

MERCHANT SHIPPING ACT, 2013

MERCHANT SHIPPING (CREW ACCOMMODATION) REGULATIONS, 2014

IN EXERCISE of the powers conferred on the Minister under section 171 of the Merchant Shipping Act 2013, these Regulations are made.

PART I - PRELIMINARY

1. Citation

These Regulations may be cited as the Merchant Shipping (Crew Accommodation) Regulations, 2014.

2. Interpretation

In these Regulations, unless the context otherwise requires: -

“Act” means the Merchant Shipping Act, 2013;

“adult” means a person who is at least 18 years of age;

“approved” means approved by the Administration;

“crew accommodation” includes such sleeping rooms, mess rooms, sanitation accommodation, hospital accommodation and recreation accommodation as are provided for the use of the crew;

“officer” has the meaning assigned to it by section 3 of the Act;

“passenger ship” has the meaning assigned to it by section 3 of the Act;

“petty officer” means a rating serving in a supervisory position or position of special responsibility who is classed as a petty officer by the laws of The Gambia;

“prescribed” means prescribed by the laws of The Gambia or regulations or by the Administration;

“rating” means a member of the crew other than an officer;

“re-registered” means re-registered on the occasion of a simultaneous change in the country of registration and ownership of the ships;

“ship” has the meaning assigned to it by section 3 of the Act; and

“tons” means gross tonnage.

3. Application

(1) These Regulations apply to every sea going ship, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade or is employed for any other commercial purpose, or of which the keel is laid, or which is at a similar stage of construction on or after the date of coming into force of these Regulations.

(2) Subject to regulation 4, “seagoing ships” are ships registered or licensed under the Act.

(3) These Regulations apply to tugs where reasonable and practicable.

(4) These Regulations do not apply to -

- (a) a ship of less than 1,000 tons;
- (b) a ship primarily propelled by sail, whether or not they are fitted with auxiliary engines;
- (c) a ship engaged in fishing or in whaling or in similar pursuits; and
- (d) a hydrofoil and an air-cushion craft.

(5) Notwithstanding sub-regulation (4), these Regulations shall be applied where reasonable and practicable to -

- (a) a ship of between 200 and 1,000 tons; and
- (b) the accommodation of persons engaged in usual seagoing routine in a ship engaged in whaling or in similar pursuits.

(6) Any of the requirements applicable by virtue of the provisions of these Regulations may be varied in the case of a ship if the Administration is satisfied, after due consultation with ship owners and representatives of the Gambia Maritime Workers Union that the variations to be made provide corresponding advantages as a result

of which the overall conditions are not less favourable than those which would result from the full application of the provisions of these Regulations.

(7) Particulars of such variation shall be communicated by the Administration to the Director General of International Labour Organisation.

(8) The Administration shall after consultation with ship owners and representatives of Gambia Maritime Workers Union, determine the extent to which it is appropriate, taking into consideration the need for off-duty accommodation, to make exceptions or to diverge from the provisions of these Regulations in the case of -

- (a) seagoing ferries, feeder ships and similar ships which are not continually manned with one permanent crew;
- (b) seagoing ships when repair personnel are carried temporarily in addition to the ships' crew; and
- (c) seagoing ships engaged on short voyages which allow members of the crew to go home or make use of comparable facilities for part of each day.

PART II - PLANNING AND CONTROL OF CREW ACCOMMODATION

4. Submission of crew accommodation for approval

Before the construction of a ship is begun, a plan of the ship showing on a prescribed scale, the location and general arrangement of the crew accommodation shall be submitted to the Administration for approval.

5. Commencement of crew accommodation

(1) Before the construction of the crew accommodation is begun and before the crew accommodation in an existing ship is altered or reconstructed, the detailed plans of, and information concerning the accommodation, showing on a prescribed scale and in prescribed detail the allocation, of each space, the disposition of furniture and fittings, the means and arrangement of ventilation, lighting and heating and the sanitary arrangements, shall be submitted to the Administration for approval.

(2) In the case of emergency or temporary alteration or reconstruction effected outside The Gambia, it shall be sufficient compliance with this provision if the plans are subsequently submitted to the Administration for approval.

6. Inspection of ships by the Administration

On every occasion when -

- (a) a ship is registered or re-registered;
- (b) the crew accommodation of a ship has been substantially altered or reconstructed; or
- (c) complaint has been made to the Administration in the prescribed manner and in time to prevent any delay to the ship by the Gambia Maritime Workers' Union representing part of the crew or by ten members of the crew of the ship that the crew accommodation is not in compliance with the provisions of these Regulations,

the Administration shall inspect the ship and satisfy itself that the crew accommodation complies with the requirements of these Regulations.

PART III - CREW ACCOMMODATION REQUIREMENTS

7. Location of crew accommodation

The location, means of access, structure and arrangement in relation to other spaces of crew accommodation shall be such as to ensure adequate security, protection against weather and sea, and insulation from heat or cold, under noise or effluvia from other spaces.

8. Opening to sleeping rooms

(1) There shall be no direct openings into sleeping rooms from spaces for cargo and machinery or from galleys, lamp and plain rooms or from engine, deck and other bulk storerooms, drying rooms, communal wash places or water closets.

(2) That part of the bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substances and shall be watertight and gastight.

9. External bulkheads

(1) External bulkheads of sleeping rooms and mess rooms shall be adequately insulated.

(2) All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced shall be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passage-ways.

(3) Care shall also be taken to provide protection from heat effects of steam or hot water service pipes.

(4) Internal bulkheads shall be approved material which is not likely to harbour vermin.

(5) A sleeping room, a mess room, a recreation room and an alleyway in the crew accommodation space shall be adequately insulated to prevent condensation or overheating.

(6) Main steam and exhaust pipes for winches and similar gear shall not pass through crew accommodation nor, whenever technically possible, through alleyways leading to crew accommodation; and where they do pass through such alley-ways they shall be adequately insulated and encased.

(7) Inside panelling or sheeting shall be made of material with surface which is easily kept clean. Tongued and grooved boarding or any other form of construction likely to harbour vermin shall not be used.

(8) The Administration shall decide to what extent fire-prevention or fire-retarding measures shall be required to be taken in the construction of the accommodation.

(9) The wall surface and deckheads in sleeping rooms and mess rooms shall be capable of being easily kept clean and if painted, shall be light in colour; lime wash must not be used.

(10) The wall surfaces shall be renewed or restored as necessary.

(11) The decks in all crew accommodation shall be of approved material and construction and shall provide a surface impervious to damp and easily kept clean.

(12) Where the floorings are of composition the joinings with sides shall be rounded to avoid crevices and sufficient drainage shall be provided.

10. Sleeping rooms etc

(1) Sleeping rooms and mess rooms shall be adequately ventilated.

(2) The system of ventilation shall be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

(3) A ship regularly engaged on a voyage in the tropics and the Persian Gulf shall be equipped with both mechanical means of ventilation and electric fans; but only one of these means need to be adopted in spaces where this ensures satisfactory ventilation.

(4) A ship outside the tropics shall be equipped with either mechanical means of ventilation or electric fans.

(5) The Administration may exempt a ship normally employed in the cold waters of the Northern and Southern hemisphere from this requirement.

(6) Power for the operation of the aids to ventilation required by sub-regulations (3) and (4) shall when practicable, be available at all times when the crew is living or working on board and conditions so require.

11. Heating of Crew accommodation

(1) An adequate system of heating the crew accommodation shall be provided, except in ships engaged exclusively in voyages in the tropics and the Persian Gulf.

(2) The heating system shall when practicable, be in operation at all times when the crew is living or working on board and conditions require its use.

(3) In all ships in which a heating system is required, the heating shall be by means of steam, hot water air or electricity.

(4) In any ship in which heating is provided by a stove, measures shall be taken to ensure that the stove is of sufficient size and is properly installed and guarded and that the air is not fouled.

(5) The heating system shall be capable of maintaining the

temperature in crew accommodation at a satisfactory level under normal conditions of weather and climate likely to be met with on service; the Administration shall prescribe the standard to be provided.

(6) Radiators and other heating apparatus shall be so placed and where necessary, shielded as to avoid risk of fire or danger or discomfort to the occupants.

12. Lighting

(1) Subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms shall be properly lighted by natural light and provided with adequate artificial light.

(2) All crew spaces shall be adequately lighted.

(3) The minimum standard for natural lighting in living rooms shall be such as to permit a person with a normal vision to read on a clear day, an ordinary newspaper in any part of the space available for free movement.

(4) Where it is not possible to provide adequate natural lighting, artificial lighting of the above minimum standard shall be provided.

(5) In all ships, electric lights shall be provided in the crew accommodation and where there are no two independent sources of electricity for lighting, additional lightning shall be provided by properly constructed lamps or lightning apparatus for emergency use.

(4) Artificial lighting shall be so disposed as to give the maximum benefit to the occupants of the room.

(5) In sleeping rooms, an electric reading lamp shall be installed at the head of each berth.

13. Sleeping rooms

(1) Sleeping rooms shall be situated above load line amidships or aft.

(2) In exceptional cases, the Administration may if the size, type or intended service of the ship render any other location unreasonable or impracticable, permit the location of sleeping rooms in the fore part of the ship, but in no case forward of the collision bulkhead.

(3) In a passenger ship, the Administration may on condition that

satisfactory arrangements are made for lighting and ventilation, permit the location of sleeping rooms below the load line, but in no case immediately beneath working alley-ways.

14. Floor areas

(1) The floor area per person of sleeping rooms intended for ratings shall not be less than-

- (a) 3. 75 square metres (40.36 square feet in ships of 1,000 tons or over but less than 3,000 tons
- (b) 4. 25 square metres (45.75 square feet) in ships of 3,000 tons or over but less than 10,000 tons; and
- (c) 4. 75 square metres (51. 13 square feet) in ships of 10,000 tons or over.

(2) The floor area per person of sleeping rooms intended for two ratings shall be not less than -

- (a) 2. 75 square metres (29. 60 square feet) in ships of 1,000 tons or over but less than 3,000 tons;
- (b) 3. 25 square metres (34.98 square feet) in ships of 3, 000 tons or over but less than 10,000 tons; and
- (c) 3. 75 square metres (40. 36 square feet) in ships of 10,000 tons or over.

(3) The floor area of sleeping rooms intended for ratings, in passenger ships shall be not less than -

- (a) 2. 35 square metres (25. 30 square feet) per person in ships of 1,000 tons or over but less than 3000 ton over; and
- (b) in ships of 3,000 tons or over-
 - (i) 3.75 square metres (40.36 square feet) in rooms accommodating one person;
 - (ii) 6.00 square metres (64.58 square feet) in rooms accommodating two persons;
 - (iii) 9.00 square metres (96.88 square metres

feet) in rooms accommodating three persons;

- (iv) 12.00 square metres (129.17 square feet) in rooms accommodating four persons.

(4) The number of ratings occupying sleeping rooms shall not exceed two persons per room, except in passenger ships where the maximum number permissible is four.

(5) The number of petty officers occupying sleeping rooms shall not exceed one or two persons per room.

(6) In sleeping rooms for officers, where no private sitting room or day room is provided, the floor area per person shall not be less than-

- (a) 6.50 square metres (69.96 square feet) in ships of less than 3,000 tons; and

- (b) 7.50 square metres (80.73 square feet) in ships of 3,000 tons or over.

(7) In ships other than passenger ships, an individual sleeping room shall be provided for each adult member of the crew, where the size of the ship, the activity in which it is to be engaged, and its layout make this reasonable and practicable.

(8) Where practicable in ships of 3,000 tons or over, the chief engineer officer and the chief navigating officer shall have, in addition to their sleeping room, an adjoining sitting room or day room.

(9) Space occupied by berths and lockers, chest of drawers and seats shall be included in the measure of the floor area.

(10) Small or irregularly shaped spaces which do not add effectively to the space available for free movement and cannot be used for installing furniture shall be excluded.

(10) The minimum inside dimensions of a berth shall be 198 centimetres by 80 centimetres (6 feet 6 inches by 2 feet 7.50 inches)

15. Floor area for mess rooms

(1) The floor area of mess rooms for officers and ratings shall be not less than one square metre (10.76 square feet) per person of the planned seating capacity.

(2) Mess rooms shall be equipped with tables and approved seats, fixed or movable, sufficient to accommodate the greatest number of members of crew likely to use them at any one time.

(3) There shall be available at all times when members of the crew are on board -

- (a) a refrigerator conveniently situated, and of sufficient capacity for a number of persons using the mess room or mess rooms;
- (b) facilities for hot beverages; and
- (c) cold water facilities.

(4) The Administration may permit such exceptions to the provisions of sub-regulations (1) and (2) for mess room accommodation as may be necessary to meet the special conditions in passenger ships.

16. Recreational accommodation

(1) Recreation accommodation, conveniently situated and appropriately furnished, shall be provided for officers and ratings and where this is not provided separately from the mess rooms, the latter shall be planned, furnished and equipped to provide recreational facilities.

(2) Furnishings for recreational accommodation shall as a minimum include a bookcase and facilities for reading, writing and where practicable, for games.

(3) In respect of ships of 8,000 tons or over, a smoking room or library room in which films or television may be shown and a hobby and games rooms shall be provided; and consideration shall be given to the provision of a swimming pool.

(4) In connection with the planning of recreation accommodation, the Administration shall give consideration to the provision of a canteen.

17. Facilities in washrooms

(1) In all ships, a minimum of one water closet and one tub or shower bath for every six persons or less who do not have facilities in pursuance of sub-regulations (2) to (4) of this regulation shall be

provided at a convenient location for officers and ratings.

(2) Where women are employed in a ship, separate sanitary facilities shall be provided for them.

(3) In ships of 5,000 tons or over but less than 15,000 tons, individual sleeping rooms for at least five officers shall have attached to them, a separate private bathroom fitted with a water closet as well as a tub or shower bath and a wash basin having hot and cold running fresh water situated in the sleeping room.

(4) In addition to the above, in ships of 10,000 tons or over but less than 15,000 tons, the sleeping rooms of all other officers shall have private or intercommunication bathrooms similarly fixed.

(5) In ships of 15,000 tons or over, individual sleeping rooms for officers shall have attached to them, a separate private bathroom fitted with a water closet as well as a tub or shower bath and a wash basin having hot and cold running fresh water situated in the sleeping room.

(4) In ships of 25,000 tons or over other than passenger ships, a bathroom for every two ratings shall be provided either in an intercommunicating compartment between adjoining sleeping rooms or opposite the entrance of such rooms, which shall be fitted with a water closet as well as a tub or shower bath and wash basin having hot and cold running fresh water.

(5) In ships of 5,000 tons or over other than passenger ships, each sleeping room, whether for officers or ratings, shall be provided with a wash basin having hot and cold running fresh water, except where such wash basin is situated in a bathroom provided in conformity with sub regulations (2), (3) or (4).

(6) In all ships, facilities for washings, drying and ironing clothes shall be provided for officers and ratings on a scale appropriate to the size of the crew and the normal duration of the voyage, and these facilities shall whenever possible, be located within easy access of their accommodation.

(7) The facilities to be provided shall be -

- (a) washing machines;
- (b) drying machines or adequately heated and ventilated drying rooms; and

- (c) irons and ironing boards or their equivalent.

18. Ships 1,600 tons or over

(1) In ships of 1,600 tons or over there shall be provided -

- (a) a separate compartment containing a water closet and a wash basin having hot and cold running fresh water, within easy access of the navigating bridge deck primarily for those on duty in the area; and
- (b) a water closet and a wash basin having hot and cold running fresh water within easy access of the machinery space if not fitted near the engine room control center.

(2) In ships of 1,600 tons or over, other than ships in which private sleeping rooms and private or semi-private bath are provided for all engine department personnel, facilities for changing clothes shall be provided which shall be -

- (a) located outside the machinery space but with easy access to it; and
- (b) fitted with individual clothes lockers as well as with tubs or shower baths and wash basins having hot and cold running fresh water.

19. Headroom space

(1) The minimum headroom in all crew accommodation where full and free movement is necessary, shall be not less than 198 centimetres (6 feet 6 inches):

(2) The Administration may permit some limited reduction in headroom in any space or part of any space in such accommodation where it is satisfied that it is reasonable to do so and that such reduction will not result in discomfort to the crew.

20. Variations

(1) In the case of ships the manning of which has to take account, without discrimination, the interest of the crews having differing and distinctive religious and social practices, the Administration may, after consultation with ship owners and with the officials of The Gambia Maritime Workers' Union, permit variations in respect of the

provisions of sub regulations (1) to (4) and sub regulation (7) of regulation 13 and sub regulations (1) and (4) of regulation 15 on condition that such variations do not result in overall facilities less favourable than those which would result from the application of the provisions of these regulations.

(2) Any particulars of such variations shall be communicated by the Administration to the Director-General of International Labour Organisation who in turn shall notify the Members of the International Labour Organisation.

21. Application of Regulations to existing ships

(1) In the case of a Gambian ship which is fully complete on the date of the coming into force of these Regulations and which is below the standard set by these Regulations, the Administration may after due consultation with ship owners, the officials of the Gambia Maritime Workers' Union require such alterations for the purpose of bringing the ship into conformity with the requirements of these Regulations as it deems reasonable and practicable having regard in particular to technical, economic and other problems involved in the application of regulations 12, 15 and 17 to be made when -

- (a) the ship is re-registered; and
- (b) substantial structural alterations or major repairs are made to the ship as a result of long-range plans and not as a consequence of an accident or emergency.

(2) In the case of a Gambian ship in the process of building or conversion on the date of the coming into force of these Regulations, the Administration after due consultation with ship owners, officials of the Gambia Maritime Workers' Union require such alterations for the purpose of bringing the ship into conformity with the requirements of these Regulations as it deems reasonable and practicable having regard in particular to technical, economic and other problems involved in the application of regulations 12, 15 and 17; and such alterations shall constitute final compliance with the provisions of these regulations.

(3) In the case of a ship other than a ship referred to in sub regulations (1) and (2) or a ship to which the provisions of these regulations were applicable while she was under construction, being re-registered in The Gambia after the date of the coming into force of these Regulations, the Administration may after due consultations with ship owners officials of the Gambia Maritime Workers' Union,

require such alterations for the purpose of bringing the ship into conformity with the requirements of these Regulations as it deems reasonable and practicable having regard in particular to technical, economic and other problems involved in the application of regulations 12, 15 and 17; and such alterations shall constitute final compliance with the terms of these Regulations

22. Offences

(1) A person who contravenes any provisions of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding two million Dalasis.

(2) In addition to the fine, the ship may be detained until the appropriate lapses have been remedied.

MADE THIS..... DAY OF 2014

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BALLA GARBA JAHUMPA
MINISTER OF WORKS, CONSTRUCTION AND INFRASTRUCTURE