAGE

Liability for
Pollution
Damage and
Related Costs.

4.—(1) The following provisions shall, subject to regulation 5 of these Regulations, have effect in relation to pollution damage in Nigeria which is caused by a ship carrying oil in bulk as cargo, whether such ship is within or outside Nigeria :

(a) save as is otherwise provided by this Regulation, the owner of a ship at the time of the incident or, where the incident consists of a series of occurrences, at the time of the first of the occurrences, which caused pollution damage, shall be liable for such damage ;

(b) for costs and expenses incurred by—

(i) the Minister,

(ii) a response organization within Nigeria

(iii) any other person in Nigeria ; or

(iv) any person in a Country other than Nigeria, that is a party to the Civil Liability Convention,

in respect of measures taken to prevent, repair, remedy or minimize oil pollution damage from the ship, including measures taken in anticipation of a discharge of oil from the ship, to the extent that the measures taken and the costs and expenses are reasonable, and for any loss or damage caused by those measures;

(c) in any case where pollution damage results from the discharge of oil from two or more ships, the owner of each ship concerned shall, save as is otherwise provided by this Regulation, be jointly and severally liable for all such damage in so far as such damage is not reasonably severable;

(d) an owner of a ship shall not incur any liability for pollution damage otherwise than under this paragraph ; and

(e) the servant or agent of the owner of a ship shall not be liable for pollution damage caused by that ship.

(2) Nothing in these Regulations shall operate so as to prejudice any right of action which the owner of a ship may have in respect of an incident against any third party.

Liability for
Environmental
Damage.

5. If oil pollution damage from a ship results in impairment to the environment, the owner of the ship is liable for the costs of reasonable measures of reinstatement actually undertaken or to be undertaken.

Exemption
from Liability
for Pollution
Damage.

6. The owner of a ship which has caused pollution damage shall not be liable for such damage if he proves that the discharge of oil which caused the damage -

(a) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character ; or

(b) was due wholly to anything done, or left undone, by any other person (other than a servant or agent of such owner) with intent to do damage ; or

(c) was due wholly to the negligence or wrongful act of any government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

7. Where pollution damage is caused in Nigeria and in one or more convention countries by a ship carrying oil in bulk as cargo, whether such ship is within or outside Nigeria, and the owner of such ship is liable for such damage pursuant to regulation 4 of these Regulations, and where the owner of such ship is liable for such damage under the law of any other convention country, the liability for such damage shall be regarded, for the purposes of these Regulations and for the purposes of any legal proceedings under these Regulations in relation to such damage, as having been incurred in Nigeria.

Liability for
Pollution
Damage in
Nigeria and
another
Country.

8. The ship-owner shall be entitled to limit his liability to an amount calculated on the basis of the tonnage of the ship in respect of an incident if the ship has a gross tonnage --

Limitation of
Liability—
Convention
Ships.

(a) of not more than 5,000 tonnes, the limit shall be 4,510,000 units of account ;

(b) between 5,000 tonnes and 140,000 tonnes, the limit shall be 4,510,000 units of account for the first 5,000 tonnes plus 631 units of account for each additional tonnes ; and

(c) of 140,000 and above, the limit shall be 89,770,000 units of account.

9. The maximum liability under regulation 7 of these Regulations of an owner of a ship other than a convention ship in respect of an incident shall be as determined in accordance with Part XXV, section 351 of the Act.

Limitation of
Liability—
other Ships.

10. The ship-owner shall be deprived of the right to limit his liability under regulation 9 of these Regulations if it is proved that the actual or anticipated oil pollution damage resulted from his personal act or omission, committed with the intent to cause the oil pollution damage or recklessly and with knowledge that the oil pollution damage would probably result.

Conduct
Barring
Limitation.

11. The ship-owner shall constitute a fund for the total sum representing the limit of his liability with the court or Nigerian Maritime Administration and Safety Agency or a competent Authority of a Convention State in which the action is brought.

Constitution
of a Fund.

Determination
by Court of
Amount of
Liability.

12.—(1) Where the owner of a ship has, or is alleged to have incurred liability for pollution damage under these Regulations, he may apply to the court for an order limiting his liability for such damage to an amount calculated in accordance with the provisions of regulation 8 of these Regulations.

(2) If, on the hearing of an application under paragraph (1) of this regulation, the court finds that the applicant—

(a) has incurred liability for pollution damage ; and

(b) is entitled to limit his liability in accordance with these Regulations,

the court shall order the payment into court of the amount of a limit of liability so determined and the payment shall be made in Nigerian currency or its equivalent in foreign currency.

Distribution
of Fund.

13. The Court, after determining the limit of the liability of the ship-owner and after ordering the payment into Court of any amount so determined, shall—

(a) determine the amounts (if any) due to any person or persons making a claim against such owner in respect of incident ; and

(b) direct, subject to the subsequent provisions of this paragraph, that the amount paid into court be distributed in proportion to their respective claims.

Bar to other
Actions.

14. Where a Limitation Fund has been constituted in accordance with regulation 11 of these Regulations, any person having made a claim against the fund shall be barred from exercising any right in respect of such claim against any other assets of a person by or on behalf of whom the fund has been constituted.

Conversion
of Fund.

15.—(1) For the purpose of converting such an amount from special drawing rights into Nigerian currency, one special drawing right shall be treated as equal to such a sum in Nigerian currency as the International Monetary Fund have fixed as being the equivalent of one special drawing right for --

(a) the day on which the determination is made ; or

(b) if no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed.

(2) A certificate given by or on behalf of the Central Bank of Nigeria and stating that—

(a) a particular sum in Nigerian currency has been so fixed for the day on which the determination was made ; or

(b) no sum has been so fixed for that day and that a particular sum in the Nigerian currency has been so fixed for a day which is the last day for which a sum had been so fixed before the day on which the determination was made,

shall be evidence until the currency is proved of those matters for the purposes of these Regulations.

(3) A document purporting to be such a certificate shall, in any proceedings, be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

16.—(1) All Nigerian Flag ships carrying in bulk cargo of more than 2,000 tonnes of oil shall be required to maintain an insurance or other financial security, such as the guarantee of a bank or a certificate delivered by an International Compensation Fund, in the sum fixed by applying the limits of liability prescribed in Part III of these Regulations, to cover his liability for any pollution damage.

Compulsory
Insurance for
Convention
Ships.

(2) The ship-owner shall belong to an International Group of Protection and Indemnity (P and I) Club.

(3) All ships shall carry on board a certificate attesting that the requirements in paragraphs (1) and (2) of this regulation have been complied with. The certificate must be :

(a) if the ship is a Nigerian flagged ship, a certificate issued by the Minister ;

(b) if the ship is registered in a Convention Country other than the Federal Republic of Nigeria, a certificate issued by or under the authority of the Government of the Convention Country ;

(c) if the ship is registered in a Country which is not a Convention State, a certificate issued by the Minister or by or under the Authority of the Government of any Convention Country other than the Federal Republic of Nigeria.

(4) Any certificate required by this section in relation to the existence of a contract of insurance or other financial security in respect of a ship shall be carried on board the ship and shall, on demand, be produced by the master of the ship to any duly authorised inspector.

(5) If a ship enters or leaves, or attempts to enter or leave, a port, or arrives at or leaves, or attempts to arrive at or leave, a terminal installation or offshore terminal in Nigeria in contravention of this section, the owner and master of the ship shall each be guilty of an offence and liable on conviction to a fine not less than ₦50 million.

(6) If a ship fails to carry a certificate on board as required by this section or if the master of the ship fails to produce such certificate on demand by a duly authorised inspector, the master shall be guilty of an offence and liable on conviction to a fine not less than ₦25 million.

(7) If a ship attempts to leave a port, terminal installation or offshore terminal in Nigeria in contravention of this regulation, the ship may be stopped and detained by a duly authorised inspector.

(8) If a ship which has been detained by a duly authorised inspector, pursuant to paragraph (7) of this regulation leaves or attempts to leave a port, terminal installation or offshore terminal otherwise than in accordance with the provisions of these Regulations, the master of the ship shall be guilty of an offence and on conviction liable to a fine of ₦25 million.

Compulsory
Insurance for
other Ships.

17. All Nigerian flagged ships carrying in bulk cargo of less than 2,000 tonnes of oil shall be required to maintain insurance or other financial security, such as the guarantee of a bank or a certificate delivered by an international compensation fund, in the sum equivalent to the ship's liability under regulation 7 of these Regulations.

Application
for Issuance of
Certificate.

18. Application to obtain the certificate stipulated in regulation 16 (3) shall be made to the Minister and such application shall be accompanied with a *blue card* address to the Minister and duly signed by the ship insurer.

Issuance of
Certificate by
Minister.

19.—(1) On an application to the Minister for a certificate in respect of a Convention ship registered in Nigeria or in a non Convention State, the Minister shall, subject to paragraph (2) of this regulation, issue such a certificate to the owner of the ship if the Minister is satisfied that a contract of insurance or other security satisfying the requirements of Article VII of the Civil Liability Convention shall be in force in respect of the ship throughout the period for which the certificate is issued.

(2) The Minister may refuse to issue the certificate referred to in paragraph (1) of this regulation if he believes that the guarantor will be unable to meet its obligations under the contract of insurance or other security referred to in subsection (1), or that the insurance or other security will not cover the owner's liability under regulation 7 of these Regulations.

Revocation
and
Cancellation
of Certificate
of Insurance.

20. The Minister may revoke a certificate issued pursuant to regulation 19 of these Regulations, if he believes that the information given in support of the application was false and such certificate shall be delivered to the appropriate authority. Failure by the ship-owner to deliver up the certificate so revoked shall attract a fine not less than ₦5 million.

Liability of
Guarantor.

21. Where it is alleged that the owner of a ship is liable for pollution damage under regulation 4 of these Regulations, and the ship at the time of the incident has on board a valid certificate of insurance or other security issued under regulation 19 of these Regulation, proceedings may be brought against the guarantor to enforce a claim in respect of any such damage.

22.—(1) A claim shall not be admitted by the court under these Regulations unless such claim is made within three years after the date on which the pollution damage occurred and not later than six years after the date of the incident which occasioned the damage.

Extinguishment
of Claim.

(2) Where the incident occasioning the damage consists of a series of occurrences, a claim shall not be admitted in any Court under these Regulations except such claim is made within six years from the date of the first of those occurrences.

23.—(1) Without prejudice to any power to detain a ship contained in any other enactment, a duly authorised inspector may stop or detain a ship in any port in Nigeria if it appears to the inspector that the owner of the ship has incurred a liability under regulation 4 of these Regulations for pollution damage caused by any ship which he owns.

Power to Stop
or Detain
Ship.

(2) Where the Court has determined that a person, who has incurred a liability for pollution damage under regulation 4 of these Regulations, is entitled to limit his liability, and such person has paid into Court a sum not less than the amount determined by the Court to be the limit of his liability, then—

(a) the Court shall, on application by or on behalf of the owner, order the release of any ship detained under this section in respect of any liability for pollution damage, or, as the case may be, the release of any security given to prevent, or obtain release from, such arrest, and

(b) a judgment or decree in relation to any claim for damages for pollution damage shall not be enforced, except in so far as such judgment or decree relates to costs.

(3) If a ship which has been detained pursuant to this section leaves, or attempts to leave, any port, terminal installation, offshore terminal or any other place in Nigeria otherwise than in accordance with the provisions of these Regulations, the owner and the master of the ship shall each be guilty of an offence and may be liable on conviction to a fine not less ₦5 million naira and the ship may be further detained by a duly authorised inspector anywhere in Nigeria.

24.—(1) The Federal High Court shall exercise jurisdiction *in rem* against any ship which is the subject of a claim or against any proceeds of sale of such ship that has been paid into the court.

Exercise of
Jurisdiction in
Rem.

(2) No action *in rem* shall be commenced against—

(a) a war ship, coastguard ship, or police vessel ;

(b) a ship owned or operated by the Federal or State Government if the ship is engaged on government service ; or

(c) a ship owned or operated by the Government of a Convention Country or any cargo carried on such ship with respect to a claim if at the time the claim arose or the action is commenced the ship was being used exclusively for Government non-commercial purposes.

Recognition
and
Enforcement
of Foreign
Judgment.

25.—(1) If a foreign judgment has been rendered, the judgment creditor may at any time during which the foreign judgment is enforceable in the State in which it was rendered, apply to the Federal High Court in accordance with its rules to have the foreign judgment registered in that Court.

(2) Subject to paragraphs (3) and (4) of this regulation, the court may on application made under paragraph (1) of this regulation, order the registration of the foreign judgment if it is satisfied that—

(a) a case for registration has been established ; and

(b) the foreign judgment is not under appeal and is no longer subject to appeal in the Country in which it was rendered.

(3) If, under the rules of the Court, the judgment debtor appears at the hearing of an application made under paragraph (1) of this regulation, the court may not order the registration of the foreign judgment if it is satisfied that—

(a) the foreign judgment has been fully satisfied ;

(b) the foreign Court acted without jurisdiction ;

(c) the foreign judgment was obtained by fraud ; or

(d) the defendant in the foreign action was not given reasonable notice and or a fair opportunity to present their case.

PART III—INTERNATIONAL OIL POLLUTION COMPENSATION FUND

Legal
Capacity of
the
International
Fund.

26. For the purposes of the rights and obligations described in these Regulations, the Fund shall have the capacity, rights and obligations of a natural person in all legal proceedings before the Court in Nigeria, and the Director of the Fund shall be its legal representative.

Liability of
the Fund.

27.—(1) Subject to the provisions of these Regulations, the Fund shall be liable for pollution damage in Nigeria caused by the discharge of oil from ship carrying oil in bulk as cargo, whether such ship is within or outside Nigeria.

(2) The Fund shall be liable for pollution damage in any case where—

(a) a liability for damages does not arise under regulation 4 of these Regulations, or

(b) the person who suffered the damage has been unable, after taking all reasonable steps to pursue every legal remedy available to him, to obtain

full satisfaction of the amount of compensation due to him under these Regulations; or

(c) the owner of the ship concerned has limited his liability under these Regulations and the amount of compensation due exceeds such limit.

28.—(1) The Fund shall not be liable for pollution damage if it is proved that the discharge of oil which caused the pollution damage resulted from an act of war, hostilities, civil war or insurrection or was caused by oil which has escaped or been discharged from a warship or other ship owned or operated by the Federal Government of Nigeria or a State or by a Convention Country and used, at the time of the incident for government non-commercial service.

Circumstances
in which the
Fund is not
liable.

(2) The Fund may be wholly or partly relieved from liability for pollution damage if it is established that the discharge of oil which caused the pollution damage was due wholly or partly to—

(a) anything done or left undone by the person who suffered the pollution damage with intent to cause damage ;

(b) the negligence of the person who suffered the pollution damage :

Provided that this section shall not apply to the cost of any reasonable measures taken after an incident has occurred to prevent or to minimise pollution damage.

(3) Subject to paragraph 4 and (5) of this regulation, the Fund shall, in accordance with the provisions of these Regulations, indemnify the owner of a ship or his guarantor against his liability under paragraph 1 or 4 of this regulation.

(4) A liability shall not be imposed on the Fund under paragraph (3) of this regulation in any case where it is established that the pollution damage resulted from the wilful misconduct of the owner of the ship.

(5) The Fund may be wholly or partly relieved from its liability under paragraph (3) if it is established that, because of the actual fault or privity of the owner of the ship, the pollution damage was wholly or partly occasioned by the non-compliance with the provisions of any Convention in relation to :

(a) safety at sea ; or

(b) pollution of the sea,

which may be specified by, or in accordance with, the Fund Convention.

29. The fund's liability under regulation 27 of these Regulations shall be subject to the limits imposed by paragraphs 4 and 5 of Article 4 of the Fund Convention; and in those provisions references to the liability convention are references to the Liability Convention within the meaning of these Regulations.

Extent of
Liability of
the Fund.

Limitation on
Actions
against the
Fund.

30.—(1) Subject to paragraph (2) of this regulation, no action shall be brought against the Fund—

(a) after three years from the date on which the pollution damage occurred unless action for compensation has commenced under these Regulations against the owner of the ship or his guarantor and the Fund duly notified by any part thereto ; or

(b) after six years from the date of the incident which caused the pollution damage :

Provided that, where the incident causing the pollution damage consists of a series of occurrences, the period of six years specified in this paragraph shall be deemed to commence on the occurrence of the first of the incidents.

(2) The right of the owner of a ship or his guarantor to seek indemnification from the Fund pursuant to *Section 14 (5)* of (the Act) shall not, in any case, be extinguished before the expiry of a period of six months after the date on which such owner or his guarantor first became aware that a claim for damages under the Act was brought against him.

Pollution
Damage in
Nigeria and
other
Countries.

31. Where an incident which results in the Fund being liable for compensation or indemnity under these Regulations occasions pollution damage in the territory of Nigeria and in one or more other Convention Countries, proceedings under these Regulations may be taken, and the incident may for all incidental purposes be treated as having occurred, in any place in the territory of Nigeria.

Claims by the
Federal or
State
Government.

32.—(1) The Federal or State Government may be party to any claim for compensation for pollution damage against the owner of a ship or his guarantor or against the Fund either under these Regulations or under the corresponding law in any Convention Country.

(2) Any claim brought on behalf of the Federal or State Government under paragraph (1) of this regulation may be brought and prosecuted by the Minister.

(3) Any claim brought on behalf of the Federal or State Government under paragraph (1) of this regulation may include a claim for any amount paid by such government to any person who has suffered pollution damage in the territory of Nigeria or in any other Convention Country as a result of an incident in respect of which the claim is made.

Court
jurisdiction in
relation to the
Fund.

33.—(1) The Federal High Court shall be competent to entertain all actions against the Fund in Nigeria for compensation for oil pollution damage arising under article 4 of the Fund Convention as if such action had been brought against the ship owner who is or would have been liable for pollution damage caused by the relevant incident.

(2) The Federal High Court shall have exclusive jurisdiction to entertain all actions for compensation against the Fund brought under article 4 of the Fund Convention.

(3) Where the Federal High Court is seized of an action against the ship-owner or his guarantor for compensation for oil pollution damage, the court shall also have exclusive jurisdiction over any or all actions against the Fund for compensation in respect of the same incident.

(4) The Fund shall have the right to intervene as a party to any legal proceedings instituted in accordance with Article IX of the Liability Convention before the Federal High Court in Nigeria against a ship-owner or his guarantor; provided that the Fund shall not be bound by any judgment or decision arising from a proceedings or settlement in which it is not a party.

(5) Where an action for compensation for pollution damage is instituted against a ship-owner or his guarantor before the Federal High Court, each party to the action is entitled under Nigeria law to notify the Fund of the proceedings and any judgment rendered by the Court in such proceeding shall become binding upon the Fund ; provided that the Fund was duly notified in accordance with the relevant rules of Court and had the opportunity to intervene as a party to the proceedings notwithstanding that it did not actually intervene.

34. Any final judgment rendered by the Federal High Court under regulation 33 of these Regulations shall be recognised and enforceable in each Convention State except where—

Recognition
and
Enforcement
of Judgment.

(a) the judgment was obtained by fraud ; or

(b) the defendant was not given reasonable notice and a fair opportunity to present his case.

35. Where the Federal Government of Nigeria or its relevant Agency has paid compensation for pollution damage in accordance with the relevant Nigerian law, it shall acquire by subrogation the rights which the person so compensated would have enjoyed under the Fund Convention.

Right of
Subrogation of
the Fund.

36.--(1) It shall be the duty of any importer or receiver of crude oil to submit to the Minister in respect of each import or receipt, a report of the volume of crude oil and fuel oil so imported or received by such person immediately after carriage by sea into ports, terminal installations and offshore terminals in the territory of Nigeria.

Report of
Volume of
Crude Oil
Carried by
Sea.

(2) The importer or receiver shall submit annually detailed documentation of all crude and fuel oil received or imported for each calendar year.

37. Any person who—

Non
submission of
Oil Report.

(a) fails to submit to the Minister, the oil report specified in regulation 36 (1) and (2) of these Regulations ;

(b) submits the report later than the prescribed time ; or

(c) submits a false oil report,

shall be guilty of an offence and is liable on conviction to a fine not less than ₦100 million.

Submission of
Oil Report to
the Fund.

38. It shall be the duty of the Minister to submit the report received under regulation 36 of these Regulations to the Fund Secretariat.

Contribution
to the Fund.

39.—(1) An importer or receiver who is one calendar year received 150,000 tonnes of crude oil or more shall pay to the Fund in such manner and on or before such date as may be prescribed, such sums as may be determined by the Assembly of the Fund Convention and certified by the Director of the Fund.

(2) The sum payable shall be determined in accordance with the report submitted by the Minister under regulation 38 of these Regulations.

(3) If any person fails to pay to the Fund any sum due and payable by him under paragraph (1) of this regulation, the Director of the Fund may recover such sum together with interest thereon as a contract debt; from such person in any court of competent jurisdiction. The interest rate shall be such as may, from time to time, be determined by the Assembly of the Fund Convention.

(4) Any person who fails to make the payment specified in paragraph (1) of this regulation to the Fund, shall be guilty of an offence and is liable to a fine of ₦50 million.

PART IV—CLAIMS

Who can make
a Claim ?

40. Anyone who has suffered pollution in the territory of Nigeria or any other Convention Country may make a claim for compensation and claimants may be private individuals, partnerships, companies, private organisations or public bodies, including States or local authorities.

To whom
should a
claim be
Submitted ?

41.—(1) All claims shall be submitted to the ship-owner or his Protection and Indemnity Club through the office of the Protection and Indemnity Club's correspondent closest to the incident location.

(2) Claimants shall notify the Minister ;

(3) Claimants who wish to claim directly against the 1992 Fund should submit their claims to the following address :

International Oil Pollution Compensation Fund
Portland House
Stag Place
London SW1E 5PN
United Kingdom

Telephone: +44 (0)20 7592 7100

Telefax: +44 (0)20 7592 7111

E-mail: info@iopcfund.org

42.—(1) Claims shall be made in writing (including telefax or electronic mail). Where appropriate, the claimant shall collect claims forms from the Protection and Indemnity Club or the Fund to assist in the presentation of claims.

How should a
Claim be
Presented ?

(2) Claims shall be presented clearly and with sufficient information and supporting documentation to enable the amount of the damage to be assessed.

(3) Each item of a claim must be substantiated by an invoice or other relevant supporting documentation, such as work sheets, explanatory notes, accounts and photographs.

43. Each claim should contain the following basic information—

What
information
should a claim
contain ?

(a) the name and address of the claimant, and of any representative ;

(b) the identity of the ship involved in the incident ;

(c) the date, place and specific details of the incident, if known to the claimant, unless this information is already available to the 1992 Fund ;

(d) the type of pollution damage sustained ; and

(e) the amount of compensation claimed,

where appropriate additional information may be required for specific types of claim.

44.—(1) Claimants should submit their claims as soon as possible after the damage has occurred.

Within what
period should
a claim be
made ?

(2) A claimant shall lose the right to compensation except the action is commenced or formal notification is made to the Fund of action against the ship-owner or his insurer within 3 years.

45. In these Regulations, unless the context otherwise requires

Interpretation.

“Act” means the Merchant Shipping Act ;

“Civil Liability Convention” means the International Convention on Civil Liability for Oil Pollution Damage, concluded in Brussels on November 29, 1969, as amended by the Protocol concluded in London on November 19, 1976 and the Protocol concluded in London on November 27, 1992 and includes any Convention or Protocol which has been ratified by Nigeria and which amends or extends that Convention ;

“company” means a body incorporated under the laws of the Federal Republic of Nigeria or of any other country ;

"contributing oil" means crude oil and fuel oil as defined in sub-paragraphs (a) and (b) below:

(a) "crude oil" means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation, and include—

(i) crude oils from which distillate fractions have been removed ; and

(ii) crude oils to which distillate fractions have been added ;

(b) "fuel oil" means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the "American Society for Testing and Materials' Specification for Number Four Fuel Oil (Designation D 396-69)", or heavier ;

"Convention Country" means, as the context may require a State (other than Nigeria) which has been declared to have accepted the Liability Convention or the Fund Convention or any Convention or Protocol amending or extending those Conventions and which has not been subsequently declared to have denounced either of those Conventions ;

"Convention ship" means a seagoing vessel wherever registered

(a) carrying, in bulk as cargo, crude oil, fuel oil, heavy diesel oil, lubricating oil or any other persistent hydrocarbon mineral oil, or

(b) on a voyage following any such carriage of such oil, unless it is proven that there is no residue of the oil on board ;

"court" or "court of competent jurisdiction" means the Federal High Court or a judge thereof or any Court having particular jurisdiction for the purpose of these Regulations ;

"discharge" in relation to—

(a) a pollutant, means any discharge of the pollutant that directly or indirectly results in the pollutant entering the water, and includes spilling, leaking, pumping, pouring, emitting, emptying, throwing and dumping ;

(b) oil, means any discharge or escape of oil however caused, while "discharge or escape" in relation to pollution damage, means the discharge or escape of oil from the ship ;

"foreign judgment" means a judgment of a Court of a State other than Nigeria that is a party to the Civil Liability Convention ;

"Fund Convention Country" means a Country in respect of which the Fund Convention is in force ;

"Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution

Damage, 1971, done at Brussels on the 18th day of December, 1971, and includes any Convention or Protocol which has been ratified by Nigeria and which amends or extends that Convention ;

“*Fund*” means the International Oil Production Compensation Fund 1992 ;

“*guarantor*” means any person providing insurance or other financial security to cover the liability of the owner of a ship in relation to oil pollution damage ;

“*importer*” means the person by whom or on whose behalf the oil in question is entered for customs or excise purposes on importation, and “*import*” shall be construed accordingly ;

“*in bulk*” means in a hold or tank that is part of the structure of a ship, without any intermediate form of containment ;

“*incident*” means any occurrence, or series of occurrences having the same origin, resulting in pollution damage or creates a grave and imminent threat causing such damage ;

“*judgment creditor*” means a person in whose favour a foreign judgment was rendered, and includes the person’s assigns, heirs, executors, liquidators of the succession, administrators and other legal representatives ;

“*judgment debtor*” means a person against whom a foreign judgment was rendered, and includes a person against whom the foreign judgment is enforceable under the law of the state in which it was rendered ;

“*master*”, in relation to a ship, means the person having, for the time being, the command or charge of the ship ;

“*Minister*” means the minister charged with responsibility for water transportation ;

“*oil*” means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil, lubricating oil, sludge, oil refuse and oil mixed with wastes but does not include dredged spoil, whether carried on board a ship as cargo or in the bunkers of such a ship ;

“*owner*” in relation to a ship, means :

(a) the person registered as its owner ; or

(b) if no person is registered as owner of the ship, the person who owns the ship, or

(c) in the case of a ship which is owned by a State and is operated by a person who in that State is registered as the ship’s operator, “*owner*” means the person registered as such operator ; or

(d) the person who for the time being, either by law or by contract, has the rights of the owner of the ship with respect to its possession and use ;

"*person*" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivision ;

"*pollutant*" means—

(a) a substance that, if added to waters, would degrade or alter or form part of a process of degradation or alteration of the quality of the waters to an extent that is detrimental to their use by humans or by an animal or plant that is useful to humans ; and

(b) any water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any waters, degrade or alter or form part of a process of degradation or alteration of the quality of the waters to an extent that is detrimental to their use by humans or by an animal or plant that is useful to humans ;

"*pollution damage*" means a loss or damage outside a ship carrying oil in bulk as cargo arising from the escape or discharge of oil from a ship, whenever such escape or discharge may occur, and includes the cost of measures taken to prevent or minimise pollution damage and any further loss or damage caused by such measures: and pollution damage with the State or within any Convention Country includes measures taken outside the State or, as the case may be, such Convention Country to prevent or minimise pollution damage within the State or within that Convention Country ;

"*preventive measures*" means any reasonable measures taken by any person to prevent or minimize pollution damage, after an incident has occurred ;

"*ship*" means—

(a) a seagoing vessel or seaborne craft of any type, whatsoever constructed or adapted for the carriage of oil in bulk as cargo ;

(b) a seagoing vessel or seaborne craft capable of carrying oil and other cargoes that is for the time being carrying oil in bulk as cargo, or

(c) a seagoing vessel or seaborne craft capable of carrying oil and other cargoes that, following the unloading from it of a cargo of oil, contains residues of oil in those spaces adapted or constructed for the carriage of oil in bulk as cargo ;

"*ship's tonnage*" for the purpose of these Regulations shall be the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 of the International Convention on Tonnage Measurement of Ships, 1969 ;

“state of the ship’s registry” means in relation to registered ships the State of registration of the ship, and in relation to an unregistered ship the State whose flag the ship is flying ;

“terminal installation” means any site in the State for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, and includes any facility situated off-shore and linked to such site.

“tonne”, in relation to oil, means a metric ton ;

“unit of account” means the unit of account of Special Drawing Rights of the International Monetary Fund.

46. These Regulations may be cited as the Merchant Shipping (Civil Liability for Oil Pollution Damage and Compensation) Regulations 2010. Citation.

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

IBRAHIM ISA BIO
Minister of Transportation

**MERCHANT SHIPPING (CERTIFICATE HOLDERS INQUIRIES)
REGULATIONS 2010**



ARRANGEMENT OF REGULATIONS

Regulation :

1. Procedure for Conduct of Inquiry.
2. Notice of Inquiry.
3. Appointment of Persons to Conduct Inquiry.
4. Holding of Inquiry.
5. Procedure at Inquiry.
6. Decision of the Person Appointed.
7. Interpretation.
8. Citation.

MERCHANT SHIPPING ACT (2007 No. 27)

Merchant Shipping (Certificate Holders Inquiries) Regulations 2010

[9th March, 2010] Commence-
ment.

In exercise of the powers conferred upon me by Section 434 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. The procedure for carrying out an inquiry on an allegation against a seafarer's certificate of competence shall be as set out in these Regulations. Procedure for Conduct of Inquiry.

2.—(1) The Minister shall cause a notice (in these Regulations referred to as "a notice of inquiry") to be served in writing on a certificate holder, informing him of the Minister's intention to set up an inquiry into an allegation and the certificate holder shall be made a party to the inquiry. Notice of Inquiry.

(2) A notice of inquiry shall be effected at least thirty days before the date fixed for the inquiry either by serving the certificate holder concerned personally or by sending the notice to his last-known address by registered post or by the recorded delivery service.

(3) The notice of inquiry shall state—

- (a) the facts giving rise to the inquiry ;
- (b) the allegation made against the certificate holder to whom the notice is addressed and the grounds for the allegations ;
- (c) the time, date, and the place where the inquiry is to be held ;
- (d) the certificate holder's rights as set out in regulation 5 (2) and (3) of these Regulations.

3.—(1) The Minister shall appoint a person to hold an inquiry under these Regulations and the person so appointed shall conduct the inquiry with the assistance of one or more assessors appointed by the Minister. Appointment of Persons to Conduct Inquiry.

(2) An assessor shall be a person who is suitably qualified to assess the competence of a seafarer to discharge the duties and responsibilities commensurate with the seafarer's certificate.

4.—(1) At the time and place appointed for holding an inquiry under these Regulations, the person appointed to hold the inquiry may proceed with the inquiry in the absence of the certificate holder upon whom the notice of the inquiry was served, or any person who has applied under paragraph (3) of this regulation to become a party or any other party. Holding of Inquiry

(2) Where a certificate holder is served with the notice of inquiry by post, the person appointed to hold the inquiry shall not proceed with the inquiry in the absence of the certificate holder unless the person is satisfied that the certificate holder has been served in accordance with the requirements of regulation 2(1) and (2) of these Regulations.

(3) Any person, not being the certificate holder concerned, may, with the leave of the person appointed, become a party to the inquiry.

(4) An inquiry shall be held in public except to the extent to which the person appointed is satisfied that in the interests of justice, or for other good and sufficient reason in the public interest, any part of the evidence or any argument relating to the evidence should be heard in private.

Procedure at
Inquiry.

5.—(1) The proceedings at the inquiry shall commence with the presentation on behalf of the Minister, the case against the certificate holder concerned.

(2) The certificate holder concerned has the right to—

- (a) defend himself against the allegation in person, or by a representative;
- (b) admit the allegation or any part of it before or at any time after the commencement of the inquiry.

(3) Where more than one allegation is made against a certificate holder, his admission of an allegation or any part of it pursuant to sub-paragraph (2)(a) of this regulation shall be without prejudice to his right to defend himself against any other allegation which he does not admit.

(4) A party to the inquiry has the right in person or by a representative to make an opening statement, call witnesses, cross-examine witnesses called by other parties or on behalf of the Minister, tender evidence other than oral evidence and address the person appointed in such order as the person appointed may direct.

(5) If a party does not appear in person at the inquiry and is not represented by another person, the party may make representations in writing to the person appointed and such written representations shall be read out at the inquiry by or on behalf of the person appointed.

(6) Without prejudice to the admission of documents as secondary evidence allowed by statute or otherwise, affidavits, depositions, statutory declarations and other written evidence shall, unless the person appointed to hold the inquiry considers it unjust, be accepted as evidence at the inquiry.

(7) A person appointed to hold an inquiry under these Regulations may postpone or adjourn the hearing of the inquiry for such period as he thinks fit, either of his own motion or upon the application of any party.

6.—(1) The person appointed shall, at the conclusion of the inquiry or as soon as possible after the inquiry, announce his decision in public.

Decision of
the Person
Appointed.

(2) Each assessor shall sign the report with or without reservations or state in writing the assessor's dissent from the report and the reasons for the dissent and any report, reservation or dissent and reason tendered shall be forwarded to the Minister along with the report.

(3) The Minister shall in writing inform the certificate holder concerned of the decision of the inquiry if the certificate holder was not present when that decision was announced and shall make a copy of the report available to the certificate holder.

(4) A copy of the report shall be made available to any party to the inquiry upon request by the party to the Minister in writing.

7.—(1) In these Regulations—

Interpreta-
tion.

"allegation" means an allegation by the Minister that a certificate holder is unfit to be the holder of the certificate, whether by reason of incompetence or misconduct or for any other reason ;

"assessor" means a person appointed to assist in an inquiry under these Regulations who is recognised by the Minister as knowledgeable in matters relating to certificates of competency of seafarers ;

"holder of certificate" means a seaman who holds a certificate under the Act ;

"person appointed" means the person or persons appointed by the Minister to hold an inquiry under the Act.

(2) Any period of time specified in these Regulations by reference to days shall be exclusive of the first day and inclusive of the last day unless the last day falls on a Saturday, Sunday or any day appointed by law to be a public holiday in the part of Nigeria where the inquiry is to be held, in which case the time shall be reckoned exclusive of that day also.

8. These Regulations may be cited as the Merchant Shipping (Certificate Holders Inquiries) Regulations 2010.

Citation.

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

IBRAHIM ISA BIO
Minister of Transportation

MERCHANT SHIPPING (BOARD OF SURVEY) REGULATIONS 2010



ARRANGEMENT OF REGULATIONS

Regulation :

1. Filing of Notice of Appeal.
2. Proceedings for Constituting Board.
3. Summoning of Board.
4. Notice to Complainant of Hearing.
5. Forwarding Copy of Government Surveyor's Report.
6. Time of Hearing.
7. Parties to Proceedings.
8. Parties by Permission.
9. Notice to Produce.
10. Notice to Admit.
11. Affidavits and Statutory Declarations.
12. Case for Government.
13. Case for Complainant.
14. Case for Appellant.
15. Witnesses in Reply.
16. Addresses of Parties.
17. Adjournment.
18. Delivery of Decision.
19. Order of the Board.
20. Costs.
21. Service of Notices.
22. Proof of Service.
23. Member Fees.
24. Publication of Regulations.
25. Interpretation.
26. Citation.

SCHEDULE

MERCHANT SHIPPING ACT (2007 No. 27)

Merchant Shipping (Board of Survey) 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, ISRAHIM ISA BIO, Minister of Transportation, hereby make the following Regulations :

1. Every appellant shall file at the office of the Nigerian Maritime Administration and Safety Agency a notice in Form 1 in the Schedule to these Regulations. Filing of
Notice of
Appeal.
Schedule.
Form 1.
2. Immediately on the filing of the notice of appeal, the Nigerian Maritime Administration and Safety Agency shall inform the Minister, and, if the ship is a foreign ship, it shall give notice to the consular officer in the Federal Republic of Nigeria for the State to which the ship belongs, who may nominate one person to act as a member of the Board and submit the name of such person to the Minister. Proceedings
for
Constituting
Board.
3. When the Minister has issued an order constituting the Board, the person appointed to act as Chairman shall summon the Board by issuing a notice in Form 2 of the Schedule to these Regulations. Summoning
of Board.
Schedule.
Form 2.
4. If the survey has been made on the complaint of any person (hereinafter referred to as the "complainant"), the Chairman shall send to such person notice of the time and place appointed for the hearing. Notice to
Complainant
of Hearing.
5. Before the hearing, the Attorney-General shall forward to the Chairman an official copy of the report of the government surveyor, this report shall be produced in evidence at the hearing. Forwarding
Copy of
Government
Surveyors
Report.
6. The Board shall, if practicable, be summoned to hear the appeal on a day not later than fourteen days from the filing of the notice of appeal. Time of
Hearing.
7. The Attorney-General and the appellant shall be the parties to the proceedings. Parties to
Proceedings.
8. Any other person may by permission of the chairman be made a party to the proceedings. Parties by
Permission.
9. Either party to the proceedings may give to the other a notice in writing to produce such documents (which may lawfully be produced) relating to any matter in dispute which are in the possession or under the control of such other party; if Notice to
Produce.

such notice is not complied with, secondary evidence of the contents of any such documents may be given by or on behalf of the party who gave the notice.

Notice to
Admit.

10.—(1) Any party to the proceedings may give to any other party a notice in writing to admit any documents (saving all just exceptions); and, in case of neglect or refusal to admit after such notice, the party so neglecting or refusing shall be liable for all the costs of proving such documents, (whatever the result may be) unless the Board is of opinion that the refusal to admit was reasonable.

(2) The costs of proving any document shall not be allowed when the notice required by this section has not been given unless the officer by whom the costs are taxed is of the opinion that the omission to give notice constitutes a saving of expense.

Affidavits
and
Statutory
Declarations.

11. Affidavits and statutory declarations may, by permission of the Chairman (and saving all just exceptions) be used in evidence at the hearing if sworn to or taken in the manner provided by law.

Case for
government.

12. At the hearing the Attorney-General shall open the case or the government stating what order he requires the Board to make and thereafter call his witnesses.

Case for
Complainant.

13. The complainant, if he appears, shall open his case stating what order he requires the board to make and thereafter call his witnesses.

Case for
Appellant.

14. The appellant shall then open his case stating what order he requires the Board to make and thereafter call his witnesses.

Witnesses in
Reply.

15. After the appellant has examined all his witnesses, the Attorney-General and the complainant may, on cause being shown to the satisfaction of the Board, call further witnesses in reply.

Addresses of
Parties.

16. After all the witnesses have been examined, the Board shall first hear the appellant, then the complainant (if any) and afterwards the Attorney-General.

Adjournment.

17. The Chairman may at his discretion adjourn the Board's sitting from time to time and from place to place on any terms or conditions he may deem fit.

Delivery of
Decision

18. The Chairman shall record the decision of the Board and cause the same to be sent or delivered to the parties; It shall not be necessary to hold a sitting of the Board specifically for the purpose of giving its decision.

Order of the
Board.
Schedule
Form 3

19. As soon as possible after the Board has come to its decision, the Board shall issue an order in Form 3 in the Schedule to these Regulations, and the Chairman shall forthwith forward a copy of this order to the Minister

20. The Board may, if it thinks fit, make any order in respect of costs of the inquiry or survey. Costs.

21. Any notice, summons or other document issued by the Board may be served by registered post. Service of Notices.

22. The service of any notice, summons or other document may be proved by the oath or affidavit of the person who serves the notice. Proof of Service.

23. There shall be paid to each member of the Board who is not a public officer, and to any scientific referee appointed under section 224(2) of the Act who is not a public officer the sum to be determined by the Minister for each day or a part thereof of the sitting of the Board. Member's Fee.

24. A copy of these Regulations shall be kept at the office of the Nigerian Maritime Administration and Safety Agency and at every Ministry, Mercantile Marine and Harbour Master's Office, and may be perused at every such office by the master or owner or any person authorised from any ship which may be provisionally detained under the Act. Publication of Regulations.

25. In these Regulations—

“*Act*” means the Merchant Shipping Act ;

“*appellant*” means any aggrieved persons appealing to the Board under section 224 of the Act ;

“*Attorney General*” means the Attorney-General of the Federation and includes any person authorised by him to carry out his functions under these Regulations ;

“*Board*” means a Board of Survey appointed under section 224(2) of the Act ;

“*chairman*” means the Chairman of the Board ;

“*Minister*” means the Minister charged with the responsibility for transportation.

26. These Regulations may be cited as the Merchant Shipping (Board of Survey) Regulations 2010. Citation.

SCHEDULE
FORM 1
NOTICE OF APPEAL

(Regulation 3)

In the matter of the ship

To :

The Nigerian Maritime Administration
 and Safety Agency,
 Maritime House,
 4, Burma Road,
 Apapa Lagos.

Take notice that I, (*name and address*)
 the master (*or owner of*.....*shares*) of the said
 ship do appeal against—

(a) the report of the Government
 surveyor ; or

(b) the refusal to give a clearance under section 222 of the Merchant
 Shipping Act,

the address at which all notices and documents may be served by post or
 otherwise on me is.

DATED this day of20

.....
 (*To be signed by the Appellant*)

Note — If it is intended to object to any specified person being a member
 of the BOARD OF SURVEY, the fact must be stated on this form together
 with the grounds for the objection.

FORM 2

(Regulation 5)

SUMMONS TO BOARD

The Board of Survey for Nigeria.

In the matter of an appeal by from the report
ofthe Government
surveyor at (or as the case may be).

In pursuance of the Merchant Shipping Act, I hereby summon you to
attend as on this appeal at a.m. on the
..... day of 20.....

A copy of the notice of appeal is attached.

DATED at this day of
20.....

.....
Chairman of the Board

I shall attend as summoned.

.....
(Signature of person summoned)

FORM 3

(Regulation 21)

REPORT OF MEMBERS OF BOARD

The Board of Survey for Nigeria.

In the matter of an appeal by from the
report ofthe Government surveyor at (*or as the
case may be*).

We do report that
having heard this appeal, we did order the said ship to be released (*or detained
finally or conditionally upon* for the reasons
set forth in the annexed statement.

We are also of opinion that the costs of this appeal shall be paid by the
appellant (*or by the Government*), or (*that all parties shall bear their own
costs*).

DATED this day of 20.....

Chairman

Member.....

Member.....

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

IBRAHIM ISA BIO
Minister of Transportation

MERCHANT SHIPPING (WRECKS AND SALVAGE)
REGULATIONS 2010



ARRANGEMENT OF REGULATIONS

Regulation :

1. Notice of Investigation.
2. Parties to the Proceedings.
3. Right to Appear.
4. Notice to Produce.
5. Notice to Admit.
6. Affidavits.
7. Procedure in Court.
8. Examination of Witnesses.
9. Questions in Reference.
10. Determination of Question so Stated.
11. Address.
12. Adjournment of Investigation. .
13. Decision of the Court.
14. Costs.
15. Report.
16. Copy of the Report.
17. Computation of Time.
18. Service of Notice.
19. Proof of Service.
20. Allowances to Witnesses.
21. Publication of Regulations.
22. Interpretation.
23. Citation.

SCHEDULE

MERCHANT SHIPPING ACT (2007 No. 27)

Merchant Shipping (Wrecks and Salvage) Regulations 2010

[9th March, 2010] Commence-
ment.

In exercise of the powers conferred upon me by Section 434 of the Merchant Shipping Act, 2007 and of all other powers enabling me in that behalf, I, Ibrahima Isa Bio, Minister of Transportation, hereby make the following Regulations :

1. When an investigation has been ordered, the President may cause a notice, to be called a notice of investigation, to be served upon the owner, master, and officers of the ship, as well as upon any person who in their opinion ought to be served with such notice. The notice shall contain a statement of the questions which on the information then in possession of the President, will be raised on the hearing of the investigation, and shall be in the Form A in the Schedule with such variations as circumstances may require. The President may, at any time before the hearing of the investigation, by a subsequent notice, amend, add to, or omit any of the questions specified in the notice of investigation. Notice of Investigation.

Schedule.
Form A.
2. The Government Marine Officer, and any certificated officer upon whom a notice of investigation has been served, shall be deemed to be parties to the proceedings. Parties to the Proceedings.
3. Any other person upon whom a notice of investigation has been served, and any person who shows that he has an interest in the investigation shall have a right to appear and ; any other person may, by leave of the court, appear; and any person who appears under this Rule shall thereupon become a party to the proceedings. Right to Appear.
4. A party may give to any other party notice in writing to produce any documents (saving all just exceptions) relating to the matters in difference between them, which are in the possession or under the control of such other party ; and, if the notice is not complied with, secondary evidence of the contents of the documents may be given by the party who gave the notice. Notice to Produce.
5. A party may give to any other party notice in writing to admit any documents (saving all just exceptions) and, in case of neglect or refusal to admit after such notice, the party so neglecting or refusing shall be liable for all the costs of proving the documents, whatever may be the result, unless the court is of opinion that the refusal to admit was reasonable; and no cost of proving any document shall be allowed unless such notice has been given, except where the omission to give the notice has, in the opinion of the court, caused a saving of expense. Notice to Admit.

Affidavits.

6. Affidavits may, by permission of the court, be used as evidence at the hearing.

Procedure in Court.

7. At the time and place appointed for holding the investigation the court may proceed with the investigation whether the parties, upon whom a notice of investigation has been served, or any of them, are present or not.

Examination of Witnesses.

8. The proceedings on the investigation shall commence with the production and examination of witnesses by the Government Marine Officer. These witnesses, after being examined on behalf of the Government Marine Officer, may be cross-examined by the parties in such order as the court may direct, and may then be re-examined on behalf of the Government Marine Officer. Questions asked, and documents tendered as evidence in the course of the examination of these witnesses, shall not be open to objection merely on the ground that they do or may raise questions which are not contained in, or which vary from, the statement of the case, or questions specified in the notice of investigation.

Questions in Reference.

9. When the examination of witnesses produced by the Government Marine Officer has been concluded, the Government Marine Officer shall state in open court the questions in reference to the casualty, and the conduct of the certificated officers, or other persons connected therewith, upon which the opinion of the court is desired. In framing the questions for the opinion of the court, the Government Marine Officer may make such modifications in, additions to, or omissions from the questions in the notice of investigation as, having regard to the evidence which has been given, he may think fit.

Determination of Question so Stated.

10. After the questions for the opinion of the court have been stated, the court shall proceed to hear the parties to the investigation, and determine upon the questions so stated. Each party to the investigation shall be entitled to address the court and produce witnesses, or recall any of the witnesses who have already been examined for further examination, and generally adduce evidence. The parties shall be heard and their witnesses examined, cross-examined and re-examined in such order as the court shall direct; the Government Marine Officer may also produce and examine further witnesses who may be cross-examined by the parties, and re-examined by the Government Marine Officer.

Address.

11. When the whole of the evidence in relation to the questions for the opinion of the court has been concluded, any of the parties who desire so to do may address the court upon the evidence, and the Government Marine Officer may address the court in reply upon the whole case.

Adjournment.

12. The court may adjourn the investigation from time to time and from place to place, and where an adjournment is asked for by a party to the investigation or by the Government Marine Officer the court may impose such

terms as to the payment of costs or otherwise as it may think just as a condition of granting the adjournment.

13. Except where the certificate of an officer is cancelled or suspended, in which case the decision shall always be given in open court, the court may deliver its decision either *viva voce* or in writing, and if in writing, it may be sent or delivered to the parties. In the latter case it shall not be necessary to hold a court merely for the purpose of delivering the decision of the court.

Decision of
the Court.

14. The court may order the costs and expenses of the investigation, or any part thereof, to be paid by the Government Marine Officer or by any other party. An order for payment of costs shall be in the Form B in the Schedule, with such variations as circumstances may require.

Costs.
Schedule.
Form B.

15. At the conclusion of the investigation the court shall report to the President. The report which shall be in duplicate, shall be in the Form C in the Schedule, with such modifications as circumstances may require. The said report shall be published in the *Federal Gazette*.

Report.
Schedule.
Form C.

16. Where the certificate of a master, mate, or engineer has been cancelled or suspended, the Government Marine Officer shall, on application by any party to the proceedings, give him a copy of the report.

Copy of
Report.

17. In computing the number of days within which any act is to be done they shall be reckoned exclusive of the first and inclusive of the last day, unless the last day shall happen to fall on a Sunday or public holiday, in which case the time shall be reckoned exclusive of that day also.

Computation
of Time.

18. 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.

Service of
Notices.

19. 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.

Proof of
Service.

20. All witnesses attending before the court shall be entitled to the same allowances as witnesses attending High Court.

Allowances
to
Witnesses.

21. A copy of these Regulations shall be kept at every custom house and at the office of the Government Marine Officer and of every harbour master in Nigeria, and any person desiring to peruse them shall be entitled to do so free of charge.

Publication
of
Regulations.

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

Interpretation.

“*investigation*” means a formal investigation into a shipping casualty.

23. These Regulations may be cited as the Merchant Shipping (Wrecks and Salvage) Regulations.

Citation.

SCHEDULE

FORM A

[Regulation 3]

NOTICE OF INVESTIGATION

ToMaster, Mate, Engineer, etc., of or belonging to the ship
.....ofI hereby
give you notice that the President has ordered a formal investigation into the
circumstances attending the and that
subjoined hereto is a copy of a report (or statement of the case) upon which
the said investigation has been ordered. I further give you notice to produce to
the court (your certificate, the log books of
the vessel, and) any (other) documents relevant to this case which may be in
your possession.

I have further to give you notice that on the information at present obtained
by the President the questions annexed hereto are those upon which it appears
desirable, and upon which I propose to take the opinion of the court; but these
questions shall be subject to alteration, addition, omission, or amendment by
me at the investigation, after the witnesses called by me have been examined.

DATED this day of, 20

.....
Nigerian Maritime Administration and Safety Agency

I. Report (or statement of case).

II. Questions---

Whether the (*here insert the proposed questions*).

FORM B

[Regulation 16]

ORDER ON A PARTY FOR PAYMENT OF COSTS OF
INVESTIGATION

In the matter of a formal investigation held at on
the (here state all the days on which the court sat) days of
before....., assisted by into the
circumstances attending the

The court orders—

That A.B. of....., do pay the Accountant-General of
the Federation (the sum of naira on account of)
the expenses of this investigation ; or

That the Government Marine Officer do pay to A.B.
of (the sum of naira
on account of) the expenses of this investigation.

Given under my hand this day of....., 20.....

.....
Judge

FORM C
REPORT OF COURT

[Regulation 17]

In the matter of a formal investigation held at on
the (here state *all the days on which the court sat*) days of
before....., assisted by
into the circumstances attending the

The court having carefully inquired into the circumstances attending the
above-mentioned shipping casualty, finds, for the reasons stated in the annex
hereto, that the (here state *finding of the court*).

DATED this day of....., 20

.....
Chief Judge or Presiding Judge

ANNEX TO THE REPORT

*(Here state fully the circumstances of the case, the opinion of the
court touching the causes of the casualty, and the conduct of the persons
implicated therein, and whether the certificate of any officer is either
suspended or cancelled, and if so, for what reasons).*

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

IBRAHIM ISA BIO
Minister of Transportation