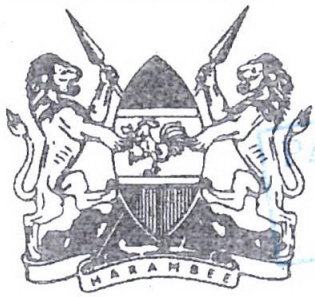
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KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – THIRD SESSION - 2015

THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING

By Hon Ng'ang'a Kamanda Chair DC Transport Public Works & Housing

REPORT ON THE CONSIDERATION OF EIGHT INTERNATIONAL CONVENTIONS AND PROTOCOLS RELATING TO MARITIME INDUSTRY

CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

APRIL, 2015

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2. The 1978 Protocol To The 1974 Safety of Life At Sea (Solas) Convention (Solas 78 Protocol;
3. The Protocol of 1988 Relating to the International Convention for the Safety Of Life At Sea, 1974;
4. The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;
5. Convention on The Limitation of Liability For Maritime Claims 1976 (LLMC 1976) ;
6. The 1996 Protocol to the Convention on Limitation of Liability For Maritime Claims (LLMC), 1976;
7. The Nairobi International Convention on Removal of Wrecks, 2007; and
8. The International Convention on the Control of Harmful Anti-Fouling Systems On Ships, 2001

1.0 PREFACE

Hon. Speaker,

The Committee is established pursuant to the provisions of Standing Order No. 216, with the following terms of reference: -

a) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
b) to study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
c) to study and review all legislation referred to it;
d) to study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
e) to investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister;
f) to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); and
g) to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

Hon. Speaker,

The Committee is mandated to consider matters of, transport, roads, public works, construction, maintenance of roads, rails and buildings, air, seaports and housing and oversees the following Government Ministry and State Department, namely: -

a) Ministry of Transport and Infrastructure;
b) State Department for Housing
c) Directorate of Public Works and Urban Development

Hon. Speaker,

The Committee was constituted on May 20th 2013 and its membership is as follows:-

1. The Hon. Maina Kamanda, M.P. – (**Chairperson**)
2. The Hon. Eng. Mahamud M. Mohamed, M.P. – (**Vice Chairperson**)
3. The Hon. Eng. Stephen Ngare, M.P.
4. The Hon. Ali Wario, M.P.
5. The Hon. Arch. David Kiaraho, M.P.
6. The Hon. Cecily Mbarire, M.P.
7. The Hon. Capt. Clement Wambugu, M.P.
8. The Hon. Eng. John Kiragu, M.P.
9. The Hon. Gideon Konchella, M.P.
10. The Hon. Barchilei Kipruto, M.P.
11. The Hon. Mark Lomunokol, M.P.
12. The Hon. Grace Kipchoim, M.P.
13. The Hon. Mathias Robi, M.P.
14. The Hon. Joseph Lomwa, M.P.
15. The Hon. Peter Shehe, M.P.
16. The Hon. Stephen Manoti, M.P.
17. The Hon. Emmanuel Wangwe, M.P.
18. The Hon. K.K. Stephen Kinyanjui Mburu, M.P.
19. The Hon. Suleiman Dori, M.P.
20. The Hon. Edick Omondi Anyanga, M.P.
21. The Hon. Simon Nyaundi Ogari, M.P.
22. The Hon. Johnson Manya Naicca, M.P.
23. The Hon. Mishi Juma, M.P.
24. The Hon. Aduma Owuor, M.P.
25. The Hon. Chachu Ganya, M.P.
26. The Hon. Omar Mwinyi, M.P.
27. The Hon. Ahmed Abbas Ibrahim, M.P.

28. The Hon. Omulele Christopher, M.P.

29. The Hon. Mukwe James Lusweti, M.P.

Hon. Speaker,

On Thursday 12th March, 2015, the Majority Leader tabled the following conventions in the House:-

i. The 1988 Protocol To The Load Lines Convention, 1966;
ii. The 1978 Protocol To The 1974 Safety Of Life At Sea (Solas) Convention (Solas 78 Protocol;
iii. The Protocol Of 1988 relating to the International Convention For The Safety Of Life At Sea, 1974;
iv. The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;
v. The Convention on the Limitation of Liability For Maritime Claims 1976 (LLMC 1976) ;
vi. The 1996 Protocol to the Convention On Limitation Of Liability For Maritime Claims (LLMC), 1976;
vii. The Nairobi International Convention on Removal Of Wrecks, 2007;
viii. The International Convention on the Control Of Harmful Anti-Fouling Systems On Ships, 2001.

Subsequently the conventions were committed to the Committee on Transport, Public Works and Housing for consideration.

Pursuant to Section 8 of the Treaty Making and Ratification Act, No. 45 of 2012 which provides for consideration of treaties by Parliament, the committee considered the Conventions forthwith.

Committee Meetings

The Committee held two Sittings during which the representatives of the Ministry of Transport and Infrastructure appeared before the Committee and the considerations of the Conventions were conducted in accordance with the Treaty Making and Ratification Act, No. 45 of 2012.

Submission of Memoranda

The Committee invited interested members of the public by placing an advert on the dailies on Wednesday 18th March, 2015 to submit any representations they had on the Convention. The Committee received one written submission from Seaport Operations.

Hon. Speaker,

In considering the Conventions, the Committee was guided by the following provisions of the Treaty Making and Ratification Act, No. 45 of 2012:-

(1) Where the Cabinet approves the ratification of a treaty, the Cabinet Secretary shall submit the treaty and a memorandum on the treaty to the Speaker of the National Assembly.

(2) A treaty approved for ratification by the Cabinet under section 7 of the Act shall, depending on its subject matter, be considered by both or the relevant House of Parliament paying due regard to Part 1 and Part 2 of Chapter Eight of the Constitution.

(3) The relevant parliamentary committee shall, during its consideration of the Treaty, ensure public participation in the ratification process in accordance with laid down parliamentary procedures.

(4) Parliament may approve the ratification of a treaty with or without reservations to specific provisions of the treaty.

(5) A proposed reservation shall be introduced as a provision into the treaty in accordance with the procedure set out in the Standing Orders.

(6) Where one House approves the ratification of a treaty and the other House refuses to approve the ratification of a treaty, the treaty shall be referred to the mediation committee in accordance with Article 112 of the Constitution.

(7) Where the both Houses refuse to approve the ratification of a treaty, the Speakers of the two Houses shall submit their decision to the relevant Cabinet Secretary within fourteen days of the decision.

(8) Nothing in this Act precludes the resubmission of a treaty to National Assembly and where applicable the Senate, where approval for the ratification of the treaty had been refused.

(9) Parliament shall not approve the ratification of a treaty or part of it if its provisions are contrary to the Constitution, nor shall the House approve a reservation to a treaty or part of it if that reservation negates any of the provisions of the Constitution even if the reservation is permitted under the relevant treaty.

(10) Approval for ratification

(1) Where the ratification of a treaty referred to in section 7 of the Act is approved by Parliament without any reservations to the treaty, the

relevant Cabinet Secretary shall, within thirty days from the date of the approval of the ratification of treaty request the Cabinet Secretary to prepare the instrument of ratification of the treaty.

(2) Where a treaty referred to in section 7 is approved for ratification with reservations to some provisions of the treaty, the treaty shall be ratified with those reservations to the corresponding article in the treaty.

(3) Where Parliament refuses to approve the ratification of the treaty referred to in section 7, the Government shall not ratify the treaty."

Hon. Speaker,

The Committee observed that:-

i. The country will benefit from the International Maritime Organization's Technical Cooperation Programme and other development partners who assist developing countries to develop capacity for implementation and enforcement purposes.

ii. The ratification and implementation of the Protocols and Conventions will enhance Kenya Maritime Authority's powers to conduct Port State Control functions and render the coastline safe.

iii. There will be a favorable increase in Kenya's tonnage and further increase revenue to the Government in terms of the annual fees so earned.

iv. The country will be in line with the globally accepted liability limits that are agreed and prescribed and therefore putting claimants in our jurisdiction at an advantage in any action against a ship owner for loss or damage occasioned by a ship.

v. Kenyans who serve in the ships as seafarers would be highly compensated in case of personal injury or loss of life.

vi. The ratification and implementation of the Protocols and Conventions would lead to better maritime safety, reduction in the costs and risks to maritime transport, and better protection of the global maritime environment

vii. It also proposes guidelines that will enable Member States to enforce regulations on locating and marking wrecks, as well as determining the liabilities of responsible parties in removing the hazardous wrecks and materials

viii. National Assembly approves the **1996 Protocol to the Convention on Limitation of Liability for Maritime Claims (LLMC), 1976;** subject to reservation of the right to exclude claims for damage within the meaning of the Hazardous and Noxious Substances (HNS) convention to Avoid two systems of liability arising from the consolidated LLMC and the HNS convention;

Hon. Speaker,

The Committee therefore recommends that:-

Pursuant to Section 8 of the Treaty Making and Ratification Act No. 45 of 2012, the House Approves the ratification of:-

a. The 1988 Protocol To The Load Lines Convention, 1966;
b. The 1978 Protocol To The 1974 Safety Of Life At Sea (Solas) Convention (Solas 78 Protocol;
c. The Protocol of 1988 Relating to the International Convention for the Safety Of Life At Sea, 1974;
d. The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;
e. Convention On The Limitation Of Liability For Maritime Claims 1976 (LLMC 1976) ;
f. The 1996 Protocol to the Convention On Limitation Of Liability For Maritime Claims (LLMC), 1976; subject *to reservation of the right to exclude claims for damage within the meaning of the HNS convention to Avoid two systems of liability arising from the consolidated LLMC and the HNs convention;*
g. The Nairobi International Convention on Removal of Wrecks, 2007; and
h. The International Convention on the Control of Harmful Anti-Fouling Systems On Ships, 2001

Hon. Speaker,

Acknowledgement

1. The Committee is grateful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its Sittings.

2. On behalf of the Committee, and pursuant to Standing Order 199(6), it is now my pleasant duty to table the Report of the Departmental Committee on Transport, Public Works and Housing on the consideration of International Conventions and Protocols, for debate and adoption.

Signed.....Date.....31/3/015.....

Hon. Maina Kamanda, EGH, MP,
Chairperson of the Departmental Committee on Transport, Public Works and Housing

THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – 3RD SESSION

DEPARTMENTAL COMMITTEE – L: TRANSPORT, PUBLIC WORKS AND HOUSING

Attendance for the Adoption of the report on Conventions and Protocols – Tuesday 31st March, 2015 9:30 am

NO.	MEMBER	SIGNATURE
1.	Hon. Maina Kamanda (**Chairperson**), MP	
2.	Hon. (Eng.) Mohamed M. Mahamud (**Vice Chairperson**), MP	
3.	Hon. KK Stephen Kinyanjui Mburu, MP	
4.	Hon. Christopher Omulele, MP	
5.	Hon. (Eng.) Stephen Ngare, MP	
6.	Hon. Johnson M. Naicca, MP	
7.	Hon. (Eng.) John Kiragu, MP	
8.	Hon. Stephen K. Manoti, MP	
9.	Hon. Joseph Lomwa, MP	
10.	Hon. (Capt.) Clement M. Wambugu, MP	
11.	Hon. Emmanuel Wangwe, MP	
12.	Hon. Grace J. Kipchoim, MP	
13.	Hon. Cecily M. Mbarire, MP	
14.	Hon. Mishi Juma Khamis, MP	

15.	Hon. Peter Shehe, MP	
16.	Hon. Omar Mwinyi, MP	
17.	Hon. Suleiman Dori, MP	
18.	Hon. Edick O. Anyanga, MP	
19.	Hon. Aduma Owuor, MP	
20.	Hon. Gideon Konchella, MP	
21.	Hon. Abass Ahmed Ibrahim, MP	
22.	Hon. Ali Wario, MP	
23.	Hon. David Kiaraho, MP	
24.	Hon. Barchilei Kipruto, MP	
25.	Hon. Simon Nyaundi Ogari, MP	
26.	Hon. Chachu Ganya , MP	
27.	Hon. Mathias N. Robi , MP	
28.	Hon. Mukwe James Lusweti, MP	
29.	Hon. Mark Lomunokol, MP	

Mr. Samuel Kalama – First Clerk Assistant

For: **CLERK OF THE NATIONAL ASSEMBLY**

2.0 CONSIDERATION OF CONVENTIONS

2.1 CONSIDERATION OF THE 1988 PROTOCOL TO THE LOAD LINES CONVENTION, 1966

Background information on the convention

Kenya became a contracting party to the 1966 Load Lines Convention (the Load Lines Convention) on 12th September, 1975, which convention was adopted by the International Maritime Organization (IMO) in London in 1966 through a Diplomatic Conference and entered into force in 1968.

Kenya is yet to ratify the 1988 Protocol amending the Load Lines Convention (the Protocol). At adoption of the Protocol, only 9 member states signed subject to accession/ratification. The Protocol was adopted in 1988 entering into force in 2000 and it has 98 contracting states.

It has long been recognized that limitations on the draught to which a ship may be loaded make a significant contribution to her safety. These limits are given in the form of free boards, which constitute, besides external weather tight and watertight integrity, the main objective of the Load Lines Convention.

The Load Lines Convention sets out rules for calculation and assignment of freeboard and takes into account the potential hazards present in different zones and different seasons. The purpose of the convention's safety measures is to ensure the watertight integrity of ship's hulls below the free board deck.

The Protocol was primarily adopted in order to harmonize the Load Lines Convention's survey and certification requirements with those contained in the Safety of Life at Sea (SOLAS 74/78) Convention and the Marine Pollution Convention of 73/78 (MARPOL).

All three instruments require the issuing of certificates to show that requirements have been met and this has to be done by means of a survey which can involve the ship being out of service for several years. The harmonized system alleviates the problems caused by survey dates and intervals between surveys which do not coincide, so that a ship should no longer have to go to port or repair yard for a survey required by one convention shortly after doing the same thing in connection with another instrument.

The Protocol revised certain regulations in the technical Annexes to the Load Lines Convention and introduced the tacit amendment procedure which was already applicable to the 1974 SOLAS Convention.

The Protocol introduced the tacit agreement procedure and therefore reservations are not applicable in ratifying the protocol.

The Protocol is provided for in the Merchant Shipping Act, 2009.

Prior to enactment, the public was sensitized on the need for ratification as well as the benefits of the protocol which, amongst others, include ensuring ships and crew safety, protection of the marine environment from pollution by ships resulting from unseaworthiness etc. and also reduces the cost involved in surveys which are now harmonized. The public supported ratification of the Protocol.

Objectives

i. The main purpose of both the Load Lines Convention and the Protocol is to establish uniform principles and rules with respect to the limits to which ships on international voyages may be loaded having regard to the need for safeguarding life and property at sea.

ii. The 1988 Load Lines Protocol harmonizes the Conventions survey and certification requirement with those contained in SOLAS 74/78 and MARPOL 73/78. Hence facilitating implementation of the three instruments by contracting parties.

The harmonized system resolves the problems caused by survey dates and intervals between surveys which do not coincide. A ship therefore does not have to go to a port or repair yard for a survey as required by one convention shortly after going through the same process in connection with another instrument.

The Committee deliberated on the Convention and the detailed analysis is provided below:

Article	Highlight	Comments
Article 1	General obligations	Each party to the Convention shall undertake all measures to give full and complete effect to the provisions of the Convention..
Article 2	Definition	Definition section. It defines the technical terminologies used in the Convention
Article 3	General provisions	Provides that ships on an international voyage must be surveyed, marked and provided with an International Load line Certificate(1966) or an International Load line Exemption Certificate

Article 4	Application	The Convention applies to; 1) Ships registered of contracting governments; 2) Ships registered to territories in which the Convention is extended; 3) Unregistered ships of contracting Government's; 4) Ships engaged on international voyages and 5) Existing and new ships
Article 5	Exceptions	The Convention does not apply to; 1) Warships 2) New ships of less than 24 meters in length 3) Existing ships of less than 150 tons gross 4) Pleasure yachts not engaged in trade 5) Fishing vessels
Article 6	Exemptions	1) Ships engaged in international voyages between the near neighboring ports of two or more States 2) A ship not normally engaged on international voyages but is required to make a single international voyage.
Article 7	Force majeure	This Convention does not apply to a ship on account of any deviation from it's intended voyage due to stress of weather or any other cause.
Article 8	Equivalents	The Administration may allow any fitting, material, appliance or apparatus to be fitted other than that required by the Convention if satisfied by trial that the fitting is at least as effective as that required by the Convention. It shall then be communicated to the organization by circulation to the contracting Governments particulars together with a report of any trials made.
Article 9	Approvals for experimental purposes	An Administration may make specific approvals for experimental purposes and such approval shall be communicated to the Organization for circulation to the contracting Governments.

Article 10	Repairs, alterations and modifications	Provides that repairs, alterations and modifications of a major character should meet the requirements for a new ship in so far as the Administration deems reasonable and practicable.
Article 11	Zones and areas	Ships shall comply with the requirements applicable to that ship in the zones and areas.
Article 12	Submersion	The appropriate load lines on the sides of the ship corresponding to the season of the year and the zone or area in which the ship may be shall not be submerged at any time when the ship puts to sea, during the voyage or on arrival. Ships in fresh water may be submerged by the amount of her fresh water allowance shown on the Certificate.
Article 13	Survey, inspection and marking	Officers of the Administration carry out the surveys, inspections and markings of ships and the granting of exemptions; however they may entrust either to surveyors nominated or to organizations recognized by it.
Article 14	Initial and periodical surveys and inspections	An initial survey shall be before the ship is put in service. An annual inspection shall be 3 months before and after each annual anniversary date (date of issuance of the Certificate) of the Certificate. A renewal survey shall be at intervals specified by the Administration but not exceeding 5 years. Periodic surveys and inspections include the protection of openings, guard rails, freeing ports and means of access to crew's quarters.
Article 15	Maintenance of conditions after survey	No changes shall be made without the approval of the Administration after any survey has been completed.
Article 16	Issue of Certificates	An International Load Line Certificate or an International Load Line Exemption Certificate will be issued by the Administration or by any person or organization duly authorized by it after a ship has been surveyed and marked.

Article 17	Issue of Certificate by another Government	A contracting Government may, at the request of another contracting Government cause the ship to be surveyed and if satisfied issue or authorize the issue of an International Load Line Certificate. A certificate so issued must contain a statement to the effect that it has been issued at the request of the Government of the State whose flag the ship is or will be flying. No International Load Line Certificate shall be issued to a ship which is flying the flag of a State the Government of which is not a Contracting Government.
Article 18	Form of Certificates	The Certificates shall be drawn up in the official language or languages of the issuing countries and if it's neither English nor French, the text shall include a translation into one of the languages.
Article 19	Duration of Certificates	The International Load Line Certificate and the International Load Line Exemption Certificate is valid for five years from the date of issue. The Certificate may be cancelled by the Administration if: 1) Any material alterations have taken place that would necessitate the assignment of an increased the freeboard 2) The fittings and appliances are not maintained in an effective condition 3) The Certificate is not endorsed to show the ship has been inspected 4) The structural strength of the ship is lowered to such an extent that the ship is unsafe
Article 20	Acceptance of Certificates	The Certificate issued by a contracting Government shall be accepted by other contracting Governments and has the same force as issued to them.
Article 21	Control	Ships are subject to control when in ports of other contracting Governments and such control is limited to the purpose of determining; 1) There is a valid Certificate on board 2) The ship is not over-loaded 3) The position of the load line corresponds with the Certificate

		4) The ship is fit to proceed to sea without any danger to human life
Article 22	Privileges	The privileges of this Convention shall not be claimed by any ship unless it holds a valid International Load Line Certificate.
Article 23	Casualties	Each Administration shall conduct an investigation of any casualty occurring to ships flying it's flag and to supply the Organization with pertinent information concerning the findings of such investigations.
Article 24	Prior Treaties and Conventions	All treaties, conventions and arrangements relating to load line matters in force between Government Parties shall continue to have full and complete effect as regards to ships to which the present Convention does not apply and ships which the present Convention applies in respect of matters which it has not expressly provided. If there is conflict with the provisions of this Convention, the provisions of this Convention shall prevail.
Article 25	Special rules drawn by agreement	Special rules may be drawn by agreement among all or some of the contracting Governments and such rules shall be communicated to the Organization for circulation to all contracting Governments.
Article 26	Communication of information	Contracting Governments shall communicate to and deposit with the organization a sufficient number of specimens of their certificates issued, the text of laws, decrees, orders or regulations promulgated on the various matters and a list of non-governmental agencies which are authorized to act on their behalf.
Article 27	Signature, acceptance and accession	Provides that the Convention is open for signature for three months from 5th April 1966 and shall thereafter remain open for accession States may become Parties to the Convention by; ❖ signature not subject to ratification, acceptance or approval; ❖ signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval ;or ❖ accession.

Article 28	Coming into force	Provides for the entry into force of the convention twelve months after the date on which not less than fifteen states have either signed it without reservation as to ratification, acceptance or approval. Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of the Convention shall take effect three months after the date of deposit
Article 29	Amendments	The Convention may be amended upon the proposal of a contracting Government by either unanimous acceptance or after consideration in the organization
Article 30	Denunciation	Provides that any Party may denounce the Convention after the expiry of five years from the date the Convention enters into force for that party. Denunciation shall be effected by the deposit of written notification with the Secretary-General, to take effect one year after receipt or such longer period as may be specified in the notice.
Article 31	Suspension	In case of hostilities or other extraordinary circumstances, the Government may suspend the operation of the whole or any part of the Convention and it shall immediately give notice of such suspension to the Organization
Article 32	Territories	The UN in cases where they are the administering authority for a territory shall as soon as possible consult with such territory and any at any time by notification to the Organization declare that the present Convention shall extend to that territory.
Article 33	Registration	As soon as the Convention enters into force, the Secretary General is to transmit the text therof to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the UN.
Article 34	Languages	Provides for the establishment of the Convention in a single original in the English and French languages each text being equally authentic.

Committee Observations

The Committee observed the following:-

That

i. The ratification and implementation, the Protocol will enhance Kenya Maritime Authority's powers to conduct Port State Control functions and render the coastline free from unseaworthy ships among others.

ii. Enhanced safety of life, property and protection of the marine environment in connection with ships on international voyages calling at Kenyan Ports will be achieved.

iii. The country's opportunity to earn revenue from future ship surveys and certification as well as develop related capacity will be ensured.

iv. The country will benefit from the IMO's Technical Co-operation Programme and other development partners who assist developing countries to develop capacity for implementation and enforcement purposes.

v. There are no financial or budgetary implications in ratifying the Protocol. However, implementation of the same will require building of capacity and development and or review of policy or legislation. The required funds should be budgeted for by the Ministry of Transport and Infrastructure, Kenya Maritime Authority and other agencies.

2.2 CONSIDERATION OF THE 1978 PROTOCOL TO THE 1974 SAFETY OF LIFE AT SEA (SOLAS) CONVENTION (SOLAS 78 PROTOCOL)

Background information to the convention

The Safety of Life at Sea (SOLAS) Convention is generally regarded as the most important of all international treaties concerning the safety of life and property at sea.

The origin of SOLAS goes back to 1914 in response to the Titanic disaster, following which various amendments were considered until 1974 when a complete new Convention was adopted by International Maritime Organization (IMO).

Kenya is a Contracting Party to the 1974 SOLAS, effective 21st October, 1999. However, it is yet to ratify the Convention's Protocol of 1978 (the 1978 Protocol). The 1978 Protocol entered into force in 1981 and has 119 contracting

states to-date. 11 member states excluding Kenya signed the Protocol during its adoption.

The 1974 Convention has been updated and amended on numerous occasions to cater for various safety issues in the rapidly evolving technology based shipping industry.

The 1978 Protocol was adopted at the International Conference on Tanker Safety and Pollution Prevention which was convened in response to a spate of tanker accidents during 1976 to 1977.

The Conference adopted measurers affecting tanker design and operation.

The 1978 Protocol introduced the tacit agreement procedure and therefore reservations are not applicable in ratifying the protocol.

The 1978 Protocol is provided for in the Merchant Shipping Act, 2009. Prior to enactment, the public was sensitized on the need for ratification as well as the benefits of the protocol which, amongst others, include ensuring ships and crew safety, protection of the marine environment from pollution by ships which may result from unseaworthiness of ships. It will strengthen Kenya's port state control inspection measurers to ensure unseaworthy vessels do not call at our ports. The surveys and inspections enhance revenue generation for the country. The public stakeholders supported ratification of the Protocol.

Objectives of the Convention

The 1978 Protocol made important changes to Chapter 1 of SOLAS 74 by introducing unscheduled inspections and/or mandatory annual surveys thus strengthening of port state control requirements.

This ensures seaworthiness requirements particularly when port state control inspection such as those undertaken by Kenya Maritime Authority (KMA) is enforced.

The importance of this Protocol to the country cannot be underestimated as it is estimated that about fifty ships of various types are in the major shipping lanes off the coast of Kenya at any given time. Of these, approximately nine are oil tankers whose risks to the marine environment in case of oil spill are enormous. Hence the need to ratify the 1978 Protocol.

Under the 1978 Protocol, new crude oil carriers and product carriers of 20,000 deadweight (dwt) and above are required to be fitted with an inert gas system that is required when crude oil washing is undertaken to avoid explosion due to chemical reactions.

All ships of 10,000 gross tonnage and above are to be fitted with two radars, two remote steering gear control systems with the main steering gear of new tankers having two or more identical power units. This ensures safe operation of the tankers, hence prevention of marine pollution from ships.

The Committee deliberated on the Convention and the detailed analysis is as provided below:

Article	Highlights	Comments
Article 1	General obligations under the Convention	Provides that the contracting Governments shall undertake to give effect to the provisions of the Convention
Article 2	Application	The Convention shall apply to ships entitled to fly the flags of States the Governments of which are contracting Governments.
Article 3	Laws, Regulations	Contracting Governments are to communicate and deposit with the Secretary General of the Intergovernmental Maritime Consultative Organization (the Organization): ❖ a list of non-governmental agencies authorized to act on their behalf for circulation to the contracting Governments for the information of their officers, ❖ laws ,decrees, orders and regulations promulgated on various matters within the scope of the Convention and ❖ a sufficient number of specimens of their certificates issued.
Article 4	Cases of force majeure	A ship which is not subject to the provisions of the convention at the time of departure on any voyage, shall not become subject to the provisions of the present convention on account of any deviation from it's intended voyage due to stress of weather or any other case

Article 5	Carriage of persons in emergencies	For the purpose of evacuating persons in order to avoid a threat to the security of their lives, a contracting government may permit the carriage of a larger number of persons in it's ships than is otherwise permissible under the present Convention. Notice of any such permissions together with a statement of the circumstances shall be sent to the Secretary general of the Organization by the contracting Governments granting such permissions
Article 6	Prior treaties and Conventions	All other treaties, Conventions and arrangements relating to safety of life at sea shall continue to have full and complete effect as regards to ships which the present Convention does not apply and ship which the present Convention applies, in respect of matters for which it has not expressly provided. If there is a conflict, the provisions of the present Convention shall prevail.
Article 7	Special rules drawn by agreement	When special rules are drawn by the agreement between all or some of the contracting Governments, such rules shall be communicated to the Secretary General of the Organization for circulation to all contracting Governments
Article 8	Amendments	Provides for the procedures for amendment of the Convention; **Amendment after consideration within the Organization** ❖ Any Party may propose an amendment to the Convention which shall be submitted to the Secretary General who shall then circulate to the Parties at least six months prior to it's consideration. ❖ The amendment shall then be referred to the Committee for consideration and Parties whether members or not shall be entitled to participate in the proceedings. ❖ Amendments shall then be adopted by a two-thirds majority of the Parties present and voting in the committee, on condition that at least one third of the Parties shall be present at the time of voting. ❖ The amendments shall then be communicated

		by the Secretary-General to the Parties for acceptance and it shall be deemed to have been accepted on the date when two-thirds of the Parties have notified the Secretary-General of the acceptance or twelve months after the date of adoption or such other date as may be determined by the Committee. However if by that date more than one-third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted. An amendment shall enter into force ❖ For those parties which have declared that they have accepted six months after the date in which it is deemed to have been accepted. A Party that has notified an objection may subsequently notify the Secretary General of it's acceptance and such an amendment shall enter into force six months after the date of notification of acceptance or the date on which the amendment enters into force. Amendment by a conference Upon the request of a Party concurred by at least one-third of the Parties, the Organization can convene a conference of the Parties to consider amendments and if adopted by two-thirds majority of the Parties present, it be communicated by the Secretary-General to all parties for acceptance. The Secretary-General shall inform the Parties and members of the organization of any amendment that enters into force and the date of entry.
Article 9	Signature, ratification ,acceptance, approval and accession	Provides that the Convention is open for signature by any state at the Headquarters of the Organization from 1st November 1974 to 1st July 1975 and shall thereafter remain open for accession by any state. States may become Parties to the Convention by;

		❖ signature not subject to ratification, acceptance or approval; ❖ signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval ;or ❖ accession.
Article 10	Entry into force	Provides for the entry into force of the convention twelve months after the date on which not less than twenty-five states have either signed it without reservation as to ratification, acceptance or approval. Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of the Convention shall take effect three months after the date of deposit.
Article 11	Denunciation	Provides that any Party may denounce the Convention after the expiry of five years from the date the Convention enters into force for that party. Denunciation shall be effected by the deposit of written notification with the Secretary-General, to take effect one year after receipt or such longer period as may be specified in the notice.
Article 12	Deposit and registration	Provides that the Secretary-General shall transmit certified copies of the Convention to all state Parties which have signed the Convention including informing all states each new signature or deposit of an instrument of ratification together with the date, the date of entry into force of the Convention and the deposit of any instrument of denunciation together with the date. Further, as soon as the Convention enters into force, the Secretary General is to transmit the text thereof to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the UN.
Article 13	Languages	Provides for the establishment of the Convention in a single original in the, Chinese, English, French, Russian and Spanish languages each text being equally authentic. Official translation in the Arabic, German and Italian languages shall be prepared and deposited with the signed original.

Committee observations

The Committee made the following observations:
That:-

a. The ratification and implementation of the 1978 Protocol will enhance KMA's powers to conduct port state control especially on tankers and render our coastline free from unseaworthy ships.

b. There will be enhanced safety of life, property and prevention of marine pollution from ships on international voyages calling at Kenyan ports.

c. The country's opportunity to earn revenue from future ship surveys and certification as well as develop related capacity will be ensured.

d. The country will benefit from the IMO's Technical Cooperation Programme and other development partners who assist developing countries to develop capacity for implementation and enforcement purposes.

e. Kenya's maritime zones lie on a busy shipping route plied by large oil tankers from Middle East to Europe and America. Any oil spill would be a disaster to these maritime zones.

f. Many aquaculture activities take place along Kenya's coastline, for example, tourist beach hotels, fishing, off-shore marine parks, and existence of coral reefs, archipelagos, mangroves and sandbanks. Ratification of the 1978 protocol would ensure protection of all these foreign exchange earning activities from unforeseeable tanker oil spill.

g. There are no financial and budgetary implications on the ratification of this Protocol. However, implementation will require building of capacity and development and or review of policy and legislation both of which are ongoing programmes in the Ministry and its agencies. Required funds should be budgeted for by the Ministry, KMA, Kenya Ports Authority and other agencies.

2.3 CONSIDERATION OF THE PROTOCOL OF 1988 RELATING TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974

Background information to the convention

The Protocol of 1988 relating to the International Convention for the Safety of Life at Sea (the 1988 SOLAS Protocol) introduced a new coordinated system of surveys and certification. It Harmonized Ship Survey and Certification (HSSC) as provided in the Loadlines 1966 Convention and MARPOL 73/78 as well as with various codes dealing with construction and equipment of ships carrying dangerous chemicals in bulk.

Kenya is party to the International Conventions on Safety of Life at Sea 1974 (SOLAS 74), MARPOL 73/78 and the International Convention on Load lines 1966 and therefore there is need to ratify the Protocol so as to benefit from the changes brought about by the same.

The 1988 SOLAS Protocol entered into force in 2000 and has 105 contracting States. Nine member States signed the 1988 SOLAS Protocol subject to ratification. Kenya did not sign it. The 1988 SOLAS Protocol introduced the tacit agreement procedure and therefore reservations are not applicable in ratifying the protocol.

The 1988 SOLAS Protocol is provided for in the Merchant Shipping Act, 2009. Prior to enactment, the public was sensitized on the need for ratification as well as the benefits of the 1988 SOLAS Protocol which, amongst others, include ensuring ships and crew safety, protection of the marine environment from pollution by ships which may result from unseaworthiness of ships. It will strengthen Kenya's port state control inspection measurers to ensure unseaworthy vessels do not call at our ports. The surveys and inspections enhance revenue generation for the country. The public stakeholders supported ratification of the Protocol.

Objectives of the convention

The aim of the 1988 SOLAS Protocol is to alleviate problems caused by the fact that as requirements in the three instruments vary. Ships may be obliged to go into dry-dock for a survey required by one convention shortly after being surveyed in connection with another. By enabling the required surveys to be carried out at the same time, the system will reduce costs for ship Owners and Administrations, namely Kenya Maritime Authority in carrying out Port State Control activities. Surveys would now be carried out at the same time.

The Committee deliberated on the Convention and the detailed analysis is provided below:-

Articles	Highlight	Comments

Article 1	General obligations	Parties undertake to give effect to the Convention and the present Protocol as may be necessary to provide for the need for survey and certification.
Article 2	Prior Treaties	The present Protocol replaces the Protocol of 1978 relating to the Convention. Any certificate issued under the Convention or supplement to the certificate issued under the Protocol of 1978 shall remain valid until it expires under the terms of the Convention or Protocol of 1978 relating to the Convention.
Article 3	Communication of information	Contracting Governments are to communicate and deposit with the Secretary General of the Intergovernmental Maritime Consultative Organization (the Organization): ❖ a list of nominated surveyors or recognized organizations authorized to act on their behalf for circulation to the contracting Governments for the information of their officers,
		❖ laws ,decrees, orders and regulations promulgated on various matters within the scope of the Convention and ❖ a sufficient number of specimens of their certificates issued.
Article 4	Signature, ratification ,acceptance, approval and accession	Provides that the Protocol is open for signature by any state at the Headquarters of the Organization from 1st March 1989 to 28th February 1990 and shall thereafter remain open for accession by any state. States may express their consent to be bound by the present Protocol by; ❖ signature not subject to ratification, acceptance or approval; ❖ signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval ;or ❖ accession.
Article 5	Entry into force	Provides for the entry into force of the Protocol twelve months after the date on which: ❖ not less than fifteen states have expressed their consent to be bound by it and ❖ the conditions for the entry into force of the Protocol of 1988 relating to the International Convention on Load Lines 1966 have been met

		provided that the present Protocol shall not enter into force before 1st February 1992 Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of the Protocol shall take effect three months after the date of deposit.
Article 6	Amendments	The procedures set out in the Convention shall apply to amendments to the present Protocol.
Article 7	Denunciation	Provides that any Party may denounce the Protocol after the expiry of five years from the date the Convention enters into force for that party. Denunciation shall be effected by the deposit of written notification with the Secretary-General, to take effect one year after receipt or such longer period as may be specified in the notice.
Article 8	Depository	Provides that the Secretary-General shall transmit certified copies of the Protocol to all State Parties which have signed the Protocol including informing all states each new signature or deposit of an instrument of ratification together with the date, the date of entry into force of the Protocol and the deposit of any instrument of denunciation together with the date. Further, as soon as the Protocol enters into force, the Secretary General is to transmit the text therof to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the UN.
Article 21	Languages	Provides for the establishment of the Convention in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages each text being equally authentic. Official translation in the Italian language shall be prepared and deposited with the signed original.

Committee observations

The Committee made the following observations, that:-

1. The Harmonized System of Survey and Certification (HSSC) simplifies the survey and certification process thus reducing time and money spent by the Kenya's Surveyors on the process.

2. There will be flexibility on survey schedules thus benefiting the ship owners by allowing them ample time to do business.

3. Vessel owners will be able to receive their certificates of inspection (both SOLAS and Load lines certificates) simultaneously thus reducing costs for ship owners and administrations alike.

4. The system encourages ship owners to register their ships in Kenya due to decreased costs associated with statutory compliance. This will earn Kenya Foreign-exchange required for development.

5. There will be a favorable increase in Kenya's tonnage and further increase revenue to the Government in terms of the annual fees so earned.

6. There are no financial and budgetary implications on the ratification of this Protocol. However, implementation will require building of capacity and development and or review of policy and legislation both of which are ongoing programmes in the Ministry and its agencies. Required funds are budgeted for by the Ministry, KMA, Kenya Ports Authority and other agencies.

2.3 CONSIDERATION OF THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE, 2001

Background information to the Convention

The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention) was adopted by an International Conference held during the IMO Legal Committee meeting on 23rd March, 2001.

Eleven member States excluding Kenya signed the Convention during its adoption. To-date seventy-seven contracting States have ratified. The driving force for the development of the Bunkers Convention was the realization by many countries that bunker spills were causing significant damage and there was no orderly international regime to insure coverage or to establish limits.

The Bunkers Convention was adopted to ensure that adequate, prompt, and effective compensation is available to persons who suffer damage caused by spills of oil, when carried as fuel in ships' bunkers. The Convention applies to damage caused on the territory, including the territorial sea, and in exclusive economic zones of States Parties.

The Bunkers Convention is modeled after the International Convention on Civil Liability for Oil Pollution Damage (CLC) 1969, as amended by the

1992 Protocol, but is not applicable to oil tankers and vessels transporting 2000 DWT of persistent oils as cargo, the bunkers from which are already covered by the CLC. As with the CLC Convention, a key requirement in the Bunkers Convention is the need for the registered owner of a vessel to maintain compulsory insurance cover.

Another key provision is the requirement for direct action. This would allow a claim for compensation for pollution damage to be brought directly against an insurer. The Convention requires ships over 1,000 gross registered tonnage to maintain insurance or other financial security, such as the guarantee of a bank or similar financial Institution to cover the liability of the registered owner for pollution damage in an amount equal to the limits of liability under the applicable national or international limitation regime, but in all cases, not exceeding an amount calculated in accordance with the Convention on Limitation of Liability for Maritime Claims (LLMC) 1976, as amended by the Protocol of 1996.

The Bunkers Convention provides a free-standing instrument covering pollution damage. "Pollution damage" under the Convention means:

> *loss or damage caused outside the ship by contamination resulting from the escape or discharge of bunker oil from the ship, wherever such escape or discharge may occur, provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken; and the costs of preventive measures and further loss or damage caused by preventive measures.*

Unlike the CLC Convention and the Hazardous and Noxious Substances (HNS) Conventions, there is no funding mechanism established or administered as part of the Bunkers Convention. Rather, it relies on the premise that most ships already have adequate P & I coverage in excess of the limits specified in the Convention.

Objective of the convention

The aim of the Bunkers Convention is to improve the process by which claimants are able to recover costs incurred as a result of pollution from ships' bunker fuel oils, whether in responding to a bunker pollution incident or as a result of damage caused by bunker oil pollution. The Bunkers Convention will help to achieve this by:

Establishing a strict liability regime on the ship-owner for pollution damage arising from all types of oil used in the operation or propulsion of ships (i.e. the ship-owner is liable regardless of fault);

Requiring all registered owners of vessels over 1,000 gross tonnes entering or leaving a Kenyan Port or terminal to maintain insurance certified by the State to meet their liability; and introducing a provision that entitles claimants to sue ships' insurers via the right of direct action.
Allowing claims to be pursued in the State in which the damage occurred. This makes it much easier for victims to pursue a claim for cost recovery.

The Committee deliberated on the Agreement and the detailed analysis is provided below:-

Article	Highlight	Comments
Article 1	Definition	Definition section. It defines the technical terminologies used in the Convention e.g bunker oil means any hydrocarbon mineral oil, including lubricant oil, used or intended to be used for the operation of the ship and any residues of such oil.
Article 2	Scope of application	Provides that the Convention shall apply exclusively to pollution damage caused in the territory including the territorial sea of a state party and in the exclusive economic zone of a state Party established in accordance with international law.
Article 3	Liability of the ship owner	Provides that the ship owner at the time of an incident shall be liable for pollution damage caused by any bunker oil on board or originating from the ship and if it consists of a series of occurrences having the same origin, the liability shall attach to the ship owner at the time of the first of such occurrences. Where more than one person is liable, their liability shall be joint and several. No liability for pollution damage shall attach to the ship owner if the ship owner proves that the damage resulted from an act of war or natural phenomenon, the damage was wholly caused

		by an act or omission with the intent to cause damage by a third party or the damage was wholly caused by the negligence of the government or other authority.
Article 4	Exclusions	Provides that the Convention shall not apply to war ships or other ships owned or operated by a State and used only on Government non-commercial service.
Article 5	Incidents involving two or more ships	When pollution damage involves two or more ships, the ship owners of all the ships concerned, unless exonerated shall jointly and severally be liable for all such damage which is not reasonably separable.
Article 6	Limitation of liability	Provides that nothing in the Convention shall affect the right of a ship owner or the persons providing insurance or other financial security to limit liability under any applicable national or international regime.
Article 7	Compulsory insurance or financial security	The registered owner of a ship shall be required to maintain insurance to cover the liability of the registered owner for pollution damage in an amount equal to the limits of liability under the applicable national or international regime. A Certificate attesting that insurance is in force shall be issued to each ship in accordance with the provisions of the Convention or by the appropriate authority if registered in a State Party A State Party may authorize an organization recognized by it to issue the Certificate and such institution shall inform the State of the issue of each Certificate. A State Party shall notify the Secretary-General of the specific responsibilities and conditions of the authority delegated to an institution; the withdrawal of such authority and the date from which such authority or withdrawal of such authority takes effect. An authority delegated shall not take effect prior to three months from the date on which the notification to that effect was given by the Secretary-General.

		The certificate shall be in the official language(s) of the issuing state and it shall be carried on board and a copy deposited with the authorities. The State of the ship's registry shall determine the conditions of issue and validity of the certificate and the Certificate's issued under the authority of a State Party shall be accepted by other State Parties for the purposes of the Convention. Any claim for compensation for pollution damage may be brought directly against the insurer.
Article 8	Time limits	Provides that the rights to compensation shall be extinguished unless an action is brought within three years from the date when the damage occurred. No action shall be brought more than six years from the date of the incident which caused the damage and where the incident consists of a series of occurrences, the six year's period shall run from the date of the first such occurrence.
Article 9	Jurisdiction	Where an incident has caused pollution damage in the territorial sea or in an area of one or more State Parties or preventive measures have been taken to prevent or minimize pollution damage in such territory, compensation against the ship owner or insurer may be brought only in the courts of any such States Parties.
Article 10	Recognition and enforcement	Provides that any judgment given by a court with jurisdiction which is enforceable in the State of origin shall be recognized in any state party except where the judgment was obtained by fraud or the defendant was not given reasonable notice and a fair opportunity to present his or her case
Article 11	Supersession Clause	Provides that the Convention shall supersede any Convention in force or open for signature at the date at the date the Convention is opened for signature but only to the extent that there would be conflict
Article	Signature,	Provides that the Convention shall be open for

12	ratification, acceptance, approval and accession.	signature at the Headquarters of the Organization from 1st October 2001 to 30th September 2002 and shall thereafter remain open for accession. States may become Parties to the Convention by; ❖ signature not subject to ratification, acceptance or approval; ❖ signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval ;or ❖ accession.
Article 13	States with more than one system of law	Provides that if a state has two or more territorial units in which different systems of law are applicable, it may at the time of signature, ratification, acceptance or approval declare that the Convention shall extend to all it's territorial units or only one or more of them.
Article 14	Entry into force	Provides for the entry into force of the convention twelve months after the date on which not less than 18 states have either signed it without reservation as to ratification, acceptance or approval. Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of the Convention shall take effect three months after the date of deposit.
Article 15	Denunciation	Provides that any Party may denounce the Convention at any time from the date the Convention enters into force for that party. Denunciation shall be effected by the deposit of written notification with the Secretary-General, to take effect one year after receipt or such longer period as may be specified in the notice.
Article 16	Revision or amendment.	Provides that a conference for the purpose of amending the Convention may be convened by the Organization at the request of not less than one-third of the State Parties.
Article	Depositary	Provides that the Secretary-General shall

17		transmit certified copies of the Convention to all state Parties which have signed the Convention including informing all states each new signature or deposit of an instrument of ratification together with the date, the date of entry into force of the Convention and the deposit of any instrument of denunciation together with the date.
Article 18	Transmission to United Nations	As soon as the Convention enters into force, the Secretary General is to transmit the text therof to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the UN.
Article 19	Languages	Provides for the establishment of the Convention in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages each text being equally authentic.

Committee Observations

The Committee made the following observations, that:-

a. A registered owner's liability for pollution damage caused outside the ship by contamination resulting from the escape or discharge of bunker oil from the ship, wherever such escape or discharge may occur, would be limited to costs of reasonable measures of reinstatement of the impairment to the environment actually undertaken or to be undertaken.

b. Insurers would be more inclined to provide the coverage knowing that there are defined limits to liability claims made upon them.

c. The Convention would provide protection for Kenya through a regularized and certain regime.

d. The International Maritime Organization technical cooperation assistance is provided to facilitate countries which need to develop implementation instruments for effective implementation and enforcement of the convention in accordance with a resolution adopted.

e. Ratification and subsequent implementation of the convention will create a national legal framework to empower the contracting State to control and manage damage from spills from ships' bunkers to the marine and coastal environment.

f. Victims of bunker oil pollution, including local fishing and tourism industries, are less likely to suffer financial hardship as a result of improved cost recovery provisions.

g. Upon implementation in Kenya, anyone who suffers damage as a result of bunker oil pollution, or the threat of such pollution, will obtain adequate compensation and also benefit anyone likely to be affected by a bunker oil incident including individuals, businesses such as local fishing and tourism industries, local authorities and the Government.

h. There are no financial/budgetary implications in ratifying the Convention. However, implementation will require building of capacity and development of regulations both of which are ongoing programmes in the Ministry and its agencies. Required funds are budgeted for by the Ministry, Kenya Maritime Authority, Kenya Ports Authority and other agencies.

2.4 CONSIDERATION OF THE CONVENTION ON THE LIMITATION OF LIABILITY FOR MARITIME CLAIMS 1976 (LLMC 1976)

Background to the Convention

Kenya as a coastal state depends on shipping as 95% of its international trade is transported by sea and therefore effective regulation of international and domestic shipping directly impacts on its economy.

The Convention on the Limitation of Liability for Maritime Claims (LLMC) 1976 was adopted on 19th November 1976 and entered into force on 1st December 1986. It has 8 signatories excluding Kenya and 54 contracting states. The LLMC 1976 replaces the International Convention relating to the Limitation of the Liability of Owners of Seagoing Ships, which was signed in Brussels in 1957 and came into force in 1968. The LLMC 1976 raises the limit of liability for claims covered in some cases up to 250-300 per cent. Limits are specified for two types of claims – claims for loss of life or personal injury, and property claims. The LLMC 1976 establishes uniform rules relating to the limitation of liability for maritime claims. The claims include those of loss of life or personal injury and loss or damage to property, occurring on board or in connection with operations of ship or salvage operations including damage to other ships, property, harbor works and waterways amongst others.

The LLMC 1976 safeguards interests of both the ship owners and potential claimants by providing greater certainty in the event of a claim.

Kenya is not signatory to the LLMC 1976 and therefore seeks to ratify it.

The LLMC 1976 is incorporated in Chapter XVII of the Merchant Shipping Act 2009.

Objective of the Convention

The LLMC 1976 aims at providing manageable liability regime for maritime claims. Under the convention, the ship-owner's liability limit is based on the size of the ship. Large ships carrying more passengers or large quantities of cargo carry higher liability than small ships.

The Committee deliberated on the Convention and the detailed analysis is provided below:-

Article	Title	Comments
Article 1	Persons entitled to limit liability	Ship-owners and salvors, may limit their liability in accordance with the rules of this Convention "ship-owner" means the owner, charterer, manager and operator of a seagoing ship;
		The liability of a ship-owner shall include liability in an action brought against the vessel itself. An insurer of liability for claims subject to limitation shall be entitled to the benefits of the Convention to the same extent as the assured. The act of invoking limitation of liability shall not constitute an admission of liability.
Article 2	Claims subject to limitation	The following claims, whatever the basis of liability may be, shall be subject to limitation of liability: (a) claims in respect of loss of life or personal injury or loss of or damage to, occurring on board or in direct connation with the operation of the ship or with salvage operations, and consequential loss resulting therefrom; (b) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or their

		luggage; (c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connation with the operation of the ship or salvage operations; (d) claims in respect of the raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship; (e) claims in respect of the removal, destruction or the rendering harmless of the cargo of the ship; (f) Claims of a person other than the person liable in respect of measures taken in order to avert or minimize loss for which the person liable may limit his liability in accordance with this Convention, and further loss caused by such measures.
Article 3	Claims excepted from limitation	The rules of this Convention shall not apply to: (a) claims for salvage or contribution in general average; (b) claims for oil pollution damage within the meaning of the International Convention on Civil Liability for Oil Pollution Damage; (c) claims subject to any international convention or national legislation governing or prohibiting limitation of liability for nuclear damage; (d) claims against the ship-owner of a nuclear ship for nuclear damage; (e) claims by servants of the ship-owner or salvor whose duties are connected with the ship or the salvage operations.

Article 4	Conduct barring limitation	A person liable shall not be entitled to limit his liability if it is proved that the loss resulted from his personal act or omission, committed with the intent to cause such loss, or recklessly and with knowledge that such loss would probably result.
Article 5	Counterclaims	Where a person entitled to limitation of liability under the rules of the Convention has a claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of the Convention shall only apply to the balance, if any.
Article 6	The general limits	Sets out the limits of liability for claims arising on any distinct occasion, in respect of claims for loss of life or personal injury and in respect of other claims e.g 333,000 Units of Account for a ship with a tonnage not exceeding 500 tons. Where the amount calculated is insufficient to pay the claims, the amount calculated shall be available for payment of the unpaid balance of claims and such unpaid balance shall rank rateably with claims. However, a State Party may provide in its national law that claims in respect of damage to harbour works, basins and waterways and aids to navigation shall have such priority over other as is provided by that law.
Article 7	The limit for passenger claims	In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the ship-owner thereof shall be an amount of 46,666 Units of Account multiplied by the number of passengers which the ship is authorized to carry according to the ship's certificate but not exceeding 25 million Units of Account.

Article 8	Unit of Account	The Unit of Account is the Special Drawing Right as defined by the International Monetary Fund. The amounts are to be converted into the national currency of the State in which limitation is sought, according to the value of that currency at the date the limitation fund shall have been constituted, payment is made, or security is given which under the law of that State is equivalent to such payment. The value of a national currency in terms of the Special Drawing Right, of a State Party which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions. The value of a national currency in terms of the Special Drawing Right, of a State Party which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State Party. Those States which are not members of the International Monetary Fund may, at the time of signature without reservation as to ratification, acceptance or approval or at the time of ratification, acceptance, approval or accession or at any time thereafter, declare that the limits of liability provided for in the Convention to be applied in their territories shall be fixed.
Article 9	Aggregation of claims	The limits of liability shall apply to the aggregate of all claims which arise on any distinct occasion: (a) against any person for whose act, neglect or

		default he or they are responsible, or (b) against the ship-owner of a ship rendering salvage services from that ship and the salvor or salvors operating from such ship and any person for whose act, neglect or default he or they are responsible; or (c) against the salvor or salvors who are not operating from a ship or who are operating solely on the ship to, or in respect of which, the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.
Article 10	Limitation of liability without constitution of a limitation fund	Limitation of liability may be invoked notwithstanding that a limitation fund as has not been constituted. However, a State Party may provide in its national law that, where an action is brought in its Courts to enforce a claim subject to limitation, a person liable may only invoke the right to limit liability if a limitation fund has been constituted in accordance with the provisions of the Convention or is constituted when the right to limit liability is invoked.
Article 11	Constitution of the fund	Any person alleged to be liable may constitute a fund with the Court or other competent authority in any State Party in which legal proceedings are instituted in respect of claims subject to limitation. The fund shall be constituted in the sum of such of the amounts as are applicable to claims for which that person may be liable, together with interest thereon from the date of the occurrence giving rise to the liability until the date of the constitution of the fund. Any fund thus constituted shall be available only for the payment of claims in respect of which

		limitation of liability can be invoked. A fund may be constituted, either by depositing the sum, or by producing a guarantee acceptable under the legislation of the State Party where the fund is constituted and considered to be adequate by the Court or other competent authority.
Article 12	Distribution of the fund	The fund shall be distributed among the claimants in proportion to their established claims against the fund. If, before the fund is distributed, the person liable, or his insurer, has settled a claim against the fund such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under the Convention. The right of subrogation may also be exercised by persons in respect of any amount of compensation which they may have paid, but only to the extent that such subrogation is permitted under the applicable national law.
Article 13	Bar to other actions	Where a limitation fund has been constituted, 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. After a limitation fund has been constituted, any ship or other property, belonging to a person on behalf of whom the fund has been constituted, which has been arrested or attached within the jurisdiction of a State Party for a claim which may be raised against the fund, or any security given, may be released by order of the Court or other competent authority of such State.

		However, such release shall always be ordered if the limitation fund has been constituted.
Article 14	Governing law	The rules relating to the constitution and distribution of a limitation fund, and all rules of procedure in connexion therewith, shall be governed by the law of the State Party in which the fund is constituted.
Article 15	Scope Of Application	The Convention shall apply whenever any person seeks to limit his liability before the Court of a State Party or seeks to procure the release of a ship or other property or the discharge of any security given within the jurisdiction of any such State. Nevertheless, each State Party may exclude wholly or partially from the application of the Convention any person who at the time when the rules of the Convention are invoked before the Courts of that State does not have his habitual residence in a State Party or does not have his principal place of business in a State Party or any ship in relation to which the right of limitation is invoked or whose release is sought and which does not at the time specified above fly the flag of a State Party. A State Party may regulate by specific provisions of national law the system of limitation of liability to be applied to claims arising in cases in which interests of persons who are nationals of other States Parties are in no way involved.

		The Courts of a State Party shall not apply the Convention to ships constructed for, or adapted to, and engaged in, drilling.
Article 16	Signature, ratification and accession	Provides that the Convention is open for signature by any state at the Headquarters of the Organization from 1 February 1977 until 31 December 1977 and shall thereafter remain open for accession by any state. States may become Parties to the Convention by; ❖ signature not subject to ratification, acceptance or approval; ❖ signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval ;or ❖ accession.
Article 17	Entry into force	Provides for the entry into force of the convention twelve months after the date on which not less twelve states have either signed it without reservation as to ratification, acceptance or approval. Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of the Convention shall take effect three months after the date of deposit. In respect to States which ratify, accept, or approve the Convention or accede to it, the Convention shall replace and abrogate the International Convention relating to the Limitation of the Liability of Owners of Sea-going Ships, 1957, and the International Convention for the Unification of certain Rules relating to the Limitation of Liability of the Owners of Sea-going Vessels 1924.
Article 18	Reservations	Any State may, at the time of signature, ratification, acceptance, approval or accession,

		reserve the right to exclude the application of Article 2 paragraph 1(d) and (e). No other reservations shall be admissible to the substantive provisions of the Convention. Any State which has made a reservation to the Convention may withdraw it at any time by means of a notification addressed to the Secretary-General.
Article 19	Denunciation	Provides that any Party may denounce the Convention after the expiry of one year from the date the Convention enters into force for that party. Denunciation shall be effected by the deposit of written notification with the Secretary-General, to take effect one year after receipt or such longer period as may be specified in the notice.
Article 20	Revision and amendment	A Conference for the purpose of revising or amending the Convention may be convened by the Organization at the request of not less than one-third of the Parties. After the date of the entry into force of an amendment to the Convention, any instrument of ratification, acceptance, approval or accession deposited shall be deemed to apply to the Convention as amended, unless a contrary intention is expressed in the instrument
Article 21	Revision of the limitation amounts and of Unit of Account or monetary unit	A Conference only for the purposes of altering the amounts or of substituting either or both of the Units in the Convention shall be convened by the Organization at the request of not less than one-fourth of the States Parties.

		A decision to alter the amounts or to substitute the Units by other units of account shall be taken by a two-thirds majority of the States Parties present and voting in such Conference. Any State depositing its instrument of ratification, acceptance, approval or accession to the Convention, after entry into force of an amendment, shall apply the Convention as amended.
Article 22	Depository	Provides that the Secretary-General shall transmit certified copies of the Convention to all state Parties which have signed the Convention including informing all states each new signature or deposit of an instrument of ratification together with the date, the date of entry into force of the Convention and the deposit of any instrument of denunciation together with the date. Further, as soon as the Convention enters into force, the Secretary General is to transmit the text therof to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the UN.
Article 23	Languages	The Convention is established in a single original in the English, French, Russian and Spanish languages, each text being equally authentic.

Committee Observations

The Committee made the following observations:-
That:-

a. The ratification and implementation of the Convention will help to safeguard the interests of the shipping community, ship owners and insurers

in particular and provide certainty to the outcome of the compensation regime.

b. The country will be in line with the globally accepted liability limits that are agreed and prescribed and therefore putting claimants in our jurisdiction at an advantage in any action against a ship owner for loss or damage occasioned by a ship.

c. As a trading nation that imports and exports large quantities of cargo by sea, Kenya obtains economic benefits from the universal rules of law established. The international rules promote commerce and trade by standardizing regulations and requirements of ships in the ports they visit.

d. The country will benefit from the International Maritime Organization's Technical Co-operation Programmes and from other development partners who assist developing countries to develop capacity for implementation and enforcement purposes.

e. There are no financial or budgetary implications in ratifying the LLMC 1976. However, implementation will require building of capacity and development of regulations both of which are ongoing programmes in the Ministry and its agencies. Required funds should be budgeted for by the Ministry, Kenya Maritime Authority, Kenya Ports Authority and other agencies.

2.5 CONSIDERATION OF THE 1996 PROTOCOL TO THE CONVENTION ON LIMITATION OF LIABILITY FOR MARITIME CLAIMS (LLMC), 1976

Background to the Convention

The Protocol to the Convention on Limitation of Liability for Maritime Claims (1996 LLMC Protocol) which entered into force in 2004 increases the amount of compensation payable in the event of an incident and also introduces a "tacit acceptance" procedure for updating these amounts.

To introduce a "tacit acceptance" procedure for updating the amounts. The 1996 LLMC Protocol was signed by 9 member states excluding Kenya and to-date 49 States have ratified it.

Objectives of the Convention

The main purpose of the 1996 LLMC Protocol is to increase compensation in the event of an incident.

The Committee deliberated on the Convention and the detailed analysis is provided below:-

Articles	Highlight	Comments
Article 1	Definitions	"Convention" means the Convention on Limitation of Liability for Maritime Claims, 1976.
Article 2	Claims excepted from limitation	Article 3, subparagraph (a) of the Convention is replaced by the following text: (a) claims for salvage, including, if applicable, any claim for special compensation under Article 14 of the International Convention on Salvage 1989, as amended, or contribution in general average;
Article 3	The general limits	Article 6, paragraph 1 of the Convention is replaced by the following text: 1. The limits of liability for claims other than those mentioned in Article 7, arising on any distinct occasion, shall be calculated as follows: (a) in respect of claims for loss of life or personal injury, (i) 2 million Units of Account for a ship with a tonnage not exceeding 2,000 tons, (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i): for each ton from 2,001 to 30,000 tons, 800 Units of Account; for each ton from 30,001 to 70,000 tons, 600 Units of Account; and for each

		ton in excess of 70,000 tons, 400 Units of Account, (b) in respect of any other claims, (i) 1 million Units of Account for a ship with a tonnage not exceeding 2,000 tons, (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i): for each ton from 2,001 to 30,000 tons, 400 Units of Account; for each ton from 30,001 to 70,000 tons, 300 Units of Account; and for each ton in excess of 70,000 tons, 200 Units of Account.
Article 4	The limit for passenger claims	Article 7, paragraph 1 of the Convention is replaced by the following text: 1. In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the shipowner thereof shall be an amount of 175,000 Units of Account multiplied by the number of passengers which the ship is authorized to carry according to the ship's certificate.
Article 5	Unit of Account	Article 8, paragraph 2 of the Convention is replaced by the following text: 2. Nevertheless, those States which are not members of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 1 may, at the

		time of signature without reservation as to ratification, acceptance or approval or at the time of ratification, acceptance, approval or accession or at any time thereafter, declare that the limits of liability provided for in this Convention to be applied in their territories shall be fixed as follows: (a) in respect of Article 6, paragraph 1(a), at an amount of (a) 30 million monetary units for a ship with a tonnage not exceeding 2,000 tons; (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i): for each ton from 2,001 to 30,000 tons, 12,000 monetary units; for each ton from 30,001 to 70,000 tons, 9,000 monetary units; and for each ton in excess of 70,000 tons, 6,000 monetary units; and (b) in respect of Article 6, paragraph 1(b), at an amount of: (i) 15 million monetary units for a ship with a tonnage not exceeding 2,000 tons; (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i): for each ton from 2,001 to 30,000 tons, 6,000 monetary units; for each ton from 30,001 to 70,000 tons, 4,500 monetary units; and

		for each ton in excess of 70,000 tons, 3,000 monetary units; and (c) in respect of Article 7, paragraph 1, at an amount of 2,625,000 monetary units multiplied by the number of passengers which the ship is authorized to carry according to its certificate. Paragraphs 2 and 3 of Article 6 apply correspondingly to subparagraphs (a) and (b) of this paragraph.
Article 6	Scope Of Application	The following text is added as paragraph 3*bis* in Article 15 of the Convention: 3*bis* .Notwithstanding the limit of liability prescribed in paragraph 1 of Article 7, a State Party may regulate by specific provisions of national law the system of liability to be applied to claims for loss of life or personal injury to passengers of a ship, provided that the limit of liability is not lower than that prescribed in paragraph 1 of Article 7. A State Party which makes use of the option provided for in this paragraph shall inform the Secretary-General of the limits of liability adopted or of the fact that there are none.
Article 8	Amendment of limits	1. Upon the request of at least one half, but in no case less than six, of the States Parties to this Protocol, any proposal to amend the limits specified in the Convention as amended by this Protocol shall be circulated by the Secretary-General to all Members of the Organization and

		to all Contracting States. 2. Any amendment proposed and circulated shall be submitted to the Legal Committee of the Organization (the Legal Committee) for consideration at a date at least six months after the date of its circulation. 3. All Contracting States to the Convention as amended by this Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Legal Committee for the consideration and adoption of amendments. 4. Amendments shall be adopted by a two-thirds majority of the Contracting States to the Convention as amended by this Protocol present and voting in the Legal Committee on condition that at least one half of the Contracting States to the Convention as amended by this Protocol shall be present at the time of voting. 5. When acting on a proposal to amend the limits, the Legal Committee shall take into account the experience of incidents and, in particular, the amount of damage resulting , changes in the monetary values and the effect of the proposed amendment on the cost of insurance. 6. No amendment of the limits may be considered less than five years from the date on which this Protocol was opened for signature nor less than five years from the date of entry into force of a previous amendment under

		7. Any amendment adopted shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification, unless within that period not less than one-fourth of the States that were Contracting States at the time of the adoption of the amendment have communicated to the Secretary-General that they do not accept the amendment, in which case the amendment is rejected and shall have no effect. 8. An amendment deemed to have been accepted in accordance with paragraph 7 shall enter into force eighteen months after its acceptance. 9. All Contracting States shall be bound by the amendment, unless they denounce this Protocol in accordance with paragraphs 1 and 2 of Article 12 at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force. 10. When an amendment has been adopted but the eighteen-month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 7. In the cases referred to in this paragraph, a State becomes

		bound by an amendment when that amendment enters into force, or when this Protocol enters into force for that State, if later.
Article 9		1. The Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument. 2. A State which is Party to this Protocol but not a Party to the Convention shall be bound by the provisions of the Convention as amended by this Protocol in relation to other States Parties hereto, but shall not be bound by the provisions of the Convention in relation to States Parties only to the Convention. 3. The Convention as amended by this Protocol shall apply only to claims arising out of occurrences which take place after the entry into force for each State of this Protocol. 4. Nothing in this Protocol shall affect the obligations of a State which is a Party both to the Convention and to this Protocol with respect to a State which is a Party to the Convention but not a Party to this Protocol.
Article 10	Signature, ratification, acceptance, approval and accession	1. This Protocol shall be open for signature at the Headquarters of the Organization from 1 October 1996 to 30 September 1997 by all States. 2. Any State may express its consent to be bound by this Protocol by:

		(a) Signature without reservation as to ratification, acceptance or approval; or (b) Signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or (c) Accession. 3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General. 4. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the Convention as amended by this Protocol shall be deemed to apply to the Convention so amended, as modified by such amendment.
Article 11	Entry into force	The Protocol is to enter into force ninety days following the date on which ten States have expressed their consent to be bound by it or ninety days following the date of expression of such consent.
Article 12	Denunciation	Provides that any Party may denounce the Protocol after the expiry of twelve months from the date the Convention enters into force for that party. Denunciation shall be effected by the deposit of written notification with the Secretary-General, to take effect one year after receipt or such longer period as may be specified in the notice.
Article 13	Amendment or Revision	A conference for the purpose of revising or amending this Protocol may be convened by

		the Organization at the request of not less than one-third of the Contracting States.
Article 14	Depositary	Provides that the Secretary-General shall transmit certified copies of the Protocol to all state Parties which have signed the Protocol including informing all states each new signature or deposit of an instrument of ratification together with the date, the date of entry into force of the Protocol and the deposit of any instrument of denunciation together with the date.
Article 15	Languages	This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic

Committee Observations

The Committee made the following observations:-
That:-

1. The ratification and implementation of the Protocol will enable Kenyans who are importers to draw increased amounts in compensation in case of an incident where their property is lost in the sea. Compensation will be 1 million SDR (US $ 1.586 Million) in a ship not exceeding 2,000 gross tonnage.

2. Kenyans who serve in the ships as seafarers would be highly compensated in case of personal injury or loss of life.

3. They will be able to earn 2 Million SDR equivalent to US $ 3.17 Million if they were serving in a ship whose gross tonnage does not exceed 2,000.

4. There are no financial or budgetary implications in ratifying the 1996 LLMC Protocol. However, implementation will require building of capacity and development of regulations both of which are ongoing programmes in the Ministry and its agencies. Required funds are budgeted for by the Ministry, Kenya Maritime Authority, Kenya Ports Authority and other agencies.

Reservation on the Protocol

Article 18 of the consolidated LLMC (i.e. the 1976 LLMC as amended by the 1996 LLMC Protocol) enables a contracting State to reserve the right "to exclude claims for damage within the meaning of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 or of any amendment or protocol thereto (HNS Convention)." It is advisable upon ratification for Kenya to reserve the right to exclude claims for damage within the meaning of the HNS Convention because should Kenya, in future, ratify the HNS Convention, without this reservation, there will be two systems of liability arising from the consolidated LLMC and the HNS Convention.

2.6 CONSIDERATION OF THE NAIROBI INTERNATIONAL CONVENTION ON REMOVAL OF WRECKS, 2007

Background to the Convention

Kenya became a member of the International Maritime Organization (IMO) in 1973. It has since ratified several international Conventions. The International Convention on Removal of Wrecks 2007 was adopted by a five day Diplomatic Conference held at the United Nations Office in Nairobi (UNON) on 18th May 2007. Kenya signed the Convention on the date of adoption. The Convention to-date has 11 contracting States and it is scheduled to enter into force in April 2015 having met the entry into force requirement of 10 contracting states.

The Convention provides an international legal framework by providing a set of unified international rules aimed at ensuring prompt and effective removal of wrecks located beyond the territorial sea.

The Convention's provisions contain a clause enabling State parties to apply certain provisions to their territory and territorial sea. Though marine casualties have decreased in recent years, there are a big number of abandoned marine wrecks that have posed big challenges to Coastal States and shipping.

This can be from wreck being a hazard to navigation; it's potential to cause damage to the marine/coastal environment and the costly issue of marking and removing hazardous wrecks.

Wreck is a ship or any part of a ship or object that has been on board a ship but has become detached e.g. cargo that as a consequence of a maritime casualty has sunk or stranded or is adrift.

The new Convention provides a sound legal basis for Coastal States to remove or have a hazard removed from their coastlines, wrecks which pose a hazard to the safety of navigation or to the marine and coastal environments or both environments. It will make ship owners financially liable and require them to take out insurance or provide other financial security to cover the costs of wreck removal. It will also provide states with a right of direct action against insurers.

The public have been sensitized on the Convention under the Merchant Shipping Act of 2009.

Objectives of the convention

The Nairobi International Convention on Removal of wreck's main objective is to;
Provide an international legal framework aimed at ensuring the prompt and effective removal of wrecks located beyond the territorial sea.

To enable State parties apply certain provisions to their territory including the territorial sea.

Alleviate the problems caused to Coastal States by the increasing number of wrecks worldwide which are estimated to be thirteen hundred.

The Committee deliberated on the Convention and the detailed analysis is provided below:-

Article	Highlight	Comments
Article 1	Definition	Definition section. It defines the technical terminologies used in the Convention e.g wreck means a sunken or stranded ship or any part of a sunken or stranded ship including any object that has been or is on board such a ship.
Article 2	Objectives and general principles	Provides that a State Party may take measures in accordance to the Convention in relation to the removal of a wreck which poses a hazard in the Convention area and such measures shall not go beyond what is reasonably necessary.
Article 3	Scope of application	Provides that the Convention shall apply to wrecks in the Convention area but a State Party may extend the application of this Convention to wrecks located within its territory including the territorial sea upon notifying the Secretary General accordingly.
Article 4	Exclusions	Provides that the Convention shall not apply to

		measures taken under the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, to war ships or other ships owned or operated by a State and used only on Government non-commercial service.
Article 5	Reporting wrecks	A State Party shall require the master and operator of a ship flying it's flag to report to the affected State without delay when the ship has been involved in a maritime casualty resulting in a wreck. Such reports shall provide the name and the principal place of business of the registered owner and all the relevant information necessary for the affected State to determine whether the wreck poses a hazard.
Article 6	Determination of hazard	The following criteria shall be taken into account by the affected State: ❖ Type and size of the wreck ❖ Depth of water in the area ❖ Tidal range and currents in the area ❖ Sensitive sea areas or an exclusive economic zone ❖ Proximity of shipping routes or established traffic lanes ❖ Traffic density and frequency ❖ Type of traffic ❖ Nature and quantity of the wrecks cargo, amounts and types of oil on board the wreck and the damage likely to result should the cargo or oil be released into the marine environment ❖ Vulnerability of port facilities ❖ Prevailing meteorological conditions ❖ Sub-marine topography of the area ❖ Height of the wreck above or below the surface of the water at the lowest astromical tide ❖ Acoustic and magnetic profiles of the wreck ❖ Proximity of off-shore installations, pipelines, telecommunications cables and similar structures ❖ Any other circumstances that might necessitate the removal of the wreck.
Article 7	Locating wrecks	Upon becoming aware of a wreck, the affected State shall use all practicable means, including the good offices of States and organizations to warn mariners and the States concerned of the nature and location of the wreck as a matter of urgency
Article 8	Marking of wrecks	If the affected State determines that a wreck constitutes a hazard, that state shall ensure that all

		reasonable steps are taken to mark the wreck
Article 9	Measures to facilitate the removal of wrecks	If the affected State determines that a wreck constitutes a hazard, that state shall immediately inform the State of the ships registry and the registered owner and further proceed to consult the State of the ships registry and other States affected by the wreck regarding measures to be taken.
Article 10	Liability of the owner	The registered owner shall be liable for the costs of locating, marking and removing the wreck unless the owner proves that the maritime casualty that caused the wreck; ❖ resulted from an act of war or hostilities or a natural phenomenon ❖ was wholly caused by an act or omission done with intent to cause damage by a third party. ❖ Was wholly caused by the negligence or wrongful act of any government or authority responsible for the maintenance of lights or navigational aids
Article 11	Exceptions to liability	The registered owner shall not be liable under the Convention to the extent that: Liability for such costs would be in conflict with: ❖ International Convention on Civil Liability for Oil Pollution Damage,1969 as am emended ❖ International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea,1996 as amended ❖ Convention on third Party Liability in the field of Nuclear Energy,1960 as amended or the Vienna Convention on Civil Liability for Nuclear Damage,1963 as amended or national law governing or prohibiting limitation of liability of nuclear damage or ❖ International Convention on Civil Liability for Bunker Oil Pollution Damage,2001 as amended and Measures under this Convention are considered to be salvaged under applicable national law or International Convention
Article 12	Compulsory Insurance and other Financial Security	The registered owner of a ship of 300 gross tonnage and above and flying the flag of a State Party shall be required to maintain insurance or other financial security to cover liability under this Convention in an amount equal to the limits of liability under the

		applicable national or International limitation regime. A certificate confirming insurance shall be issued to each ship of 300 gross tonnage and above by the appropriate authority of the State of the ships registry or an organization recognized by it.
Article 13	Time limits	Rights to recover costs shall be extinguished unless an action is brought within three years from the date when the hazard has been determined.
Article 14	Amendment provisions	At the request of not less than one third of State Parties, a conference shall be convened by the Organization for the purpose of amending the Convention.
Article 15	Settlement of disputes	Provides that Parties shall settle any dispute between them concerning the interpretation or application of the Convention by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or other peaceful means of their own.
		If no settlement is possible within a reasonable period of time not exceeding twelve months, the provisions relating to the settlement of disputes set out in the UN Convention on the Law of the Sea shall apply whether or not the States Party to the dispute are also States Parties to the UN Convention of the Law of the Sea.
Article 16	Relationship to other Conventions and International Agreements	Nothing in the Convention shall prejudice any obligation of any state on the UN Convention on the law of the Sea 1982 and under the customary International law of the sea.
Article 17	Signature, ratification, acceptance, approval and accession	Provides that the Convention is open for signature by any state at the Headquarters of the Organization from 19th November 2007 to 18th November 2008 and shall thereafter remain open for accession by any state. States may become Parties to the Convention by; ❖ signature not subject to ratification, acceptance or approval; ❖ signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval ;or

		❖ Accession.
Article 18	Entry into force	Provides for the entry into force of the convention twelve months after the date on which ten states have either signed it without reservation as to ratification, acceptance or approval. Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of the Convention shall take effect three months after the date of deposit.
Article 19	Denunciation	Provides that any Party may denounce the Convention after the expiry of twelve months from the date the Convention enters into force for that party. Denunciation shall be effected by the deposit of written notification with the Secretary-General, to take effect one year after receipt or such longer period as may be specified in the notice.
Article 20	Depository	Provides that the Secretary-General shall transmit certified copies of the Convention to all state Parties which have signed the Convention including informing all states each new signature or deposit of an instrument of ratification together with the date, the date of entry into force of the Convention and the deposit of any instrument of denunciation together with the date. Further, as soon as the Convention enters into force, the Secretary General is to transmit the text therof to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the UN.
Article 21	Languages	Provides for the establishment of the Convention in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages each text being equally authentic.

Committee Observations

The Committee made the following observations:

That:-

a. The Convention has clear benefits to Kenya's maritime industry and Kenya's ratification will indicate her lead role since the Convention was adopted in Nairobi, Kenya.

b. The International Maritime Organization technical cooperation assistance is provided to facilitate countries which need to develop implementation instruments for effective implementation and enforcement of the Convention in accordance with a resolution adopted during the Nairobi International Convention on Removal of Wrecks, 2007.

c. Ratification and subsequent implementation of the Convention will create a legal framework on the removal of wrecks in our waters. This will empower the country to control and manage wrecks with a view to eliminate hazards that damage the marine and coastal environment as well as shipping.

d. It also proposes guidelines that will enable Member States to enforce regulations on locating and marking wrecks, as well as determining the liabilities of responsible parties in removing the hazardous wrecks and materials.

e. Would lead to better maritime safety, reduction in the costs and risks to maritime transport, and better protection of the global maritime environment.

f. Prevent marine pollution of Kenya's territorial waters especially the port areas, marinas, moorings and areas of high ship traffic.

g. Kenya will benefit from international programs aimed at eliminating the problem through implementing unified provisions and regulations.

h. Ship owners will be made financially liable and make them take insurance. On the other hand, removal of wrecks will make it easier for costing of the cargo which was in the ship for compensation purpose from insurers.

i. Tourism industry including hotels, fisheries etc. will thrive in free pollution environment.

j. There are no financial/budgetary implications in ratifying the Convention. However, implementation will require building of capacity and development of regulations both of which are ongoing programmes in the Ministry and its agencies and on review and policy of legislation both of which are ongoing programmes in the Ministry and its agencies. Required

funds are budgeted by the Ministry, Kenya Maritime Authority and other agencies.

2.7 CONSIDERATION OF THE INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS, 2001

Background to the Convention

The International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 was adopted at an International Diplomatic Conference at the International Maritime Organization Headquarters in London on 5th October, 2001. It came into force on 17th September, 2008. Kenya as a Port State needs to ratify the Antifouling Systems Convention as a big number of ships call our ports and some of them have paint coats that endanger our marine environment.

The Convention was signed by 8 Member States at adoption. To-date it has 68 contracting Member States who's combined merchant fleet is approximately 83.2% of gross tonnage of world merchant fleet.

The Convention requirements forbid application of anti- fouling coatings to new and existing ships, fixed and floating platforms, floating productions and/or storage units, regardless of size after January 2003. It will also reduce/eliminate any risk to the marine environment, human health, marine life and resources from the use of compounds that contain harmful anti-fouling systems. Ships required to comply with the requirements of the Convention since January 2008.

Anti-fouling systems are a coating, paint, surface treatment, surface or device that is used on a ship to control or prevent attachment of unwanted organisms. The anti-fouling paints are used to coat the bottoms of ships to prevent sea life such as algae and molasses attaching them to the hull, thereby slowing down the ship and increasing fuel consumption.

Anti-fouling paints replaced lime, later arsenical and mercurical compounds and pesticides which were used in the past as anti-fouling systems, but have proved to persist in the water killing sea life, harming the environment and possibly entering the food chain.

The Convention is incorporated in the Merchant Shipping Act, 2009 as it provides enforcement mechanism for Port State Control Surveys and Inspections amongst others.

Objectives of the Convention

The Anti-Fouling Systems 2001 Convention's main objective is to;

a. Prohibit the use of harmful compounds in anti-fouling paints used on ships

b. Establish a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems.

c. Encourage contracting Parties to the Convention to have national laws that prohibit and restrict the use of harmful anti-fouling systems on ships flying their flag, as well as foreign ships not entitled to fly their flag but which operate under their jurisdiction.

The Committee deliberated on the Convention and the detailed analysis is provided below:-

Article	Highlights	Comments
Article 1	General obligations	Each party to the convention is to give full and complete effect to it's provisions in order to reduce or eliminate adverse effects on the marine environment and human health caused by anti-fouling systems.
Article 2	Definition	Definition section. It defines the technical terminologies used in the Convention e.g Anti-fouling means a coating, paint, surface treatment, surface or device that is used on a ship to control or prevent attachment of unwanted organisms.
Article 3	Application	The Convention shall apply to; a) Ships entitled to fly the flag of a party; b) Ships not entitled to fly the flag of a party, do but which operate under the authority of a party; and c) ships that enter a port, shipyard or offshore terminal of a party but do not fall within subparagraph (a) and (b). This Convention shall not apply to any warships, naval auxiliary or other ships owned or operated by a party and used for the time being only on government non-commercial service. Parties shall apply the requirements of this Convention to ensure that no more favorable treatment is given to non-parties to this Convention.

Article 4	Controls on anti-fouling systems	Each party is to prohibit or restrict the application, re-application, installation or use of harmful anti-fouling systems on ships as in Article 3(1).
Article 5	Controls of Annex 1 waste materials	A party shall take appropriate measures in its territory to require that wastes from the application or removal of an anti-fouling system are collected, handled, treated and disposed of in a safe and environmentally sound manner to protect human health and the environment.
Article 6	Process for proposing amendments to controls on anti-fouling systems	Any party may propose to the IMO an amendment which Shall contain information on the anti-fouling system, the risk it may pose on health or the environment. The committee shall decide whether the anti-fouling system in question warrants a more in-depth review based on the initial proposal. If the committee decides that further review is warranted, it shall require the proposing party to submit a comprehensive proposal. If the committee is of the view that there is a threat of serious or irreversible damage, the committee shall establish a technical group to review the comprehensive proposal along with any additional data and evaluate and report to the committee. The technical group's report shall be circulated to the Parties, IMO, The UN and its specialized agencies, Intergovernmental organizations and the NGO'S. The committee shall then decide whether to approve any proposal to amend. If the committee finds a threat of serious or irreversible damage, lack of scientific certainty shall not be used as a reason to prevent a decision from being taken. The proposed amendments if approved by the committee shall be circulated and a decision not to approve the proposal shall not preclude future submission of a new proposal with respect to a particular anti-

		fouling system if new information comes to light.
Article 7	Technical groups	The committee shall establish a technical group when a comprehensive proposal is received and any party may participate in the deliberations of the technical group. The committee shall decide on the terms of reference, organization and operation of the technical group so as to provide protection of any confidential information that may be submitted. Only the representatives of the parties may participate in formulating any recommendation to the committee.
Article 8	Scientific and technical research and monitoring.	The parties shall take appropriate measures to promote and facilitate scientific and technical research on the effects of anti-fouling systems as well as monitoring such effects.
		Each Party shall promote the availability of relevant information to other parties who request it on scientific and technical activities undertaken, marine scientific and technological programmes and the effects observed from any monitoring and assessment programmes relating to anti-fouling systems.
Article 9	Communication and exchange of information	Each Party undertakes to communicate to the Organization a list of the nominated surveyors or recognized organizations which are authorized to act on behalf of the Party in the administration of matters relating to the control of anti-fouling systems in accordance with the Convention and; On an annual basis information regarding any anti-fouling systems approved, restricted or prohibited under it'd domestic law. For those anti-fouling systems approved, registered or licensed by a Party, such Party shall either provide or require the manufacturers to provide to those Parties that request it, relevant information on which it's

		decision was based.
Article 10	Survey and certification	Provides that Parties shall ensure that ships entitled to fly their flag or operating under their authority are surveyed and certified.
Article 11	Inspection of ships and detection of violations	Provides that a ship to which this Convention applies may in any port, shipyard or offshore terminal of a Party be inspected by officers authorized by that Party for the purpose of determining whether the ship is in compliance with the Convention and it shall be limited to verifying that, where required there is on board a valid International Anti-fouling System Certificate or a brief sampling of the ship's anti-fouling system. If there are clear grounds to believe the ship is in violation, a thorough investigation may be carried out taking into account guidelines developed by the organization. If un violation, the Party carrying out the inspection may take steps to warn, detain, dismiss or exclude the ship from it's ports. The Party shall then inform the Administration of the ship concerned. Parties are to cooperate in the detection of violations and the enforcement of the Convention.
Article 12	Violations	The violation of the Convention is prohibited and sanctions are to be established under the law of the administration of the ship concerned wherever the violation occurs. Any violation of the Convention within the jurisdiction of any Party is prohibited and sanctions are to be established under the law of that Party.
Article 13	Undue delay or detention of ships	Provides that all possible efforts shall be made to avoid a ship being unduly detained or delayed and if it happens the ship shall be entitled to compensation for any loss or damage suffered.

Article 14	Dispute settlement	Provides that Parties shall settle any dispute between them concerning the interpretation or application of the Convention by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or other peaceful means of their own.
Article 15	Relationship to international law of the Sea	Provides that nothing in the Convention shall prejudice the rights and obligations of any state under customary international law as reflected in the United Nations Convention on the Law of the Sea.
Article 16	Amendments	Provides for the procedures for amendment of the Convention; ❖ Any Party may propose an amendment to the Convention which shall be submitted to the Secretary General who shall then circulate to the Parties at least six months prior to it's consideration. ❖ The amendment shall then be referred to the Committee for consideration and Parties whether members or not shall be entitled to participate in the proceedings. ❖ Amendments shall then be adopted by a two-thirds majority of the Parties present and voting in the committee, on condition that at least one third of the Parties shall be present at the time of voting. ❖ The amendments shall then be communicated by the Secretary-General to the Parties for acceptance and it shall be deemed to have been accepted on the date when two-thirds of the Parties have notified the Secretary-General of the acceptance or twelve months after the date of adoption or such other date as may be determined by the Committee. However if by that date more than one-third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted. An amendment shall enter into force

		❖ For those parties which have declared that they have accepted six months after the date in which it is deemed to have been accepted A Party that has notified an objection may subsequently notify the Secretary General of it's acceptance and such an amendment shall enter into force six months after the date of notification of acceptance or the date on which the amendment enters into force. **Amendment by a conference** Upon the request of a Party concurred by at least one-third of the Parties, the Organization can convene a conference of the Parties to consider amendments and if adopted by two-thirds majority of the Parties present, it be communicated by the Secretary-General to all parties for acceptance. The Secretary-General shall inform the Parties and members of the organization of any amendment that enters into force and the date of entry.
Article 17	Signature, ratification, acceptance, approval and accession	Provides that the Convention is open for signature by any state at the Headquarters of the Organization from 1st February 2002 to 31st December 2002 and shall thereafter remain open for accession by any state. States may become Parties to the Convention by; ❖ signature not subject to ratification, acceptance or approval; ❖ signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval ;or ❖ accession.
Article 18	Entry into force	Provides for the entry into force of the convention twelve months after the date on which not less than twenty-five states have

		either signed it without reservation as to ratification, acceptance or approval. Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of the Convention shall take effect three months after the date of deposit.
Article 19	Denunciation	Provides that any Party may denounce the Convention after the expiry of two months from the date the Convention enters into force for that party. Denunciation shall be effected by the deposit of written notification with the Secretary-General, to take effect one year after receipt or such longer period as may be specified in the notice.
Article 20	Depository	Provides that the Secretary-General shall transmit certified copies of the Convention to all state Parties which have signed the Convention including informing all states each new signature or deposit of an instrument of ratification together with the date, the date of entry into force of the Convention and the deposit of any instrument of denunciation together with the date. Further, as soon as the Convention enters into force, the Secretary General is to transmit the text therof to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the UN.
Article 21	Languages	Provides for the establishment of the Convention in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages each text being equally authentic.

Committee Observations

The Committee made the following observations that:-

a. The International Maritime Organization technical cooperation assistance is provided to facilitate countries which need to develop implementation instruments and introduce other measures including training of personnel, for effective implementation and enforcement of the Convention.

b. Ships expected to operate with a clean hull that is non-threatening to the environment.

c. Use of environment friendly Anti-fouling Systems will enhance reduction of air pollution from sulphur oxide and nitrogen oxide emissions from ship exhausts as well as ozone depleting substances.

d. Use of clean Anti-fouling Systems will prevent marine pollution of Kenya's territorial waters especially the port areas, marinas, moorings and areas of high ship traffic.

e. Kenya will benefit from international programs aimed at eliminating the problem through implementing unified provisions and regulations.

f. Tourism industry including hotels, fisheries etc. will thrive in free pollution.

g. Use of Anti-fouling Systems by ships with clean hulls will ensure fuel consumption efficiency.

h. There are no financial or budgetary implications in ratifying the Convention on the Limitation of Liability for Maritime Claims 1976. However, implementation will require building of capacity and development of regulations both of which are ongoing programmes in the Ministry and its agencies. Required funds should be budgeted for by the Ministry, Kenya Maritime Authority, Kenya Ports Authority and other agencies.

3.0 COMMITTEE RECOMMENDATIONS

Pursuant to Section 8 of the Treaty Making and Ratification Act No. 45 of 2012, the Committee recommends that the House Approves the ratification of:-

1. **The 1988 Protocol to the Load Lines Convention, 1966;**
2. **The 1978 Protocol to the 1974 Safety of Life At Sea (Solas) Convention (Solas 78 Protocol;**

3. The Protocol of 1988 Relating to the International Convention tor the Safetv Of Life At Sea, 1974;
4. The International Convention on Civil Liability or Bunker Oil Pollution Damage, 2001;
5. Convention on the Limitation of Liability for Maritime Claims 1976 (LLMC 1976) ;
6. The 1996 Protocol to the Convention on Limitation of Liability for Maritime Claims (LLMC), 1976; subject to reservation of the right to exclude claims for damage within the meaning of the HNS convention to Avoid two systems of liability arising from the consolidated LLMC and the HNs Convention.
7. The Nairobi International Convention on Removal of Wrecks, 2007; and
8. The International Convention on The Control of Harmful Anti-Fouling Systems On Ships, 2001

MINUTES OF THE 16TH SITTING OF THE TRANSPORT, PUBLIC WORKS AND HOUSING COMMITTEE HELD ON THURDAY 26TH MARCH, 2015 IN THE SMALL DINING, MAIN PARLIAMENT BUILDING AT 10: 10 AM.

Present

1. Hon. Maina Kamanda, M.P. – Chairperson
2. Hon. (Eng.) Mahamud M. Mohamed, M.P. –Vice Chairman
3. Hon. Aduma Owuor, M.P.
4. Hon. Emmanuel Wangwe, M.P.
5. Hon. Stephen Manoti, M.P.
6. Hon. (Eng.) Stephen Ngare, M.P.
7. Hon. Johnson Manya Naicca, M.P.
8. Hon. Omulele Christopher, M.P.
9. Hon. Mathias Robi, M.P.
10. Hon. Grace Kipchoim, M.P.
11. Hon. Simon Nyaundi Ogari, M.P.
12. Hon. Mishi Juma, M.P.
13. Hon. Suleiman Dori, M.P.
14. Hon. K.K. Stephen Kinyanjui Mburu, M.P.
15. Hon. Mark Lomunokol, M.P.
16. Hon. Mukwe James Lusweti, M.P.
17. Hon. Barchilei Kipruto, M.P.
18. Hon. Ahmed Abbas Ibrahim, M.P.
19. Hon. Chachu Ganya, M.P.
20. Hon. Cecily Mbarire, M.P.
21. Hon. (Eng.) John Kiragu, M.P.
22. Hon. Joseph Lomwa, M.P.
23. Hon. Gideon Konchella, M.P.

Apologies

1. Hon. Ali Wario, MP.
2. Hon. (Capt.) Clement Wambugu, M.P.
3. Hon. Omar Mwinyi, M.P.
4. Hon. Edick Omondi Anyanga, M.P.
5. Hon. Peter Shehe, M.P.
6. Hon. (Arch.) David Kiaraho, M.P.

In Attendance	-	National Assembly
1. Mr. Samuel Kalama		First Clerk Assistant
2. Ms. Mercy Wanyonyi		Legal Counsel
3. Ms. Nuri K. Nataan		Third Clerk Assistant
4. Mr. Abdifatah Bule		Third Clerk Assistant

In Attendance	-	Ministry of Transport & Infrastructure
1. Eng. P. C Kilimo		Infrastructure Secretary
2. Eng. Francis Gitau		MOTI
3. Mr. Nicholas Bodo		Ag. Director Air Transport
4. Ms. Nancy Karigithu		Director General-KMA
5. Eng. Peter Mundina		Ag. Director General-KURA
6. Mr. Geraldine Mwangi		MOTI
7. Mr. Cyril Wayong'o		Legal Officer KCAA
8. Mr. Wilfred Kagimbi		KMA
9. Mr. Danish Onyango		MOTI
10. Mr. Ousa Okello		KMA
11. Mr. Johnson Naktari		MOTI
12. Mr. Ivan Ochieng		Petitioner
13. Mr. Anthony Kirori		Petitioner

Agenda

1. Preliminaries
2. Communication from the Chair
3. Confirmation of Minutes
4. Matters Arising
5. **Petition**
   Meeting with Officials from the Ministry of Transport and Infrastructure and Petitioners on the petition regarding intervention to have high quality road studs installed on all tarmac roads in the Country
6. **Consideration of the following international Conventions:-**
   i. Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation
   ii. The 1988 Protocol To The Load Lines Convention, 1966;
   iii. The 1978 Protocol To The 1974 Safety Of Life At Sea (Solas) Convention (Solas 78 Protocol;

iv. The Protocol Of 1988 Relating To The International Convention For The Safety Of Life At Sea, 1974;
v. The International Convention On Civil Liability For Bunker Oil Pollution Damage, 2001;
vi. The Convention On The Limitation Of Liability For Maritime Claims 1976 (LLMC 1976);
vii. The 1996 Protocol To The Convention On Limitation Of Liability For Maritime Claims (LLMC), 1976;
viii. The Nairobi International Convention On Removal Of Wrecks, 2007; and
ix. The International Convention On The Control Of Harmful Anti-Fouling Systems On Ships, 2001

7. Any Other Business
8. Adjournment.

Min/DC-TPWH/2015/072 Preliminaries

The Chair called the meeting to order at 10:10 am and proceeded to say the opening prayer.

Min/DC-TPWH/2015/073 Communication from the Chair

There was no communication from the Chair.

Min/DC-TPWH/2015/074 Confirmation of Minutes

Agenda deferred.

Min/DC-TPWH/2015/075 Matters Arising

Agenda deferred.

Min/DC-TPWH/2015/076 Petition

Agenda deferred to when the Cabinet Secretary for the Ministry of Transport and Infrastructure or the Principal Secretary for the State Department of Infrastructure is present.

Min/DC-TPWH/2015/077 Consideration of the International Conventions

i. Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation

The Chair invited the Ministry Officials to take the Committee through the Conventions.

The Director Air Transport, Mr. Nicholas Bodo informed the Committee that there was one Convention and one protocol before the Committee regarding the Civil Aviation Industry. He further briefed the Committee on each Convention and Protocol as follows:-

ICAO sets the Standards and Recommended Practices (SARPs) that guide the oversight of safety and security in civil aviation. Kenya is a Contracting State to ICAO having formally given notice of its adherence to the Convention on International Civil Aviation on May 1, 1964. As a Contracting State to ICAO Kenya has ratified 27 Conventions and Protocols relating to civil aviation since it joined the Organization.

A delegation from Kenya attended the Diplomatic Conference on Aviation Security held in Beijing, China from 30th September 2010 to 10th September, 2010 where the Beijing Convention and Beijing Protocol were concluded. The International Civil Aviation Organization (ICAO) Assembly, under resolution A37-22, has urged all States to support and encourage the universal adoption and ratification of the Beijing Convention, 2010 and the Beijing Protocol, 2010.

The Beijing Convention 2010 modernizes and consolidates the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23rd September, 1971 (Montreal Convention, 1971) and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to Montreal Convention, 1971(the Montreal Protocol, 1988) done at Montreal on 24th February, 1988.

The Beijing Protocol supplements the Convention for the Suppression of Unlawful Seizure of Aircraft, done at the Hague on 16th December, 1970 (the Hague Convention, 1970).

Kenya is a signatory to the Hague Convention, 1970, Montreal Convention, 1971 and the Montreal Protocol, 1988.

The Beijing Convention and Beijing Protocol seek to among other things:

i. Criminalize the acts of using civil aircraft as a weapon for the purpose of causing death, serious bodily injury or serious damage. The 2 instruments further provided for the criminal liability of directors and organizers of an offence involving civil aircraft, as well as the liability of those who knowingly assist an offender to evade

investigation, prosecution or punishment. The 2 instruments also criminalize the making of a threat to commit an offence and agreement to contribute or contribution to an offence that is likely to contribute to endanger the safety of an aircraft.

ii. The Beijing Convention also criminalizes the use of civil aircraft to release or discharge any biological, chemical or nuclear (BCN) weapons or similar substances to cause death, serious bodily injury or serious damage. Further, cyber-attacks on air navigation facilities constitute an offence under this Convention;

iii. Expand the grounds of jurisdiction under the earlier instruments by requiring each State Party to establish jurisdiction when the offence is committed by its national, and by enabling each State Party to establish jurisdiction when the victim of the offence is its national.;

iv. Beijing Protocol 2010 expands the scope of the Hague Convention, 1970 to cover different forms of aircraft hijackings, including through modern technological means.

v. 30 states (including Australia, Brazil, China, France, Uganda, Nigeria and South Africa) are signatories to the Beijing Convention while 32 States (including Australia, China, France, Nigeria and South Africa) are signatories to the Beijing Protocol. 10 states (including Angola, Cuba, Czech Republic, Kuwait, Mali, and Switzerland) have ratified the 2 instruments.

Reservation of the Convention and Protocol

Article 20(3) of the Beijing Convention, 2010 and Article 12 of the Hague Convention, 1970 permits Contracting States to enter reservations relating to dispute resolution by arbitration at the time of signature, ratification, acceptance, approval or accession.

In conclusion he informed the Committee that unlawful acts against civil aviation jeopardizes the safety and security of persons and property, seriously affect the operations of air services, airports and air navigation and undermine the confidence of people in the use of aviation as mode of transport.

Committee observations

The Committee observed that the Conventions and Protocols be approved for ratification by the National Assembly.

The Chair invited the Director General for Kenya Maritime Authority, Ms. Nancy Karigithu to brief the Committee on the Conventions.

Ms. Karigithu informed the Committee on each Convention and Protocol as follows:-

ii. The 1988 Protocol to the Load Lines Convention, 1966;

The Committee was informed that:-

Kenya became a contracting party to the 1966 Load Lines Convention (the Load Lines Convention) on 12th September, 1975, which convention was adopted by the International Maritime Organization (IMO) in London in 1966 through a Diplomatic Conference and entered into force in 1968. Kenya is yet to ratify the 1988 Protocol amending the Load Lines Convention (the Protocol). At adoption of the Protocol, only 9 member states signed subject to accession/ratification. The Protocol was adopted in 1988 entering into force in 2000 and it has 98 contracting states.

The Load Lines Convention sets out rules for calculation and assignment of freeboard and takes into account the potential hazards present in different zones and different seasons. The purpose of the convention's safety measures is to ensure the watertight integrity of ship's hulls below the free board deck.

The Protocol was primarily adopted in order to harmonize the Load Lines Convention's survey and certification requirements with those contained in the Safety of Life at Sea (SOLAS 74/78) Convention and the Marine Pollution Convention of 73/78 (MARPOL).
The Protocol revised certain regulations in the technical Annexes to the Load Lines Convention and introduced the tacit amendment procedure which was already applicable to the 1974 SOLAS Convention.

The Protocol is provided for in the Merchant Shipping Act, 2009.

Committee Observations
The Committee made the following observations that:-

i. The ratification and implementation, the Protocol will enhance Kenya Maritime Authority's powers to conduct Port State Control functions and render the coastline free from unseaworthy ships among others.

ii. Enhanced safety of life, property and protection of the marine environment in connection with ships on international voyages calling at Kenyan Ports will be achieved.

iii. The country's opportunity to earn revenue from future ship surveys and certification as well as develop related capacity will be ensured.

iv. The country will benefit from the IMO's Technical Co-operation Programme and other development partners who assist developing countries to develop capacity for implementation and enforcement purposes.

v. There are no financial or budgetary implications in ratifying the Protocol. However, implementation of the same will require building of capacity and development and or review of policy or legislation. The required funds should be budgeted for by the Ministry of Transport and Infrastructure, Kenya Maritime Authority and other agencies.

iii. The 1978 Protocol to the 1974 Safety of Life at Sea (Solas) Convention (Solas 78 Protocol;

The Committee was informed that:-

The Safety of Life at Sea (SOLAS) Convention is generally regarded as the most important of all international treaties concerning the safety of life and property at sea.

The origin of SOLAS goes back to 1914 in response to the Titanic disaster, following which various amendments were considered until 1974 when a complete new Convention was adopted by International Maritime Organization (IMO).

Kenya is a Contracting Party to the 1974 SOLAS, effective 21st October, 1999. However, it is yet to ratify the Convention's Protocol of 1978 (the 1978 Protocol). The 1978 Protocol entered into force in 1981 and has 119 contracting states to-date. 11 member states excluding Kenya signed the Protocol during its adoption.

The 1974 Convention has been updated and amended on numerous occasions to cater for various safety issues in the rapidly evolving technology based shipping industry.

The 1978 Protocol was adopted at the International Conference on Tanker Safety and Pollution Prevention which was convened in response to a spate of tanker accidents during 1976 to 1977.

The Conference adopted measurers affecting tanker design and operation.

The 1978 Protocol introduced the tacit agreement procedure and therefore reservations are not applicable in ratifying the protocol.

The 1978 Protocol is provided for in the Merchant Shipping Act, 2009. The surveys and inspections enhance revenue generation for the country. The public stakeholders supported ratification of the Protocol.

Committee Observations

The Committee made the following observations that:-

a. The ratification and implementation of the 1978 Protocol will enhance KMA's powers to conduct port state control especially on tankers and render our coastline free from unseaworthy ships.

b. There will be enhanced safety of life, property and prevention of marine pollution from ships on international voyages calling at Kenyan ports.

c. The country's opportunity to earn revenue from future ship surveys and certification as well as develop related capacity will be ensured.

d. The country will benefit from the IMO's Technical Cooperation Programme and other development partners who assist developing countries to develop capacity for implementation and enforcement purposes.

e. Kenya's maritime zones lie on a busy shipping route plied by large oil tankers from Middle East to Europe and America. Any oil spill would be a disaster to these maritime zones.

f. Many aquaculture activities take place along Kenya's coastline, for example, tourist beach hotels, fishing, off-shore marine parks, and existence of coral reefs, archipelagos, mangroves and sandbanks. Ratification of the 1978 protocol would ensure protection of all these foreign exchange earning activities from unforeseeable tanker oil spill.

g. There are no financial and budgetary implications on the ratification of this Protocol. However, implementation will require building of capacity and development and or review of policy and legislation both of which are ongoing programmes in the Ministry and its agencies. Required funds should be budgeted for by the Ministry, KMA, Kenya Ports Authority and other agencies.

v. The Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea, 1974;

The Committee was informed that:-

The Protocol of 1988 relating to the International Convention for the Safety of Life at Sea (the 1988 SOLAS Protocol) introduced a new coordinated system of surveys and certification. It Harmonized Ship Survey and Certification (HSSC) as provided in the Loadlines 1966 Convention and MARPOL 73/78 as well as with various codes dealing with construction and equipment of ships carrying dangerous chemicals in bulk.

Kenya is party to the International Conventions on Safety of Life at Sea 1974 (SOLAS 74), MARPOL 73/78 and the International Convention on Loadlines 1966 and therefore there is need to ratify the Protocol so as to benefit from the changes brought about by the same.

The 1988 SOLAS Protocol entered into force in 2000 and has 105 contracting States. Nine member States signed the 1988 SOLAS Protocol subject to ratification. Kenya did not sign it. The 1988 SOLAS Protocol introduced the tacit agreement procedure and therefore reservations are not applicable in ratifying the protocol.

The 1988 SOLAS Protocol is provided for in the Merchant Shipping Act, 2009. It will strengthen Kenya's port state control inspection measurers to ensure unseaworthy vessels do not call at our ports. The surveys and inspections enhance revenue generation for the country. The public stakeholders supported ratification of the Protocol.

Committee Observations

The Committee made the following observations, that:-

1. The Harmonized System of Survey and Certification (HSSC) simplifies the survey and certification process thus reducing time and money spent by the Kenya's Surveyors on the process.

2. There will be flexibility on survey schedules thus benefiting the ship owners by allowing them ample time to do business.

3. Vessel owners will be able to receive their certificates of inspection (both SOLAS and Loadlines certificates) simultaneously thus reducing costs for ship owners and administrations alike.

4. The system encourages ship owners to register their ships in Kenya due to decreased costs associated with statutory compliance. This will earn Kenya Foreign-exchange required for development.

5. There will be a favourable increase in Kenya's tonnage and further increase revenue to the Government in terms of the annual fees so earned.

6. There are no financial and budgetary implications on the ratification of this Protocol. However, implementation will require building of capacity and development and or review of policy and legislation both of which are ongoing programmes in the Ministry and its agencies. Required funds are budgeted for by the Ministry, KMA, Kenya Ports Authority and other agencies.

vi. The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;

The Committee was informed that:-

The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention) was adopted by an International Conference held during the IMO Legal Committee meeting on 23rd March, 2001. Eleven member States excluding Kenya signed the Convention during its adoption. To-date seventy-seven contracting States have ratified. The driving force for the development of the Bunkers Convention was the realization by many countries that bunker spills were causing significant damage and there was no orderly international regime to insure coverage or to establish limits. The Bunkers Convention was adopted to ensure that adequate, prompt, and effective compensation is available to persons who suffer damage caused by spills of oil, when carried as fuel in ships' bunkers. The Convention applies to damage caused on the territory, including the territorial sea, and in exclusive economic zones of States Parties.

The Bunkers Convention is modeled after the International Convention on Civil Liability for Oil Pollution Damage (CLC) 1969, as amended by the 1992 Protocol, but is not applicable to oil tankers and vessels transporting 2000 DWT of persistent oils as cargo, the bunkers from which are already covered by the CLC.

Committee Observations

The Committee made the following observations, that:-

a. A registered owner's liability for pollution damage caused outside the ship by contamination resulting from the escape or discharge of bunker oil from the ship, wherever such escape or discharge may occur, would be limited to costs of reasonable measures of reinstatement of the impairment to the environment actually undertaken or to be undertaken.
b. Insurers would be more inclined to provide the coverage knowing that there are defined limits to liability claims made upon them.

c. The Convention would provide protection for Kenya through a regularized and certain regime.

d. The International Maritime Organization technical cooperation assistance is provided to facilitate countries which need to develop implementation instruments for effective implementation and enforcement of the convention in accordance with a resolution adopted.

e. Ratification and subsequent implementation of the convention will create a national legal framework to empower the contracting State to control and manage damage from spills from ships' bunkers to the marine and coastal environment.

f. Victims of bunker oil pollution, including local fishing and tourism industries, are less likely to suffer financial hardship as a result of improved cost recovery provisions.

g. Upon implementation in Kenya, anyone who suffers damage as a result of bunker oil pollution, or the threat of such pollution, will obtain adequate compensation and also benefit anyone likely to be affected by a bunker oil incident including individuals, businesses such as local fishing and tourism industries, local authorities and the Government.

h. There are no financial/budgetary implications in ratifying the Convention. However, implementation will require building of capacity and development of regulations both of which are ongoing programmes in the Ministry and its agencies. Required funds are budgeted for by the Ministry, Kenya Maritime Authority, Kenya Ports Authority and other agencies.

vii. The Convention on the Limitation of Liability for Maritime Claims 1976 (LLMC 1976):

The Committee was informed that:-

Kenya as a coastal state depends on shipping as 95% of its international trade is transported by sea and therefore effective regulation of international and domestic shipping directly impacts on its economy.

The Convention on the Limitation of Liability for Maritime Claims (LLMC) 1976 was adopted on 19th November 1976 and entered into force on 1st December 1986. It has 8 signatories excluding Kenya and 54 contracting states. The LLMC 1976 replaces the International Convention relating to the Limitation of the Liability of Owners of Seagoing Ships, which was signed in Brussels in 1957 and came into force in 1968. The LLMC 1976 raises the limit of liability for claims covered in some cases up to 250-300 per cent. Limits are specified for two types of claims – claims for loss of life or personal injury, and property claims. The LLMC 1976 establishes uniform rules relating to the limitation of liability for maritime claims. The claims include those of loss of life or personal injury and loss or damage to property, occurring on board or in connection with operations of ship or salvage operations including damage to other ships, property, harbor works and waterways amongst others.

The LLMC 1976 safeguards interests of both the ship owners and potential claimants by providing greater certainty in the event of a claim.

Kenya is not signatory to the LLMC 1976 and therefore seeks to ratify it. Lastly the committee was that the LLMC 1976 is incorporated in Chapter XVII of the Merchant Shipping Act, 2009.

Committee Observations

The Committee made the following observations that:-

a. The ratification and implementation of the convention will help to safeguard the interests of the shipping community, ship owners and insurers in particular and provide certainty to the outcome of the compensation regime.

b. The country will be in line with the globally accepted liability limits that are agreed and prescribed and therefore putting claimants in our jurisdiction at an advantage in any action against a ship owner for loss or damage occasioned by a ship.

c. As a trading nation that imports and exports large quantities of cargo by sea, Kenya obtains economic benefits from the universal rules of law established. The international rules promote commerce and trade by standardizing regulations and requirements of ships in the ports they visit.

d. The country will benefit from the International Maritime Organization's Technical Co-operation Programmes and from other development partners who assist developing countries to develop capacity for implementation and enforcement purposes.

e. There are no financial or budgetary implications in ratifying the LLMC 1976. However, implementation will require building of capacity and development of regulations both of which are ongoing programmes in the Ministry and its agencies. Required funds should be budgeted for by the Ministry, Kenya Maritime Authority, Kenya Ports Authority and other agencies.

viii. The 1996 Protocol to the Convention on Limitation of Liability for Maritime Claims (LLMC), 1976;

The Committee was informed that:-

The Protocol to the Convention on Limitation of Liability for Maritime Claims (1996 LLMC Protocol) which entered into force in 2004 increases the amount of compensation payable in the event of an incident and also introduces a "tacit acceptance" procedure for updating these amounts. The 1996 LLMC Protocol was signed by 9 member states excluding Kenya and to-date 49 States have ratified it.

Committee Observations

The Committee made the following observations that:-

1. The ratification and implementation of the Protocol will enable Kenyans who are importers to draw increased amounts in compensation in case of an incident where their property is lost in the sea. Compensation will be 1 million SDR (US $ 1.586 Million) in a ship not exceeding 2,000 gross tonnages.

2. Kenyans who serve in the ships as seafarers would be highly compensated in case of personal injury or loss of life.

3. They will be able to earn 2 Million SDR equivalent to US $ 3.17 Million if they were serving in a ship whose gross tonnage does not exceed 2,000.

4. There are no financial or budgetary implications in ratifying the 1996 LLMC Protocol. However, implementation will require building of capacity and development of regulations both of which are ongoing programmes in the Ministry and its agencies. Required funds are budgeted for by the Ministry, Kenya Maritime Authority, Kenya Ports Authority and other agencies.

Reservation on the protocol

Article 18 of the consolidated LLMC (i.e. the 1976 LLMC as amended by the 1996 LLMC Protocol) enables a contracting State to reserve the right "to exclude claims for damage within the meaning of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 or of any amendment or protocol thereto (HNS Convention)." It is advisable upon ratification for Kenya to reserve the right to exclude claims for damage within the meaning of the HNS Convention because should Kenya, in future, ratify the HNS Convention, without this reservation, there will be two systems of liability arising from the consolidated LLMC and the HNS Convention.

ix. The Nairobi International Convention on the Removal of Wrecks, 2007;

The Committee was informed that:-

Kenya became a member of the International Maritime Organization (IMO) in 1973. It has since ratified several international Conventions. The International Convention on Removal of Wrecks 2007 was adopted by a five day Diplomatic Conference held at the United Nations Office in Nairobi (UNON) on 18th May 2007. Kenya signed the Convention on the date of adoption. The Convention to-date has 11 contracting States and it is scheduled to enter into force in April 2015 having met the entry into force requirement of 10 contracting states.

The Convention provides an international legal framework by providing a set of unified international rules aimed at ensuring prompt and effective removal of wrecks located beyond the territorial sea.

The public have been sensitized on the Convention under the Merchant Shipping Act of 2009.

Committee Observations

The Committee made the following observations that:-

a. The Convention has clear benefits to Kenya's maritime industry and Kenya's ratification will indicate her lead role since the Convention was adopted in Nairobi, Kenya.
b. The International Maritime Organization technical cooperation assistance is provided to facilitate countries which need to develop implementation instruments for effective implementation and enforcement of the Convention in accordance with a resolution adopted during the Nairobi International Convention on Removal of Wrecks, 2007.

c. Ratification and subsequent implementation of the Convention will create a legal framework on the removal of wrecks in our waters. This will empower the country to control and manage wrecks with a view to eliminate hazards that damage the marine and coastal environment as well as shipping.

d. It also proposes guidelines that will enable Member States to enforce regulations on locating and marking wrecks, as well as determining the liabilities of responsible parties in removing the hazardous wrecks and materials.

e. Would lead to better maritime safety, reduction in the costs and risks to maritime transport, and better protection of the global maritime environment.

f. Prevent marine pollution of Kenya's territorial waters especially the port areas, marinas, moorings and areas of high ship traffic.

g. Kenya will benefit from international programs aimed at eliminating the problem through implementing unified provisions and regulations.

h. Ship owners will be made financially liable and make them take insurance. On the other hand, removal of wrecks will make it easier for costing of the cargo which was in the ship for compensation purpose from insurers.

i. Tourism industry including hotels, fisheries etc. will thrive in free pollution environment.

j. There are no financial/budgetary implications in ratifying the Convention. However, implementation will require building of capacity and development of regulations

both of which are ongoing programmes in the Ministry and its agencies and on review and policy of legislation both of which are ongoing programmes in the Ministry and its agencies. Required funds are budgeted by the Ministry, Kenya Maritime Authority and other agencies.

x. The International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001

The Committee was informed that:-

The International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 was adopted at an International Diplomatic Conference at the International Maritime Organization Headquarters in London on 5th October, 2001. It came into force on 17th September, 2008. Kenya as a Port State needs to ratify the Antifouling Systems Convention has a big number of ships call our ports and some of them have paint coats that endanger our marine environment.

The Convention was signed by 8 Member States at adoption. To-date it has 68 contracting Member States whose combined merchant fleet is approximately 83.2% of gross tonnage of world merchant fleet.

The Convention requirements forbid application of anti- fouling coatings to new and existing ships, fixed and floating platforms, floating productions and/or storage units, regardless of size after January 2003. It will also reduce/eliminate any risk to the marine environment, human health, marine life and resources from the use of compounds that contain harmful anti-fouling systems. Ships required to comply with the requirements of the Convention since January 2008.

Anti-fouling systems are a coating, paint, surface treatment, surface or device that is used on a ship to control or prevent attachment of unwanted organisms. The Convention is incorporated in the Merchant Shipping Act, 2009 as it provides enforcement mechanism for Port State Control Surveys and Inspections amongst others.

Committee Observations

The Committee made the following observations that:-

a. The International Maritime Organization technical cooperation assistance is provided to facilitate countries which need to develop implementation instruments and introduce other measures including training of personnel, for effective implementation and enforcement of the Convention.

b. Ships expected to operate with a clean hull that is non-threatening to the environment.

c. Use of environment friendly Anti-fouling Systems will enhance reduction of air pollution from sulphur oxide and nitrogen oxide emissions from ship exhausts as well as ozone depleting substances.

d. Use of clean Anti-fouling Systems will prevent marine pollution of Kenya's territorial waters especially the port areas, marinas, moorings and areas of high ship traffic.

e. Kenya will benefit from international programs aimed at eliminating the problem through implementing unified provisions and regulations.

f. Tourism industry including hotels, fisheries etc. will thrive in free pollution.

g. Use of Anti-fouling Systems by ships with clean hulls will ensure fuel consumption efficiency.

h. There are no financial or budgetary implications in ratifying the Convention on the Limitation of Liability for Maritime Claims 1976. However, implementation will require building of capacity and development of regulations both of which are ongoing programmes in the Ministry and its agencies. Required funds should be budgeted for by the Ministry, Kenya Maritime Authority, Kenya Ports Authority and other agencies.

Min/DC-TPWH/2015/078 Committee Recommendations

The Committee recommended that all the Conventions and Protocols be approved for ratification by the National Assembly for the interest of the Country's Maritime and Civil Aviation Industry.

Min/DC-TPWH/2015/079 Adjournment and date of next meeting

And the time being 12.30 pm the meeting was adjourned to be reconvened on Monday 30th March, 2015 at 2.00pm.

SIGNED.....

HON MAINA KAMANDA, M.P

(Chairperson)

DATE..... 01/3/2015

Load Lines

International Convention on Load Lines, 1966
and Protocol of 1988, as amended in 2003

CONSOLIDATED EDITION, 2005



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MOMBASA
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Foreword

Introduction

1 The International Convention on Load Lines, 1966 (1966 LL Convention) was adopted by the International Conference on Load Lines on 5 April 1966 and entered into force on 21 July 1968. It has since been amended by means of Assembly resolutions as follows:

.1 by Assembly resolution A.231(VII), which was adopted on 12 October 1971;

.2 by Assembly resolution A.319(IX), which was adopted on 12 November 1975;

.3 by Assembly resolution A.411(XI), which was adopted on 15 November 1979;

.4 by Assembly resolution A.513(13), which was adopted on 17 November 1983; and

.5 by Assembly resolution A.784(19), which was adopted on 23 November 1995.

As far as the 1966 LL Convention is concerned, these amendments had not entered into force at the time of publication of the present consolidated edition.

2 The 1966 LL Convention was modified by the 1988 Protocol relating thereto, which was adopted on 11 November 1988 by the International Conference on the Harmonized System of Survey and Certification and entered into force on 3 February 2000. The intention of the 1988 Protocol is to harmonize the Convention's survey and certification requirements with those contained in SOLAS and MARPOL. The 1988 LL Protocol itself has been modified by the 2003 Amendments, which were adopted by resolution MSC.143(77) on 5 June 2003 and entered into force on 1 January 2005, and by the 2004 Amendments, which were adopted by resolution MSC.172(79) on 9 December 2004 and are expected to enter into force on 1 July 2006. The 1971, 1975, 1979, 1983 and 1995 amendments to the 1966 LL Convention referred to in paragraphs 1.1 to 1.5 above were incorporated into the 1988 LL Protocol, as amended by resolution MSC.143(77).

Content of the consolidated text

3 This publication contains the 1966 LL Convention; the articles of the 1988 LL Protocol; a consolidated text of the 1966 LL Convention as modified by the 1988 LL Protocol, which has been amended by resolution MSC.143(77); the 2004 Amendments to the 1988 LL Protocol, which have

not yet entered into force; and the unified interpretations of the 1966 LL Convention approved by the Maritime Safety Committee up to December 2004.

4 The publication has been arranged in six parts:

.1 part 1, which contains a reproduction of the original text of the 1966 LL Convention;

.2 part 2, which contains the Articles of the 1988 LL Protocol;

.3 part 3, containing the 1966 LL Convention as modified by the 1988 LL Protocol, which has been amended by resolution MSC.143(77);

.4 part 4, which contains the 2004 amendments to the 1988 LL Protocol, which were adopted by resolution MSC.172(79) and are expected to enter into force on 1 July 2006;

.5 part 5, which contains the unified interpretations of the 1966 LL Convention approved by the Maritime Safety Committee up to December 2004. These interpretations were originally disseminated by circulars LL.3/Circ. 69, LL.3/Circ. 77, LL.3/Circ. 130 and LL.3/Circ.155; and

.6 part 6, consisting of the Form of Record of conditions of assignment of load lines accepted by the Maritime Safety Committee.

5 In Part 3, those articles and regulations of the 1966 LL Convention which have been modified by the 1988 Protocol, as amended, are indicated by the symbol PRS. It should be noted that, from the legal point of view, the 1988 Protocol is only applicable to ships entitled to fly the flag of a State which is a Party to the Protocol.

6 In accordance with resolution A.351(IX), whereby the Assembly resolved that metric units in the "Système international d'unités" (SI System) should be introduced in the 1974 SOLAS Convention at the first opportunity and also in all future instruments to be adopted under the auspices of the Organization, the text of the 1966 LL Convention as modified by the 1988 Protocol contained in the present publication shows values and dimensions in SI units only. Thus, the values and dimensions in imperial units are omitted only for the purposes of the present publication and also for consistency with the regulations of the Convention that have been modified by the 1988 Protocol, where all dimensions are given in SI units only.

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Part 1
International Convention on Load Lines, 1966

INTERNATIONAL CONVENTION ON LOAD LINES, 1966

The Contracting Governments,

DESIRING to establish uniform principles and rules with respect to the limits to which ships on international voyages may be loaded having regard to the need for safeguarding life and property at sea;

CONSIDERING that this end may best be achieved by conclusion of a Convention;

HAVE AGREED as follows:

Article 1
General obligation under the Convention

(1) The Contracting Governments undertake to give effect to the provisions of the present Convention and the annexes hereto, which shall constitute an integral part of the present Convention. Every reference to the present Convention constitutes at the same time a reference to the annexes.

(2) The Contracting Governments shall undertake all measures which may be necessary to give effect to the present Convention.

Article 2
Definitions

For the purpose of the present Convention, unless expressly provided otherwise:

(1) *Regulations* means the regulations annexed to the present Convention.

(2) *Administration* means the Government of the State whose flag the ship is flying.

(3) *Approved* means approved by the Administration.

(4) *International voyage* means a sea voyage from a country to which the present Convention applies to a port outside such country, or conversely. For this purpose, every territory for the international relations of which a Contracting Government is responsible or for which the United Nations are the administering authority is regarded as a separate country.

(5) A *fishing vessel* is a ship used for catching fish, whales, seals, walrus or other living resources of the sea.

(6) *New ship* means a ship the keel of which is laid, or which is at a similar stage of construction, on or after the date of coming into force of the present Convention for each Contracting Government.

Consultative Organization* (hereinafter called "the Organization") particulars of the same and reasons therefor which the Organization shall circulate to the Contracting Governments for their information.

(4) A ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Administration from any of the requirements of the present Convention, provided that it complies with safety requirements which, in the opinion of that Administration, are adequate for the voyage which is to be undertaken by the ship.

Article 7
Force majeure

(1) A ship which is not subject to the provisions of the present Convention at the time of its departure on any voyage shall not become subject to such provisions on account of any deviation from its intended voyage due to stress of weather or any other cause of *force majeure*.

(2) In applying the provisions of the present Convention, the Contracting Government shall give due consideration to any deviation or delay caused to any ship owing to stress of weather or any other cause of *force majeure*.

Article 8
Equivalents

(1) The Administration may allow any fitting, material, appliance or apparatus to be fitted, or any other provision to be made in a ship, other than that required by the present Convention, if it is satisfied by trial thereof or otherwise that such fitting, material, appliance or apparatus, or provision, is at least as effective as that required by the Convention.

(2) The Administration which allows a fitting, material, appliance or apparatus, or provision, other than that required by the present Convention, shall communicate to the Organization for circulation to the Contracting Governments particulars thereof, together with a report on any trials made.

Article 9
Approvals for experimental purposes

(1) Nothing in the present Convention shall prevent an Administration from making specific approvals for experimental purposes in respect of a ship to which the Convention applies.

(2) An Administration which makes any such approval shall communicate to the Organization for circulation to the Contracting Governments particulars thereof.

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* The name of the Organization was changed to "International Maritime Organization" by virtue of amendments to the Organization's Convention which entered into force on 22 May 1982.

Article 10
Repairs, alterations and modifications

(1) A ship which undergoes repairs, alterations, modifications and outfitting related thereto shall continue to comply with at least the requirements previously applicable to the ship. An existing ship in such a case shall not, as a rule, comply to a lesser extent with the requirements for a new ship than it did before.

(2) Repairs, alterations and modifications of a major character and outfitting related thereto should meet the requirements for a new ship in so far as the Administration deems reasonable and practicable.

Article 11
Zones and areas

(1) A ship to which the present Convention applies shall comply with the requirements applicable to that ship in the zones and areas described in annex II.

(2) A port standing on the boundary line between two zones or areas shall be regarded as within the zone or area from or into which the ship arrives or departs.

Article 12
Submersion

(1) Except as provided in paragraphs (2) and (3) of this article, the appropriate load lines on the sides of the ship corresponding to the season of the year and the zone or area in which the ship may be shall not be submerged at any time when the ship puts to sea, during the voyage or on arrival.

(2) When a ship is in fresh water of unit density the appropriate load line may be submerged by the amount of the fresh water allowance shown on the International Load Line Certificate (1966). Where the density is other than unity, an allowance shall be made proportional to the difference between 1.025 and the actual density.

(3) When a ship departs from a port situated on a river or inland waters, deeper loading shall be permitted corresponding to the weight of fuel and all other materials required for consumption between the point of departure and the sea.

Article 13
Survey, inspection and marking

The survey, inspection and marking of ships, as regards the enforcement of the provisions of the present Convention and the granting of exemptions therefrom, shall be carried out by officers of the Administration. The Administration may, however, entrust the survey, inspection and marking either to surveyors nominated for the purpose or to organizations recognized by it. In every case the Administration concerned fully guarantees the completeness and efficiency of the survey, inspection and marking.

Article 14
Initial and periodical surveys and inspections

(1) A ship shall be subjected to the surveys and inspections specified below:

(a) A survey before the ship is put in service, which shall include a complete inspection of its structure and equipment insofar as the ship is covered by the present Convention. This survey shall be such as to ensure that the arrangements, material, and scantlings fully comply with the requirements of the present Convention.

(b) A periodical survey at intervals specified by the Administration, but not exceeding five years, which shall be such as to ensure that the structure, equipment, arrangements, materials and scantlings fully comply with the requirements of the present Convention.

(c) An periodical inspection within 3 months either way of each annual anniversary date of the certificate to ensure that alterations have not been made to the hull or superstructures which would affect the calculations determining the position of the load line and so as to ensure the maintenance in an effective condition of fittings and appliances for:

(i) protection of openings;

(ii) guard rails;

(iii) freeing ports; and

(iv) means of access to crew's quarters.

(2) The periodical inspections referred to in paragraph (1)(c) of this article shall be endorsed on the International Load Line Certificate (1966) or on the International Load Line Exemption Certificate issued to a ship exempted under paragraph (2) of article 6 of the present Convention.

Article 15
Maintenance of conditions after survey

After any survey of the ship under article 14 has been completed, no change shall be made in the structure, equipment, arrangements, material or scantlings covered by the survey, without the sanction of the Administration.

Article 16
Issue of certificates

(1) An International Load Line Certificate (1966) shall be issued to every ship which has been surveyed and marked in accordance with the present Convention.

(2) An International Load Line Exemption Certificate shall be issued to any ship to which an exemption has been granted under and in accordance with paragraph (2) or (4) of article 6.

(3) Such certificates shall be issued by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the certificate.

(4) Notwithstanding any other provision of the present Convention, any international load line certificate which is current when the present Convention comes into force in respect of the Government of the State whose flag the ship is flying shall remain valid for two years or until it expires, whichever is earlier. After that time an International Load Line Certificate (1966) shall be required.

Article 17
Issue of certificate by another Government

(1) A Contracting Government may, at the request of another Contracting Government, cause a ship to be surveyed and, if satisfied that the provisions of the present Convention are complied with, shall issue or authorize the issue of an International Load Line Certificate (1966) to the ship in accordance with the present Convention.

(2) A copy of the certificate, a copy of the survey report used for computing the freeboard, and a copy of the computations shall be transmitted as early as possible to the requesting Government.

(3) A certificate so issued must contain a statement to the effect that it has been issued at the request of the Government of the State whose flag the ship is or will be flying and it shall have the same force and receive the same recognition as a certificate issued under article 16.

(4) No International Load Line Certificate (1966) shall be issued to a ship which is flying the flag of a State the Government of which is not a Contracting Government.

Article 18
Form of certificates

(1) The certificates shall be drawn up in the official language or languages of the issuing country. If the language used is neither English nor French, the text shall include a translation into one of these languages.

(2) The form of the certificates shall be that of the models given in annex III. The arrangement of the printed part of each model certificate shall be exactly reproduced in any certificates issued, and in any certified copies thereof.

see also the unified interpretation

Article 19
Duration of certificates

(1) An International Load Line Certificate (1966) shall be issued for a period specified by the Administration, which shall not exceed 5 years from the date of issue.

(2) If, after the periodical survey referred to in paragraph (1)(b) of article 14, a new certificate cannot be issued to the ship before the expiry of the certificate originally issued, the person or organization carrying out the survey may extend

months. This extension shall be endorsed on the certificate, and shall be granted only where there have been no alterations in the structure, equipment, arrangements, material or scantlings which affect the ship's freeboard.

(3) An International Load Line Certificate (1966) shall be cancelled by the Administration if any of the following circumstances exist:

(a) material alterations have taken place in the hull or superstructures of the ship such as would necessitate the assignment of an increased freeboard;

(b) the fittings and appliances mentioned in sub-paragraph (c) of paragraph (1) of article 14 are not maintained in an effective condition;

(c) the certificate is not endorsed to show that the ship has been inspected as provided in sub-paragraph (c) of paragraph (1) of article 14;

(d) the structural strength of the ship is lowered to such an extent that the ship is unsafe.

(4) (a) The duration of an International Load Line Exemption Certificate issued by an Administration to a ship exempted under paragraph (2) of article 6 shall not exceed five years from the date of issue. Such certificate shall be subject to a renewal, endorsement and cancellation procedure similar to that provided for an International Load Line Certificate (1966) under this article.

(b) The duration of an International Load Line Exemption Certificate issued to a ship exempted under paragraph (4) of article 6 shall be limited to the single voyage for which it is issued.

(5) A certificate issued to a ship by an Administration shall cease to be valid upon the transfer of such a ship to the flag of another State.

Article 20
Acceptance of certificates

The certificates issued under the authority of a Contracting Government in accordance with the present Convention shall be accepted by the other Contracting Governments and regarded for all purposes covered by the present Convention as having the same force as certificates issued by them.

Article 21
Control

(1) Ships holding a certificate issued under article 16 or article 17 are subject, when in the ports of other Contracting Governments, to control by officers duly authorized by such Governments. Contracting Governments shall ensure that such control is exercised as far as is reasonable and practicable with a view to verifying that there is on board a valid certificate under the present Convention. If there is a valid International Load Line Certificate (1966) on board the ship, such control shall be limited to the purpose of determining that:

(a) the ship is not loaded beyond the limits allowed by the certificate;

(b) the position of the load line of the ship corresponds with the certificate; and

(c) the ship has not been so materially altered in respect of the matters set out in sub-paragraphs (a) and (b) of paragraph (3) of article 19 that the ship is manifestly unfit to proceed to sea without danger to human life.

If there is a valid International Load Line Exemption Certificate on board, such control shall be limited to the purpose of determining that any conditions stipulated in that certificate are complied with.

(2) If such control is exercised under sub-paragraph (c) of paragraph (1) of this article, it shall only be exercised in so far as may be necessary to ensure that the ship shall not sail until it can proceed to sea without danger to the passengers or the crew.

(3) In the event of the control provided for in this article giving rise to intervention of any kind, the officer carrying out the control shall immediately inform in writing the Consul or the diplomatic representative of the State whose flag the ship is flying of this decision and of all the circumstances in which intervention was deemed to be necessary.

Article 22
Privileges

The privileges of the present Convention may not be claimed in favour of any ship unless it holds a valid certificate under the Convention.

Article 23
Casualties

(1) Each Administration undertakes to conduct an investigation of any casualty occurring to ships for which it is responsible and which are subject to the provisions of the present Convention when it judges that such an investigation may assist in determining what changes in the Convention might be desirable.

(2) Each Contracting Government undertakes to supply the Organization with the pertinent information concerning the findings of such investigations. No reports or recommendations of the Organization based upon such information shall disclose the identity or nationality of the ships concerned or in any manner fix or imply responsibility upon any ship or person.

Article 24
Prior treaties and conventions

(1) All other treaties, conventions and arrangements relating to load line matters at present in force between Governments Parties to the present Convention shall continue to have full and complete effect during the terms thereof as regards:

(a) ships to which the present Convention does not apply; and

(b) ships to which the present Convention applies, in respect of matters for which it has not expressly provided.

(2) To the extent, however, that such treaties, conventions or arrangements conflict with the provisions of the present Convention, the provisions of the present Convention shall prevail.

Article 25
Special rules drawn up by agreement

When in accordance with the present Convention special rules are drawn up by agreement among all or some of the Contracting Governments, such rules shall be communicated to the Organization for circulation to all Contracting Governments.

Article 26
Communication of information

(1) The Contracting Governments undertake to communicate to and deposit with the Organization:

(a) a sufficient number of specimens of their certificates issued under the provisions of the present Convention for circulation to the Contracting Governments;

(b) the text of the laws, decrees, orders, regulations and other instruments which shall have been promulgated on the various matters within the scope of the present Convention; and

(c) a list of non-governmental agencies which are authorized to act in their behalf in the administration of load line matters for circulation to the Contracting Governments.

(2) Each Contracting Government agrees to make its strength standards available to any other Contracting Government, upon request.

Article 27
Signature, acceptance and accession

(1) The present Convention shall remain open for signature for three months from 5 April 1966 and shall thereafter remain open for accession. Governments of States Members of the United Nations, or of any of the

Specialized Agencies, or of the International Atomic Energy Agency, or parties to the Statute of the International Court of Justice may become parties to the Convention by:

(a) signature without reservation as to acceptance;

(b) signature subject to acceptance followed by acceptance; or

(c) accession.

(2) Acceptance or accession shall be effected by the deposit of an instrument of acceptance or accession with the Organization which shall inform all Governments that have signed the Convention or acceded to it of each new acceptance or accession and of the date of its deposit.

Article 28
Coming into force

(1) The present Convention shall come into force twelve months after the date on which not less than fifteen Governments of the States, including seven each with not less than one million gross tons of shipping, have signed without reservation as to acceptance or deposited instruments of acceptance or accession in accordance with article 27. The Organization shall inform all Governments which have signed or acceded to the present Convention of the date on which it comes into force.

(2) For Governments which have deposited an instrument of acceptance of or accession to the present Convention during the twelve months mentioned in paragraph (1) of this article, the acceptance or accession shall take effect on the coming into force of the present Convention or three months after the date of deposit of the instrument of acceptance or accession, whichever is the later date.

(3) For Governments which have deposited an instrument of acceptance of or accession to the present Convention after the date on which it comes into force, the Convention shall come into force three months after the date of the deposit of such instrument.

(4) After the date on which all the measures required to bring an amendment to the present Convention into force have been completed, or all necessary acceptances are deemed to have been given under sub-paragraph (b) of paragraph (2) of article 29 in case of amendment by unanimous acceptance, any instrument of acceptance or accession deposited shall be deemed to apply to the Convention as amended.

Article 29
Amendments

(1) The present Convention may be amended upon the proposal of a Contracting Government by any of the procedures specified in this article.

(2) Amendment by unanimous acceptance:

(a) Upon the request of a Contracting Government, any amendment proposed by it to the present Convention shall be communicated

by the Organization to all Contracting Governments for consideration with a view to unanimous acceptance.

(b) Any such amendment shall enter into force twelve months after the date of its acceptance by all Contracting Governments unless an earlier date is agreed upon. A Contracting Government which does not communicate its acceptance or rejection of the amendment to the Organization within three years of its first communication by the latter shall be deemed to have accepted the amendment.

(c) Any proposed amendment shall be deemed to be rejected if it is not accepted under sub-paragraph (b) of the present paragraph within three years after it has been first communicated to all Contracting Governments by the Organization.

(3) Amendment after consideration in the Organization:

(a) Upon the request of a Contracting Government, any amendment proposed by it to the present Convention will be considered in the Organization. If adopted by a majority of two-thirds of those present and voting in the Maritime Safety Committee of the Organization, such amendment shall be communicated to all Members of the Organization and all Contracting Governments at least six months prior to its consideration by the Assembly of the Organization.

(b) If adopted by a two-thirds majority of those present and voting in the Assembly, the amendment shall be communicated by the Organization to all Contracting Governments for their acceptance.

(c) Such amendment shall come into force twelve months after the date on which it is accepted by two-thirds of the Contracting Governments. The amendment shall come into force with respect to all Contracting Governments except those which, before it comes into force, make a declaration that they do not accept the amendment.

(d) The Assembly, by a two-thirds majority of those present and voting, including two-thirds of the Governments represented on the Maritime Safety Committee and present and voting in the Assembly, may propose a determination at the time of its adoption that an amendment is of such an important nature that any Contracting Government which makes a declaration under sub-paragraph (c), and which does not accept the amendment within a period of twelve months after it comes into force, shall cease to be a party to the present Convention upon the expiry of that period. This determination shall be subject to the prior acceptance of two-thirds of the Contracting Governments to the present Convention.

(e) Nothing in this paragraph shall prevent the Contracting Government which first proposed action under this paragraph on an amendment to the present Convention from taking at any time such alternative action as it deems desirable in accordance with paragraph (2) or (4) of this article.

(a) Upon the request of a Contracting Government, concurred in by at least one-third of the Contracting Governments, a conference of Governments will be convened by the Organization to consider amendments to the present Convention.

(b) Every amendment adopted by such a conference by a two-thirds majority of those present and voting of the Contracting Governments shall be communicated by the Organization to all Contracting Governments for their acceptance.

(c) Such amendment shall come into force twelve months after the date on which it is accepted by two-thirds of the Contracting Governments. The amendment shall come into force with respect to all Contracting Governments except those which, before it comes into force, make a declaration that they do not accept the amendment.

(d) By a two-thirds majority of those present and voting, a conference convened under sub-paragraph (a) may determine at the time of its adoption that an amendment is of such an important nature that any Contracting Government which makes a declaration under sub-paragraph (c), and which does not accept the amendment within a period of twelve months after it comes into force, shall cease to be a party to the present Convention upon the expiry of that period.

(5) Any amendments to the present Convention made under this article which relate to the structure of a ship shall apply only to ships the keels of which are laid, or which are at a similar stage of construction, on or after the date on which the amendment comes into force.

(6) The Organization shall inform all Contracting Governments of any amendments which come into force under this article, together with the date on which each such amendment will come into force.

(7) Any acceptance or declaration under this article shall be made by a notification in writing to the Organization which shall notify all Contracting Governments of the receipt of the acceptance or declaration.

Article 30
Denunciation

(1) The present Convention may be denounced by any Contracting Government at any time after the expiry of five years from the date on which the Convention comes into force for that Government.

(2) Denunciation shall be effected by a notification in writing addressed to the Organization which shall inform all the other Contracting Governments of any such notification received and of the date of its receipt.

(3) A denunciation shall take effect one year, or such longer period as may be specified in the notification, after its receipt by the Organization.

Article 31
Suspension

(1) In case of hostilities or other extraordinary circumstances which affect the vital interests of a State the Government of which is a Contracting Government, that Government may suspend the operation of the whole or any part of the present Convention. The suspending Government shall immediately give notice of any such suspension to the Organization.

(2) Such suspension shall not deprive other Contracting Governments of any right of control under the present Convention over the ships of the suspending Government when such ships are within their ports.

(3) The suspending Government may at any time terminate such suspension and shall immediately give notice of such termination to the Organization.

(4) The Organization shall notify all Contracting Governments of any suspension or termination of suspension under this article.

Article 32
Territories

(1) (a) The United Nations, in cases where they are the administering authority for a territory, or any Contracting Government responsible for the international relations of a territory, shall as soon as possible consult with such territory in an endeavour to extend the present Convention to that territory and may at any time by notification in writing to the Organization declare that the present Convention shall extend to such territory.

(b) The present Convention shall, from the date of the receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.

(2) (a) The United Nations, or any Contracting Government which has made a declaration under sub-paragraph (a) of paragraph (1) of this article, at any time after the expiry of a period of five years from the date on which the Convention has been so extended to any territory, may by notification in writing to the Organization declare that the present Convention shall cease to extend to any such territory named in the notification.

(b) The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Organization.

(3) The Organization shall inform all the Contracting Governments of the extension of the present Convention to any territories under paragraph (1) of this article, and of the termination of any such extension under the provisions of paragraph (2), stating in each case the date from which the present Convention has been or will cease to be so extended.

Article 33
Registration

(1) The present Convention shall be deposited with the Organization and the Secretary-General of the Organization shall transmit certified true copies thereof to all Signatory Governments and to all Governments which accede to the present Convention.

(2) As soon as the present Convention comes into force it shall be registered by the Organization in accordance with Article 102 of the Charter of the United Nations.

Article 34
Languages

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.*

DONE at London this fifth day of April 1966.

Annex I
Regulations for determining load lines

Chapter I
General

The regulations assume that the nature and stowage of the cargo, ballast, etc., are such as to secure sufficient stability of the ship and the avoidance of excessive structural stress.

The regulations also assume that where there are international requirements relating to stability or subdivision, these requirements have been complied with.

Regulation 1
Strength of hull

The Administration shall satisfy itself that the general structural strength of the hull is sufficient for the draught corresponding to the freeboard assigned. Ships built and maintained in conformity with the requirements of a classification society recognized by the Administration may be considered to possess adequate strength.

Regulation 2
Application

(1) Ships with mechanical means of propulsion or lighters, barges or other ships without independent means of propulsion shall be assigned freeboards in accordance with the provisions of regulations 1–40 inclusive of this annex.

(2) Ships carrying timber deck cargoes may be assigned, in addition to the freeboards prescribed in paragraph (1) of this regulation, timber freeboards in accordance with the provisions of regulations 41–45 inclusive of this annex.

(3) Ships designed to carry sail, whether as the sole means of propulsion or as a supplementary means, and tugs, shall be assigned freeboards in accordance with the provisions of regulations 1–40 inclusive of this annex. Such additional freeboard shall be required as determined by the Administration.

(4) Ships of wood or of composite construction, or of other materials the use of which the Administration has approved, or ships whose constructional features are such as to render the application of the provisions of this annex unreasonable or impracticable, shall be assigned freeboards as determined by the Administration.

(5) Regulations 10–26 inclusive of this annex shall apply to every ship to which a minimum freeboard is assigned. Relaxations from these requirements may be granted to a ship to which a greater than minimum freeboard is assigned on condition that the Administration is satisfied with the safety conditions provided.

see also the unified interpretation

Regulation 3

Definitions of terms used in the annexes

(1) *Length.* The length (*L*) shall be taken as 96% of the total length on a waterline at 85% of the least moulded depth measured from the top of the keel, or as the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline.

(2) *Perpendiculars.* The forward and after perpendiculars shall be taken at the forward and after ends of the length (*L*). The forward perpendicular shall coincide with the fore side of the stem on the waterline on which the length is measured.

(3) *Amidships.* Amidships is at the middle of the length (*L*).

(4) *Breadth.* Unless expressly provided otherwise, the breadth (*B*) is the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material.

(5) *Moulded depth*

(a) The moulded depth is the vertical distance measured from the top of the keel to the top of the freeboard deck beam at side. In wood and composite ships the distance is measured from the lower edge of the keel rabbet. Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

(b) In ships having rounded gunwales, the moulded depth shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwale were of angular design.

(c) Where the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the moulded depth shall be measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part.

see also the unified interpretation

(a) The depth for freeboard (D) is the moulded depth amidships, plus the thickness of the freeboard deck stringer plate, where fitted, plus $\frac{T(L-S)}{L}$ if the exposed freeboard deck is sheathed, where

T is the mean thickness of the exposed sheathing clear of deck openings, and

S is the total length of superstructures as defined in sub-paragraph (10)(d) of this regulation.

(b) The depth for freeboard (D) in a ship having a rounded gunwale with a radius greater than 4% of the breadth (B) or having topsides of unusual form is the depth for freeboard of a ship having a midship section with vertical topsides and with the same round of beam and area of topside section equal to that provided by the actual midship section.

see also the unified interpretation

(7) *Block coefficient.* The block coefficient (C_b) is given by:

$C_b = \frac{V}{L \cdot B \cdot d_1}$; where

V is the volume of the moulded displacement of the ship, excluding bossing, in a ship with a metal shell, and is the volume of displacement to the outer surface of the hull in a ship with a shell of any other material, both taken at a moulded draught of d_1; and where

d_1 is 85% of the least moulded depth.

(8) *Freeboard.* The freeboard assigned is the distance measured vertically downwards amidships from the upper edge of the deck line to the upper edge of the related load line.

(9) *Freeboard deck.* The freeboard deck is normally the uppermost complete deck exposed to weather and sea, which has permanent means of closing all openings in the weather part thereof, and below which all openings in the sides of the ship are fitted with permanent means of watertight closing. In a ship having a discontinuous freeboard deck, the lowest line of the exposed deck and the continuation of that line parallel to the upper part of the deck is taken as the freeboard deck. At the option of the owner and subject to the approval of the Administration, a lower deck may be designated as the freeboard deck provided it is a complete and permanent deck continuous in a fore and aft direction at least between the machinery space and peak bulkheads and continuous athwartships. When this lower deck is stepped the lowest line of the deck and the continuation of that line parallel to the upper part of the deck is taken as the freeboard deck. When a lower deck is designated as the freeboard deck, that part of the hull which extends above the freeboard deck is treated as a superstructure so far as concerns the application of the conditions of assignment and the calculation of freeboard. It is from this deck that the freeboard is calculated.

see also the unified interpretations

(a) A superstructure is a decked structure on the freeboard deck, extending from side to side of the ship or with the side plating not being inboard of the shell plating more than 4% of the breadth (B). A raised quarter-deck is regarded as a superstructure.

(b) An enclosed superstructure is a superstructure with:

(i) enclosing bulkheads of efficient construction;

(ii) access openings, if any, in these bulkheads fitted with doors complying with the requirements of regulation 12;

(iii) all other openings in sides or ends of the superstructure fitted with efficient weathertight means of closing.

A bridge or poop shall not be regarded as enclosed unless access is provided for the crew to reach machinery and other working spaces inside these superstructures by alternative means which are available at all times when bulkhead openings are closed.

see also the unified interpretation

(c) The height of a superstructure is the least vertical height measured at side from the top of the superstructure deck beams to the top of the freeboard deck beams.

(d) The length of a superstructure (S) is the mean length of the part of the superstructure which lies within the length (L).

(11) *Flush deck ship.* A flush deck ship is one which has no superstructure on the freeboard deck.

(12) *Weathertight.* "Weathertight" means that in any sea conditions water will not penetrate into the ship.

Regulation 4
Deck line

The deck line is a horizontal line 300 mm (12 inches) in length and 25 mm (1 inch) in breadth. It shall be marked amidships on each side of the ship, and its upper edge shall normally pass through the point where the continuation outwards of the upper surface of the freeboard deck intersects the outer surface of the shell (as illustrated in figure 1), provided that the deck line may be placed with reference to another fixed point on the ship on condition that the freeboard is correspondingly corrected. The location of the reference point and the identification of the freeboard deck shall in all cases be indicated on the International Load Line Certificate (1966).

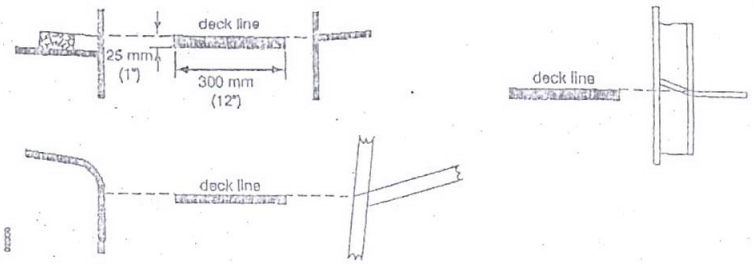


Figure 1 – *Deck line*

Regulation 5
Load Line Mark

The Load Line Mark shall consist of a ring 300 mm (12 inches) in outside diameter and 25 mm (1 inch) wide which is intersected by a horizontal line 450 mm (18 inches) in length and 25 mm (1 inch) in breadth, the upper edge of which passes through the centre of the ring. The centre of the ring shall be placed amidships and at a distance equal to the assigned summer freeboard measured vertically below the upper edge of the deck line (as illustrated in figure 2).

Regulation 6
Lines to be used with the Load Line Mark

(1) The lines which indicate the load line assigned in accordance with these regulations shall be horizontal lines 230 mm (9 inches) in length and 25 mm (1 inch) in breadth which extend forward of, unless expressly provided otherwise, and at right angles to, a vertical line 25 mm (1 inch) in breadth marked at a distance 540 mm (21 inches) forward of the centre of the ring (as illustrated in figure 2).

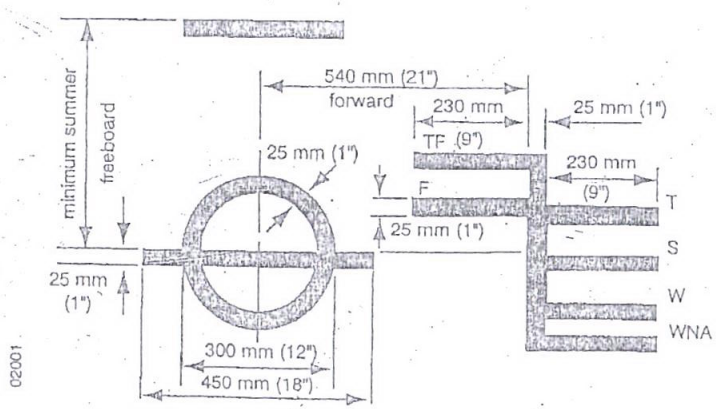


Figure 2 – *Load Line Mark and lines to be used with this mark*

(2) The following load lines shall be used:

(a) The Summer Load Line indicated by the upper edge of the line which passes through the centre of the ring and also by a line marked S.

(b) The Winter Load Line indicated by the upper edge of a line marked W.

(c) The Winter North Atlantic Load Line indicated by the upper edge of a line marked WNA.

(d) The Tropical Load Line indicated by the upper edge of a line marked T.

(e) The Fresh Water Load Line in summer indicated by the upper edge of a line marked F. The Fresh Water Load Line in summer is marked abaft the vertical line. The difference between the Fresh Water Load Line in summer and the Summer Load Line is the allowance to be made for loading in fresh water at the other load lines.

(f) The Tropical Fresh Water Load Line indicated by the upper edge of a line marked TF, and marked abaft the vertical line.

(3) If timber freeboards are assigned in accordance with these regulations, the timber load lines shall be marked in addition to ordinary load lines. These lines shall be horizontal lines 230 mm (9 inches) in length and 25 mm (1 inch) in breadth which extend abaft unless expressly provided otherwise, and are at right angles to, a vertical line 25 mm (1 inch) in breadth marked at a distance 540 mm (21 inches) abaft the centre of the ring (as illustrated in figure 3).

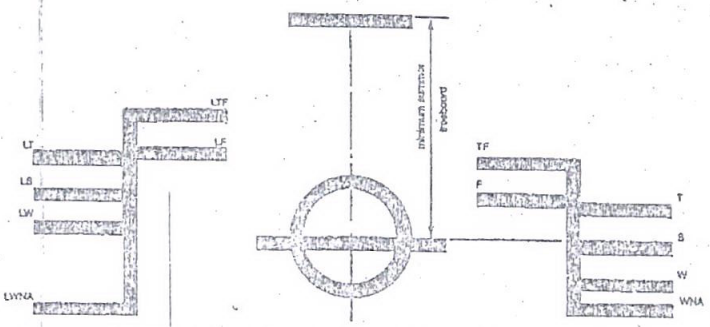


Figure 3 – *Timber Load Line Mark and lines to be used with this mark*

(4) The following timber load lines shall be used:

(a) The Summer Timber Load Line indicated by the upper edge of a line marked LS.

(b) The Winter Timber Load Line indicated by the upper edge of a line marked LW.

(c) The Winter North Atlantic Timber Load Line indicated by the upper edge of a line marked LWNA.

(d) The Tropical Timber Load Line indicated by the upper edge of a line marked LT.

(e) The Fresh Water Timber Load Line in summer indicated by the upper edge of a line marked LF and marked forward of the vertical line. The difference between the Fresh Water Timber Load Line in summer and the Summer Timber Load Line is the allowance to be made for loading in fresh water at the other timber load lines.

(f) The Tropical Fresh Water Timber Load Line indicated by the upper edge of a line marked LTF and marked forward of the vertical line.

(5) Where the characteristics of a ship or the nature of the ship's service or navigational limits make any of the seasonal lines inapplicable, these lines may be omitted.

(6) Where a ship is assigned a greater than minimum freeboard so that the load line is marked at a position corresponding to, or lower than, the lowest seasonal load line assigned at minimum freeboard in accordance with the present Convention, only the Fresh Water Load Line need be marked.

(7) On sailing ships only the Fresh Water Load Line and the Winter North Atlantic Load Line need be marked (as illustrated in figure 4).

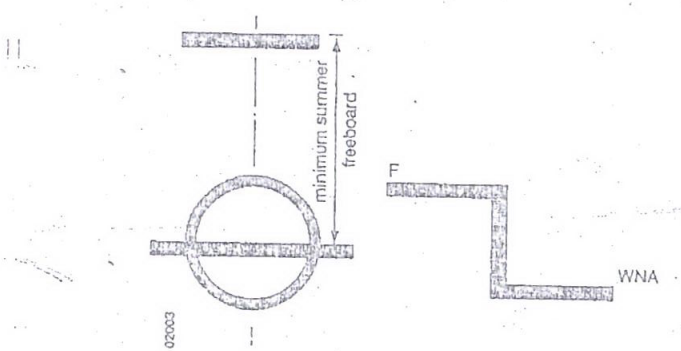


Figure 4 – *Load Line Mark on sailing ships and lines to be used with this mark*

(8) Where a Winter North Atlantic Load Line is identical with the Winter Load Line corresponding to the same vertical line, this load line shall be marked W.

(9) Additional load lines required by other international conventions in force may be marked at right angles to and abaft the vertical line specified in paragraph (1) of this regulation.

Regulation 7
Mark of assigning Authority

The mark of the Authority by whom the load lines are assigned may be indicated alongside the load line ring above the horizontal line which passes through the centre of the ring, or above and below it. This mark shall consist of not more than four initials to identify the Authority's name; each measuring approximately 115 mm ($4\frac{1}{2}$ inches) in height and 75 mm (3 inches) in width.

Regulation 8
Details of marking

The ring, lines and letters shall be painted in white or yellow on a dark ground or in black on a light ground. They shall also be permanently marked on the sides of the ships to the satisfaction of the Administration. The marks shall be plainly visible and, if necessary, special arrangements shall be made for this purpose.

see also the unified interpretation

Regulation 9
Verification of marks

The International Load Line Certificate (1966) shall not be delivered to the ship until the officer or surveyor acting under the provisions of article 13 of the present Convention has certified that the marks are correctly and permanently indicated on the ship's sides.

Chapter II
Conditions of assignment of freeboard

Regulation 10
Information to be supplied to the master

(1) The master of every new ship shall be supplied with sufficient information, in an approved form, to enable him to arrange for the loading and ballasting of his ship in such a way as to avoid the creation of any unacceptable stresses in the ship's structure, provided that this requirement need not apply to any particular length, design or class of ship where the Administration considers it to be unnecessary.

(2) The master of every new ship which is not already provided with stability information under an international convention for the safety of life at sea in force shall be supplied with sufficient information in an approved form to give him guidance as to the stability of the ship under varying conditions of service, and a copy shall be furnished to the Administration.

Regulation 11
Superstructure end bulkheads

Bulkheads at exposed ends of enclosed superstructures shall be of efficient construction and shall be to the satisfaction of the Administration

Regulation 12
Doors

see also the unified interpretation

(1) All access openings in bulkheads at ends of enclosed superstructures shall be fitted with doors of steel or other equivalent material, permanently and strongly attached to the bulkhead; and framed, stiffened and fitted so that the whole structure is of equivalent strength to the unpierced bulkhead and weathertight when closed. The means for securing these doors weathertight shall consist of gaskets and clamping devices or other equivalent means and shall be permanently attached to the bulkhead or to the doors themselves, and the doors shall be so arranged that they can be operated from both sides of the bulkhead.

(2) Except as otherwise provided in these regulations, the height of the sills of access openings in bulkheads at ends of enclosed superstructures shall be at least 380 mm (15 inches) above the deck.

Regulation 13

Position 1 – Upon exposed freeboard and raised quarter-decks, and upon exposed superstructure decks situated forward of a point located a quarter of the ship's length from the forward perpendicular.

Position 2 – Upon exposed superstructure decks situated abaft a quarter of the ship's length from the forward perpendicular.

Regulation 14

Cargo and other hatchways

(1) The construction and the means for securing the weathertightness of cargo and other hatchways in positions 1 and 2 shall be at least equivalent to the requirements of regulations 15 and 16 of this annex.

(2) Coamings and hatchway covers to exposed hatchways on decks above the superstructure deck shall comply with the requirements of the Administration.

Regulation 15

Hatchways closed by portable covers and secured weathertight by tarpaulins and battening devices

Hatchway coamings

(1) The coamings of hatchways closed by portable covers secured weathertight by tarpaulins and battening devices shall be of substantial construction, and their height above the deck shall be at least as follows:

600 mm (23½ inches) if in position 1

450 mm (17½ inches) if in position 2.

Hatchway covers

(2) The width of each bearing surface for hatchway covers shall be at least 65 mm (2½ inches).

(3) Where covers are made of wood, the finished thickness shall be at least 60 mm (2⅜ inches) in association with a span of not more than 1.5 m (4.9 feet).

(4) Where covers are made of mild steel the strength shall be calculated with assumed loads not less than 1.75 metric tons per square metre (358 pounds per square foot) on hatchways in position 1, and not less than 1.30 metric tons per square metre (266 pounds per square foot) on hatchways in position 2, and the product of the maximum stress thus calculated and the factor 4.25 shall not exceed the minimum ultimate strength of the material. They shall be so designed as to limit the deflection to not more than 0.0028 times the span under these loads.

see also the unified interpretation

(5) The assumed loads on hatchways in position 1 may be reduced to 1 metric ton per square metre (205 pounds per square foot) for ships of 24 m (79 feet) in length and shall be not less than 1.75 metric tons per square metre (358 pounds per square foot) for ships of 100 m (328 feet) in length. The

corresponding loads on hatchways in position 2 may be reduced to 0.75 metric tons per square metre (154 pounds per square foot) and 1.30 metric tons per square metre (266 pounds per square foot) respectively. In all cases values at intermediate lengths shall be obtained by interpolation.

see also the unified interpretation

Portable beams

(6) Where portable beams for supporting hatchway covers are made of mild steel the strength shall be calculated with assumed loads not less than 1.75 metric tons per square metre (358 pounds per square foot) on hatchways in position 1 and not less than 1.30 metric tons per square metre (266 pounds per square foot) on hatchways in position 2 and the product of the maximum stress thus calculated and the factor 5 shall not exceed the minimum ultimate strength of the material. They shall be so designed as to limit the deflection to not more than 0.0022 times the span under these loads. For ships of not more than 100 metres (328 feet) in length the requirements of paragraph (5) of this regulation are applicable.

see also the unified interpretation

Pontoon covers

(7) Where pontoon covers used in place of portable beams and covers are made of mild steel the strength shall be calculated with the assumed loads given in paragraph (4) of this regulation, and the product of the maximum stress thus calculated and the factor 5 shall not exceed the minimum ultimate strength of the material. They shall be so designed as to limit the deflection to not more than 0.0022 times the span. Mild steel plating forming the tops of covers shall be not less in thickness than 1% of the spacing of stiffeners or 6 mm (0.24 inches) if that be greater. For ships of not more than 100 m (328 feet) in length the requirements of paragraph (5) of this regulation are applicable.

see also the unified interpretation

(8) The strength and stiffness of covers made of materials other than mild steel shall be equivalent to those of mild steel to the satisfaction of the Administration.

Carriers or sockets

(9) Carriers or sockets for portable beams shall be of substantial construction, and shall provide means for the efficient fitting and securing of the beams. Where rolling types of beams are used, the arrangements shall ensure that the beams remain properly in position when the hatchway is closed.

Cleats

(10) Cleats shall be set to fit the taper of the wedges. They shall be at least 65 mm (2½ inches) wide and spaced not more than 600 mm (23½ inches) centre to centre; the cleats along each side or end shall be not more than 150 mm (6 inches) from the hatch corners.

Battens and wedges

(11) Battens and wedges shall be efficient and in good condition. Wedges shall be of tough wood or other equivalent material. They shall have a taper of not more than 1 in 6 and shall be not less than 13 mm (½ inch) thick at the toes.

Tarpaulins

(12) At least two layers of tarpaulin in good condition shall be provided for each hatchway in position 1 or 2. The tarpaulins shall be waterproof and of ample strength. They shall be of a material of at least an approved standard weight and quality.

Security of hatchway covers

(13) For all hatchways in position 1 or 2 steel bars or other equivalent means shall be provided in order efficiently and independently to secure each section of hatchway covers after the tarpaulins are battened down. Hatchway covers of more than 1.5 m (4.9 feet) in length shall be secured by at least two such securing appliances.

see also the unified interpretation

Regulation 16
Hatchways closed by weathertight covers of steel or other equivalent material fitted with gaskets and clamping devices

see also the unified interpretations

Hatchway coamings

(1) At positions 1 and 2 the height above the deck of hatchway coamings fitted with weathertight hatch covers of steel or other equivalent material fitted with gaskets and clamping devices shall be as specified in regulation 15(1). The height of these coamings may be reduced, or the coamings omitted entirely, on condition that the Administration is satisfied that the safety of the ship is not thereby impaired in any sea conditions. Where coamings are provided they shall be of substantial construction.

Weathertight covers

(2) Where weathertight covers are of mild steel the strength shall be calculated with assumed loads not less than 1.75 metric tons per square metre (358 pounds per square foot) on hatchways in position 1, and not less than 1.30 metric tons per square metre (266 pounds per square foot) on hatchways in position 2, and the product of the maximum stress thus calculated and the factor of 4.25 shall not exceed the minimum ultimate strength of the material. They shall be so designed as to limit the deflection to not more than 0.0028 times the span under these loads. Mild steel plating forming the tops of covers shall be not less in thickness than 1% of the spacing of stiffeners or 6 mm (0.24 inches) if that be greater. The provisions of regulation 15(5) are applicable for ships of not more than 100 m (328 feet) in length.

(3) The strength and stiffness of covers made of materials other than mild steel shall be equivalent to those of mild steel to the satisfaction of the Administration.

Means for securing weathertightness

(4) The means for securing and maintaining weathertightness shall be to the satisfaction of the Administration. The arrangements shall ensure that the tightness can be maintained in any sea conditions, and for this purpose tests for tightness shall be required at the initial survey, and may be required at periodical surveys and at annual inspections or at more frequent intervals.

Regulation 17
Machinery space openings

(1) Machinery space openings in position 1 or 2 shall be properly framed and efficiently enclosed by steel casings of ample strength, and where the casings are not protected by other structures their strength shall be specially considered. Access openings in such casings shall be fitted with doors complying with the requirements of regulation 12(1), the sills of which shall be at least 600 mm (23½ inches) above the deck if in position 1, and at least 380 mm (15 inches) above the deck if in position 2. Other openings in such casings shall be fitted with equivalent covers, permanently attached in their proper positions.

see also the unified interpretation

(2) Coamings of any fiddley, funnel or machinery space ventilator in an exposed position on the freeboard or superstructure deck shall be as high above the deck as is reasonable and practicable. Fiddley openings shall be fitted with strong covers of steel or other equivalent material permanently attached in their proper positions and capable of being secured weathertight.

see also the unified interpretation

Regulation 18
Miscellaneous openings in freeboard and superstructure decks

(1) Manholes and flush scuttles in position 1 or 2 or within superstructures other than enclosed superstructures shall be closed by substantial covers capable of being made watertight. Unless secured by closely spaced bolts, the covers shall be permanently attached.

(2) Openings in freeboard decks other than hatchways, machinery space openings, manholes and flush scuttles shall be protected by an enclosed superstructure, or by a deckhouse or companionway of equivalent strength and weathertightness. Any such opening in an exposed superstructure deck, or in the top of a deckhouse on the freeboard deck which gives access to a space below the freeboard deck or a space within an enclosed superstructure shall be protected by an efficient deckhouse or companionway. Doorways in such deckhouses or companionways shall be fitted with doors complying with the requirements of regulation 12(1).

see also the unified interpretations

(3) In position 1 the height above the deck of sills to the doorways in companionways shall be at least 600 mm (23½ inches). In position 2 it shall be at least 380 mm (15 inches).

see also the unified interpretation

Regulation 19
Ventilators

see also the unified interpretation

(1) Ventilators in position 1 or 2 to spaces below freeboard decks or decks of enclosed superstructures shall have coamings of steel or other equivalent material, substantially constructed and efficiently connected to the deck. Where the coaming of any ventilator exceeds 900 mm (35½ inches) in height it shall be specially supported.

(2) Ventilators passing through superstructures other than enclosed superstructures shall have substantially constructed coamings of steel or other equivalent material at the freeboard deck.

(3) Ventilators in position 1 the coamings of which extend to more than 4.5 m (14.8 feet) above the deck, and in position 2 the coamings of which extend to more than 2.3 m (7.5 feet) above the deck, need not be fitted with closing arrangements unless specifically required by the Administration.

see also the unified interpretation

(4) Except as provided in paragraph (3) of this regulation, ventilator openings shall be provided with weathertight closing appliances. In ships of not more than 100 m (328 feet) in length the closing appliances shall be permanently attached; where not so provided in other ships, they shall be conveniently stowed near the ventilators to which they are to be fitted. Ventilators in position 1 shall have coamings of a height of at least 900 mm (35½ inches) above the deck; in position 2 the coamings shall be of a height at least 760 mm (30 inches) above the deck.

see also the unified interpretation

(5) In exposed positions, the height of coamings may be required to be increased to the satisfaction of the Administration.

Regulation 20
Air pipes

Where air pipes to ballast and other tanks extend above the freeboard or superstructure decks, the exposed parts of the pipes shall be of substantial construction; the height from the deck to the point where water may have access below shall be at least 760 mm (30 inches) on the freeboard deck and 450 mm (17½ inches) on the superstructure deck.

interfere with the working of the ship, a lower height may be approved, provided the Administration is satisfied that the closing arrangements and other circumstances justify a lower height. Satisfactory means, permanently attached, shall be provided for closing the openings of the air pipes.

see also the unified interpretations

Regulation 21
Cargo ports and other similar openings

see also the unified interpretation

(1) Cargo ports and other similar openings in the sides of ships below the freeboard deck shall be fitted with doors so designed as to ensure watertightness and structural integrity commensurate with the surrounding shell plating. The number of such openings shall be the minimum compatible with the design and proper working of the ship.

see also the unified interpretation

(2) Unless permitted by the Administration, the lower edge of such openings shall not be below a line drawn parallel to the freeboard deck at side, which has at its lowest point the upper edge of the uppermost load line.

see also the unified interpretation

Regulation 22
Scuppers, inlets and discharges

see also the unified interpretation

(1) Discharges led through the shell either from spaces below the freeboard deck or from within superstructures and deckhouses on the freeboard deck fitted with doors complying with the requirements of regulation 12 shall, be fitted with efficient and accessible means for preventing water from passing inboard. Normally each separate discharge shall have one automatic non-return valve with a positive means of closing it from a position above the freeboard deck. Where, however, the vertical distance from the summer load waterline to the inboard end of the discharge pipe exceeds $0.01L$, the discharge may have two automatic non-return valves without positive means of closing, provided that the inboard valve is always accessible for examination under service conditions; where that vertical distance exceeds $0.02L$, a single automatic non-return valve without positive means of closing may be accepted subject to the approval of the Administration. The means for operating the positive-action valve shall be readily accessible and provided with an indicator showing whether the valve is open or closed.

see also the unified interpretations

(2) In manned machinery spaces, main and auxiliary sea inlets and discharges in connection with the operation of machinery may be controlled locally. The controls shall be readily accessible and shall be provided with indicators showing whether the valves are open or closed.

(3) Scuppers and discharge pipes originating at any level and penetrating the shell either more than 450 mm (17½ inches) below the freeboard deck or less than 600 mm (23½ inches) above the summer load waterline shall be provided with a non-return valve at the shell. This valve, unless required by paragraph (1), may be omitted if the piping is of substantial thickness.

(4) Scuppers leading from superstructures or deckhouses not fitted with doors complying with the requirements of regulation 12 shall be led overboard.

(5) All valves and shell fittings required by this regulation shall be of steel, bronze or other approved ductile material. Valves of ordinary cast iron or similar material are not acceptable. All pipes to which this regulation refers shall be of steel or other equivalent material to the satisfaction of the Administration.

Regulation 23
Sidescuttles

see also the unified interpretations

(1) Sidescuttles to spaces below the freeboard deck or to spaces within enclosed superstructures shall be fitted with efficient hinged inside deadlights arranged so that they can be effectively closed and secured watertight.

(2) No sidescuttle shall be fitted in a position so that its sill is below a line drawn parallel to the freeboard deck at side and having its lowest point 2.5% of the breadth (B) above the load waterline or 500 mm (19½ inches), whichever is the greater distance.

(3) The sidescuttles, together with their glasses, if fitted, and deadlights, shall be of substantial and approved construction.

Regulation 24
Freeing ports

(1) Where bulwarks on the weather portions of freeboard or superstructure decks form wells, ample provision shall be made for rapidly freeing the decks of water and for draining them. Except as provided in paragraphs (2) and (3) of this regulation, the minimum freeing port area (A) on each side of the ship for each well on the freeboard deck shall be that given by the following formulae in cases where the sheer in way of the well is standard or greater than standard. The minimum area for each well on superstructure decks shall be one-half of the area given by the formulae.

Where the length of bulwark (l) in the well is 20 m or less

$$A = 0.7 + 0.035l \text{ m}^2.$$

Where l exceeds 20 m

$$A = 0.07l \text{ m}^2.$$

l need in no case be taken as greater than $0.7L$.

If the bulwark is more than 1.2 m in average height, the required area shall be increased by 0.004 m^2 per metre of length of well for each 0.1 m difference in

height. If the bulwark is less than 0.9 m in average height, the required area may be decreased by 0.004 m^2 per metre of length of well for each 0.1 m difference in height.

Or

Where the length of bulwark (l) in the well is 66 feet or less

$A = 7.6 + 0.115l$ (square feet).

Where l exceeds 66 feet

$A = 0.23l$ (square feet)

l need in no case be taken as greater than $0.7L$.

If the bulwark is more than 3.9 feet in average height, the required area shall be increased by 0.04 square feet per foot of length of well for each foot difference in height. If the bulwark is less than 3 feet in average height, the required area may be decreased by 0.04 square feet per foot of length for each foot difference in height.

see also the unified interpretations

(2) In ships with no sheer, the calculated area shall be increased by 50%. Where the sheer is less than the standard, the percentage shall be obtained by interpolation.

(3) Where a ship fitted with a trunk does not comply with the requirements of regulation 36(1)(c) or where continuous or substantially continuous hatchway side coamings are fitted between detached superstructures, the minimum area of the freeing port openings shall be calculated from the following table:

Breadth of hatchway or trunk in relation to the breadth of ship	Area of freeing ports in relation to the total area of the bulwarks
40% or less	20%
75% or more	10%

The area of freeing ports at intermediate breadths shall be obtained by linear interpolation.

see also the unified interpretation

(4) In ships having superstructures which are open at either or both ends, adequate provision for freeing the space within such superstructures shall be provided to the satisfaction of the Administration.

see also the unified interpretation

(5) The lower edges of the freeing ports shall be as near the deck as practicable. Two-thirds of the freeing port area required shall be provided in the half of the well nearest the lowest point of the sheer curve.

see also the unified interpretation

(6) All such openings in the bulwarks shall be protected by rails or bars spaced approximately 230 mm (9 inches) apart. If shutters are fitted to freeing ports, ample clearance shall be provided to prevent jamming. Hinges shall have pins or bearings of non-corrodible material. If shutters are fitted with securing appliances, these appliances shall be of approved construction.

Regulation 25
Protection of the crew

(1) The strength of the deckhouses used for the accommodation of the crew shall be to the satisfaction of the Administration.

(2) Efficient guard rails or bulwarks shall be fitted to all exposed parts of the freeboard and superstructure decks. The height of the bulwarks or guard rails shall be at least 1 m (39½ inches) from the deck, provided that where this height would interfere with the normal operation of the ship, a lesser height may be approved if the Administration is satisfied that adequate protection is provided.

see also the unified interpretations

(3) The opening below the lowest course of the guard rails shall not exceed 230 mm (9 inches). The other courses shall be not more than 380 mm (15 inches) apart. In the case of ships with rounded gunwales the guard rail supports shall be placed on the flat of the deck.

see also the unified interpretation

(4) Satisfactory means (in the form of guard rails, lifelines, gangways or underdeck passages, etc.) shall be provided for the protection of the crew in getting to and from their quarters, the machinery space and all other parts used in the necessary work of the ship.

see also the unified interpretation

(5) Deck cargo carried on any ship shall be so stowed that any opening which is in way of the cargo and which gives access to and from the crew's quarters, the machinery space and all other parts used in the necessary work of the ship, can be properly closed and secured against the admission of water. Effective protection for the crew in the form of guard rails or lifelines shall be provided above the deck cargo if there is no convenient passage on or below the deck of the ship.

Regulation 26
Special conditions of assignment for type 'A' ships

see also the unified interpretation

Machinery casings

(1) Machinery casings on type 'A' ships, as defined in regulation 27, shall be protected by an enclosed poop or bridge of at least standard height, or by a deckhouse of equal height and equivalent strength, provided that machinery casings may be exposed if there are no openings giving direct access from the freeboard deck to the machinery [illegible]

requirements of regulation 12 may, however, be permitted in the machinery casing, provided that it leads to a space or passageway which is as strongly constructed as the casing and is separated from the stairway to the engine-room by a second weathertight door of steel or other equivalent material.

see also the unified interpretation

Gangway and access

(2) An efficiently constructed fore and aft permanent gangway sufficient strength shall be fitted on type 'A' ships at the level of the superstructure deck between the poop and the midship bridge or deckhouse where fitted, or equivalent means of access shall be provided to carry out the purpose of the gangway, such as passages below deck. Elsewhere, and on type 'A' ships without a midship bridge, arrangements to the satisfaction of the Administration shall be provided to safeguard the crew in reaching all parts used in the necessary work of the ship.

see also the unified interpretation

(3) Safe and satisfactory access from the gangway level shall be available between separate crew accommodations and also between crew accommodations and the machinery space.

Hatchways

(4) Exposed hatchways on the freeboard and forecastle decks or on the tops of expansion trunks on type 'A' ships shall be provided with efficient watertight covers of steel or other equivalent material.

Freeing arrangements

(5) Type 'A' ships with bulwarks shall have open rails fitted for at least half the length of the exposed parts of the weather deck or other effective freeing arrangements. The upper edge of the sheer strake shall be kept as low as practicable.

see also the unified interpretation

(6) Where superstructures are connected by trunks, open rails shall be fitted for the whole length of the exposed parts of the freeboard deck.

Chapter III
Freeboards

Regulation 27
Types of ships

(1) For the purposes of freeboard computation ships shall be divided into type 'A' and type 'B'.

Type 'A' ships

(2) A type 'A' ship is one which is designed to carry only liquid cargoes in bulk, and in which cargo tanks have only small access openings closed by watertight gasketed covers of steel or equivalent material. Such a ship necessarily has the following inherent features:

(a) high integrity of the exposed deck; and

(b) high degree of safety against flooding, resulting from the low permeability of loaded cargo spaces and the degree of subdivision usually provided.

(3) A type 'A' ship if over 150 m (492 feet) in length, and designed to have empty compartments when loaded to her summer load waterline, shall be able to withstand the flooding of any one of these empty compartments at an assumed permeability of 0.95, and remain afloat in a condition of equilibrium considered to be satisfactory by the Administration. In such a ship, if over 225 m (738 feet) in length, the machinery space shall be treated as a floodable compartment but with a permeability of 0.85.

For the guidance of Administrations the following limits may be regarded as satisfactory:

(a) The final waterline after flooding is below the lower edge of any opening through which progressive flooding may take place.

(b) The maximum angle of heel due to unsymmetrical flooding is of the order of 15°.

(c) The metacentric height in the flooded condition is positive.

(4) A type 'A' ship shall be assigned a freeboard not less than that based on table A of regulation 28.

Type 'B' ships

(5) All ships which do not come within the provisions regarding type 'A' ships in paragraphs (2) and (3) of this regulation shall be considered as type 'B' ships.

(6) Type 'B' ships which in position 1 have hatchways fitted with hatch covers complying with the requirements of regulation 15(7) or 16 shall, except as provided in paragraphs (7) to (10) inclusive of this regulation, be assigned freeboards based on table B of regulation 28.

(7) Any type 'B' ships of over 100 m (328 feet) in length may be assigned freeboards less than those required under paragraph (6) of this regulation provided that, in relation to the amount of reduction granted, the Administration is satisfied that:

(a) the measures provided for the protection of the crew are adequate;

(b) the freeing arrangements are adequate;

(c) the covers in positions 1 and 2 comply with the provisions of regulation 16 and have adequate strength, special care being given to their sealing and securing arrangements;

see also the unified interpretation

(d) the ship, when loaded to her summer load waterline, will remain afloat in a satisfactory condition of equilibrium after flooding of any single damaged compartment at an assumed permeability of 0.95 excluding the machinery space; and

(e) in such a ship, over 225 m (738 feet) in length, the machinery space shall be treated as a floodable compartment but with a permeability of 0.85.

For the guidance of Administrations in applying sub-paragraphs (d) and (e) of this paragraph the limits given in sub-paragraphs (3) (a), (b) and (c) may be regarded as satisfactory.

The relevant calculations may be based upon the following main assumptions:

- the vertical extent of damage is equal to the depth of the ship;
- the penetration of damage is not more than $\frac{B}{5}$
- no main transverse bulkhead is damaged;
- the height of the centre of gravity above the base line is assessed allowing for homogeneous loading of cargo holds, and for 50% of the designed capacity of consumable fluids and stores, etc.

see also the unified interpretation

(8) In calculating the freeboards for type 'B' ships which comply with the requirements of paragraph (7) of this regulation, the values from table B of regulation 28 shall not be reduced by more than 60% of the difference between the 'B' and 'A' tabular values for the appropriate ship lengths.

(9) The reduction in tabular freeboard allowed under paragraph (8) of this regulation may be increased up to the total difference between the values in table A and those in table B of regulation 28 on condition that the ship complies with the requirements of regulation 26(1), (2), (3), (5) and (6), as if it were a type 'A' ship, and further complies with the provisions of paragraph 7 (a) to (d) inclusive of this regulation except that the reference in sub-paragraph (d) to the flooding of any single damaged compartment shall be treated as a reference to the flooding of any two adjacent fore and aft compartments, neither of which is the machinery space. Also any such ship of over 225 m (738 feet) in length, when loaded to her summer load waterline, shall remain afloat in a satisfactory condition of equilibrium after flooding of the machinery space, taken alone, at an assumed permeability of 0.85.

see also the unified interpretation

(10) Type 'B' ships, which in position 1 have hatchways fitted with hatch covers which comply with the requirements of regulation 15, other than paragraph (7), shall be assigned freeboards based upon the values given in table B of regulation 28 increased by the values given in the following table:

Freeboard increase over tabular freeboard for type 'B' ships, for ships with hatch covers not complying with regulation 15(7) or 16

Length of ship (m)	Freeboard increase (mm)	Length of ship (m)	Freeboard increase (mm)	Length of ship (m)	Freeboard increase (mm)
108 and below	50	139	175	171	292
		140	181	172	294
109	52	141	186	173	297
110	55	142	191	174	299
111	57	143	196	175	301
112	59	144	201	176	304
113	62	145	206	177	306
114	64	146	210	178	308
115	68	147	215	179	311
116	70	148	219	180	313
117	73	149	224	181	315
118	76	150	228	182	318
119	80	151	232	183	320
120	84	152	236	184	322
121	87	153	240	185	325
122	91	154	244	186	327
123	95	155	247	187	329
124	99	156	251	188	332
125	103	157	254	189	334
126	108	158	258	190	336
127	112	159	261	191	339
128	116	160	264	192	341
129	121	161	267	193	343
130	126	162	270	194	346
131	131	163	273	195	348
132	136	164	275	196	350
133	142	165	278	197	353
134	147	166	280	198	355
135	153	167	283	199	357
136	159	168	285	200	358
137	164	169	287		
138	170	170	290		

Freeboards at intermediate lengths of ship shall be obtained by linear interpolation. Ships above 200 m in length shall be dealt with by the Administration.

Freeboard increase over tabular freeboard for type 'B' ships, for ships with hatch covers not complying with regulation 15(7) or 16

Length of ship (feet)	Freeboard increase (inches)	Length of ship (feet)	Freeboard increase (inches)
350 and below	2.0	510	9.6
		520	10.0
360	2.3	530	10.4
370	2.6	540	10.7
380	2.9	550	11.0
390	3.3	560	11.4
400	3.7	570	11.8
410	4.2	580	12.1
420	4.7	590	12.5
430	5.2	600	12.8
440	5.8	610	13.1
450	6.4	620	13.4
460	7.0	630	13.6
470	7.6	640	13.9
480	8.2	650	14.1
490	8.7	660	14.3
500	9.2		

Freeboards at intermediate lengths of ship shall be obtained by linear interpolation. Ship above 660 feet in length shall be dealt with by the Administration.

see also the unified interpretation

(11) A lighter, barge or other ship without independent means of propulsion shall be assigned a freeboard in accordance with the provisions of these regulations. However, in the case of barges which are unmanned the requirements of regulations 25, 26(2) and (3) and 39 shall not apply. Such unmanned barges which have on the freeboard deck only small access openings closed by weathertight gasketed covers of steel or equivalent material may be assigned freeboards 25% less than those calculated in accordance with these regulations.

see also the unified interpretations

Regulation 28
Freeboard tables

see also the unified interpretation

Type 'A' ships

(1) The tabular freeboard for type 'A' ships shall be determined from the following table:

Table A – *Freeboard table for type 'A' ships*

Length of ship (m)	Freeboard (mm)	Length of ship (m)	Freeboard (mm)	Length of ship (m)	Freeboard (mm)
24	200	69	693	114	1359
25	208	70	706	115	1376
26	217	71	720	116	1392
27	225	72	733	117	1409
28	233	73	746	118	1426
29	242	74	760	119	1442
30	250	75	773	120	1459
31	258	76	786	121	1476
32	267	77	800	122	1494
33	275	78	814	123	1511
34	283	79	828	124	1528
35	292	80	841	125	1546
36	300	81	855	126	1563
37	308	82	869	127	1580
38	316	83	883	128	1598
39	325	84	897	129	1615
40	334	85	911	130	1632
41	344	86	926	131	1650
42	354	87	940	132	1667
43	364	88	955	133	1684
44	374	89	969	134	1702
45	385	90	984	135	1719
46	396	91	999	136	1736
47	408	92	1014	137	1753
48	420	93	1029	138	1770
49	432	94	1044	139	1787
50	443	95	1059	140	1803
51	455	96	1074	141	1820
52	467	97	1089	142	1837
53	478	98	1105	143	1853
54	490	99	1120	144	1870
55	503	100	1135	145	1886
56	516	101	1151	146	1903
57	530	102	1166	147	1919
58	544	103	1181	148	1935
59	559	104	1196	149	1952
60	573	105	1212	150	1968
61	587	106	1228	151	1984
62	600	107	1244	152	2000
63	613	108	1260	153	2016
64	626	109	1276	154	2032
65	639	110	1293	155	2048
66	653	111	1309	156	2064
67	666	112	1326	157	2080
68	680	113	1342	158	2096

Table A *(continued)*

Length of ship (m)	Freeboard (mm)	Length of ship (m)	Freeboard (mm)	Length of ship (m)	Freeboard (mm)
159	2111	204	2650	249	3006
160	2126	205	2659	250	3012
161	2141	206	2669	251	3018
162	2155	207	2678	252	3024
163	2169	208	2687	253	3030
164	2184	209	2696	254	3036
165	2198	210	2705	255	3042
166	2212	211	2714	256	3048
167	2226	212	2723	257	3054
168	2240	213	2732	258	3060
169	2254	214	2741	259	3066
170	2268	215	2749	260	3072
171	2281	216	2758	261	3078
172	2294	217	2767	262	3084
173	2307	218	2775	263	3089
174	2320	219	2784	264	3095
175	2332	220	2792	265	3101
176	2345	221	2801	266	3106
177	2357	222	2809	267	3112
178	2369	223	2817	268	3117
179	2381	224	2825	269	3123
180	2393	225	2833	270	3128
181	2405	226	2841	271	3133
182	2416	227	2849	272	3138
183	2428	228	2857	273	3143
184	2440	229	2865	274	3148
185	2451	230	2872	275	3153
186	2463	231	2880	276	3158
187	2474	232	2888	277	3163
188	2486	233	2895	278	3167
189	2497	234	2903	279	3172
190	2508	235	2910	280	3176
191	2519	236	2918	281	3181
192	2530	237	2925	282	3185
193	2541	238	2932	283	3189
194	2552	239	2939	284	3194
195	2562	240	2946	285	3198
196	2572	241	2953	286	3202
197	2582	242	2959	287	3207
198	2592	243	2966	288	3211
199	2602	244	2973	289	3215
200	2612	245	2979	290	3220
201	2622	246	2986	291	3224
202	2632	247	2993	292	3228
203	2641	248	3000	293	3233

Table A *(continued)*

Length of ship (m)	Freeboard (mm)	Length of ship (m)	Freeboard (mm)	Length of ship (m)	Freeboard (mm)
294	3237	318	3325	342	3387
295	3241	319	3328	343	3389
296	3246	320	3331	344	3392
297	3250	321	3334	345	3394
298	3254	322	3337	346	3396
299	3258	323	3339	347	3399
300	3262	324	3342	348	3401
301	3266	325	3345	349	3403
302	3270	326	3347	350	3406
303	3274	327	3350	351	3408
304	3278	328	3353	352	3410
305	3281	329	3355	353	3412
306	3285	330	3358	354	3414
307	3288	331	3361	355	3416
308	3292	332	3363	356	3418
309	3295	333	3366	357	3420
310	3298	334	3368	358	3422
311	3302	335	3371	359	3423
312	3305	336	3373	360	3425
313	3308	337	3375	361	3427
314	3312	338	3378	362	3428
315	3315	339	3380	363	3430
316	3318	340	3382	364	3432
317	3322	341	3385	365	3433

Freeboards at intermediate lengths of ship shall be obtained by linear interpolation. Ships above 365 m in length shall be dealt with by the Administration.

Table A – *Freeboard table for type 'A' ships*

Length of ship (feet)	Freeboard (inches)	Length of ship (feet)	Freeboard (inches)	Length of ship (feet)	Freeboard (inches)
80	8.0	180	19.8	280	36.3
90	8.9	190	21.3	290	38.0
100	9.8	200	22.9	300	39.7
110	10.8	210	24.5	310	41.4
120	11.9	220	26.2	320	43.2
130	13.0	230	27.8	330	45.0
140	14.2	240	29.5	340	46.9
150	15.5	250	31.1	350	48.8
160	16.9	260	32.8	360	50.7
170	18.3	270	34.6	370	52.7

Table A *(continued)*

Length of ship (feet)	Freeboard (inches)	Length of ship (feet)	Freeboard (inches)	Length of ship (feet)	Freeboard (inches)
380	54.7	660	103.3	940	126.2
390	56.8	670	104.4	950	126.7
400	58.8	680	105.5	960	127.2
410	60.9	690	106.6	970	127.7
420	62.9	700	107.7	980	128.1
430	65.0	710	108.7	990	128.6
440	67.0	720	109.7	1000	129.0
450	69.1	730	110.7	1010	129.4
460	71.1	740	111.7	1020	129.9
470	73.1	750	112.6	1030	130.3
480	75.1	760	113.5	1040	130.7
490	77.1	770	114.4	1050	131.0
500	79.0	780	115.3	1060	131.4
510	80.9	790	116.1	1070	131.7
520	82.7	800	117.0	1080	132.0
530	84.5	810	117.8	1090	132.3
540	86.3	820	118.6	1100	132.6
550	88.0	830	119.3	1110	132.9
560	89.6	840	120.1	1120	133.2
570	91.1	850	120.7	1130	133.5
580	92.6	860	121.4	1140	133.8
590	94.1	870	122.1	1150	134.0
600	95.5	880	122.7	1160	134.3
610	96.9	890	123.4	1170	134.5
620	98.3	900	124.0	1180	134.7
630	99.6	910	124.6	1190	135.0
640	100.9	920	125.2	1200	135.2
650	102.1	930	125.7		

Freeboards at intermediate lengths of ship shall be obtained by linear interpolation. Ships above 1200 feet in length shall be dealt with by the Administration.

Type 'B' ships

(2) The tabular freeboard for type 'B' ships shall be determined from the following table:

Table B – *Freeboard table for type 'B' ships*

Length of ship (m)	Freeboard (mm)	Length of ship (m)	Freeboard (mm)	Length of ship (m)	Freeboard (mm)
24	200	28	233	32	267
25	208	29	242	33	275
26	217	30	250	34	283
27	225	31	258	35	292

Table B *(continued)*

Length of ship (m)	Freeboard (mm)	Length of ship (m)	Freeboard (mm)	Length of ship (m)	Freeboard (mm)
36	300	81	905	126	1815
37	308	82	923	127	1837
38	316	83	942	128	1859
39	325	84	960	129	1880
40	334	85	978	130	1901
41	344	86	996	131	1921
42	354	87	1015	132	1940
43	364	88	1034	133	1959
44	374	89	1054	134	1979
45	385	90	1075	135	2000
46	396	91	1096	136	2021
47	408	92	1116	137	2043
48	420	93	1135	138	2065
49	432	94	1154	139	2087
50	443	95	1172	140	2109
51	455	96	1190	141	2130
52	467	97	1209	142	2151
53	478	98	1229	143	2171
54	490	99	1250	144	2190
55	503	100	1271	145	2209
56	516	101	1293	146	2229
57	530	102	1315	147	2250
58	544	103	1337	148	2271
59	559	104	1359	149	2293
60	573	105	1380	150	2315
61	587	106	1401	151	2334
62	601	107	1421	152	2354
63	615	108	1440	153	2375
64	629	109	1459	154	2396
65	644	110	1479	155	2418
66	659	111	1500	156	2440
67	674	112	1521	157	2460
68	689	113	1543	158	2480
69	705	114	1565	159	2500
70	721	115	1587	160	2520
71	738	116	1609	161	2540
72	754	117	1630	162	2560
73	769	118	1651	163	2580
74	784	119	1671	164	2600
75	800	120	1690	165	2620
76	816	121	1709	166	2640
77	833	122	1729	167	2660
78	850	123	1750	168	2680
79	868	124	1771	169	2698
80	887	125	1793	170	2716

Table B *(continued)*

Length of ship (m)	Freeboard (mm)	Length of ship (m)	Freeboard (mm)	Length of Ship (m)	Freeboard (mm)
171	2735	216	3520	261	4165
172	2754	217	3537	262	4177
173	2774	218	3554	263	4189
174	2795	219	3570	264	4201
175	2815	220	3586	265	4214
176	2835	221	3601	266	4227
177	2855	222	3615	267	4240
178	2875	223	3630	268	4252
179	2895	224	3645	269	4264
180	2915	225	3660	270	4276
181	2933	226	3675	271	4289
182	2952	227	3690	272	4302
183	2970	228	3705	273	4315
184	2988	229	3720	274	4327
185	3007	230	3735	275	4339
186	3025	231	3750	276	4350
187	3044	232	3765	277	4362
188	3062	233	3780	278	4373
189	3080	234	3795	279	4385
190	3098	235	3808	280	4397
191	3116	236	3821	281	4408
192	3134	237	3835	282	4420
193	3151	238	3849	283	4432
194	3167	239	3864	284	4443
195	3185	240	3880	285	4455
196	3202	241	3893	286	4467
197	3219	242	3906	287	4478
198	3235	243	3920	288	4490
199	3249	244	3934	289	4502
200	3264	245	3949	290	4513
201	3280	246	3965	291	4525
202	3296	247	3978	292	4537
203	3313	248	3992	293	4548
204	3330	249	4005	294	4560
205	3347	250	4018	295	4572
206	3363	251	4032	296	4583
207	3380	252	4045	297	4595
208	3397	253	4058	298	4607
209	3413	254	4072	299	4618
210	3430	255	4085	300	4630
211	3445	256	4098	301	4642
212	3460	257	4112	302	4654
213	3475	258	4125	303	4665
214	3490	259	4139	304	4676
215	3505	260	4152	305	4686

Table B *(continued)*

Length of Ship (m)	Freeboard (mm)	Length of Ship (m)	Freeboard (mm)	Length of Ship (m)	Freeboard (mm)
306	4695	326	4909	346	5119
307	4704	327	4920	347	5130
308	4714	328	4931	348	5140
309	4725	329	4943	349	5150
310	4736	330	4955	350	5160
311	4748	331	4965	351	5170
312	4757	332	4975	352	5180
313	4768	333	4985	353	5190
314	4779	334	4995	354	5200
315	4790	335	5005	355	5210
316	4801	336	5015	356	5220
317	4812	337	5025	357	5230
318	4823	338	5035	358	5240
319	4834	339	5045	359	5250
320	4844	340	5055	360	5260
321	4855	341	5065	361	5268
322	4866	342	5075	362	5276
323	4878	343	5086	363	5285
324	4890	344	5097	364	5294
325	4899	345	5108	365	5303

Freeboards at intermediate lengths of ship shall be obtained by linear interpolation. Ships above 365 m in length shall be dealt with by the Administration.

Table B – *Freeboard table for type 'B' ships*

Length of ship (feet)	Freeboard (inches)	Length of ship (feet)	Freeboard (inches)	Length of ship (feet)	Freeboard (inches)
80	8.0	240	30.4	400	68.2
90	8.9	250	32.4	410	70.7
100	9.8	260	34.4	420	73.2
110	10.8	270	36.5	430	75.7
120	11.9	280	38.7	440	78.2
130	13.0	290	41.0	450	80.7
140	14.2	300	43.3	460	83.1
150	15.5	310	45.7	470	85.6
160	16.9	320	48.2	480	88.1
170	18.3	330	50.7	490	90.6
180	19.8	340	53.2	500	93.1
190	21.3	350	55.7	510	95.6
200	22.9	360	58.2	520	98.1
210	24.7	370	60.7	530	100.6
220	26.6	380	63.2	540	103.0
230	28.5	390	65.7	550	105.4

Table B *(continued)*

Length of ship (feet)	Freeboard (inches)	Length of ship (feet)	Freeboard (inches)	Length of ship (feet)	Freeboard (inches)
560	107.7	780	151.5	1000	184.4
570	110.0	790	153.2	1010	185.8
580	112.3	800	154.8	1020	187.2
590	114.6	810	156.4	1030	188.5
600	116.8	820	158.0	1040	189.8
610	119.0	830	159.6	1050	191.0
620	121.1	840	161.2	1060	192.3
630	123.2	850	162.8	1070	193.5
640	125.3	860	164.3	1080	194.8
650	127.3	870	165.9	1090	196.1
660	129.3	880	167.4	1100	197.3
670	131.3	890	168.9	1110	198.6
680	133.3	900	170.4	1120	199.9
690	135.3	910	171.8	1130	201.2
700	137.1	920	173.3	1140	202.3
710	139.0	930	174.7	1150	203.5
720	140.9	940	176.1	1160	204.6
730	142.7	950	177.5	1170	205.8
740	144.5	960	178.9	1180	206.9
750	146.3	970	180.3	1190	208.1
760	148.1	980	181.7	1200	209.3
770	149.8	990	183.1		

Freeboards at intermediate lengths of ship shall be obtained by linear interpolation. Ships above 1200 feet in length shall be dealt with by the Administration.

Regulation 29
Correction to the freeboard for ships under 100 m (328 feet) in length

see also the unified interpretation

The tabular freeboard for a type 'B' ship of between 24 m (79 feet) and 100 m (328 feet) in length having enclosed superstructures with an effective length of up to 35% of the length of the ship shall be increased by:

$$7.5\ (100 - L)\ (0.35 - \frac{E}{L})\ \text{mm}$$

where L = length of ship in metres,

E = effective length of superstructure in metres as defined in regulation 35

or

$$0.09\ (328 - L)\ (0.35 - \frac{E}{L})\ \text{inches}$$

where L = length of ship in feet

E = effective length of superstructure in feet as defined in regulation 35.

Regulation 30
Correction for block coefficient

Where the block coefficient (C_b) exceeds 0.68, the tabular freeboard specified in regulation 28 as modified, if applicable, by regulations 27(8), 27(10) and 29 shall be multiplied by the factor $\frac{C_b + 0.68}{1.36}$.

Regulation 31
Correction for depth

see also the unified interpretation

(1) Where D exceeds $\frac{L}{15}$ the freeboard shall be increased by $(D - \frac{L}{15})R$ mm, where R is $\frac{L}{0.48}$ at lengths less than 120 m and 250 at 120 m length and above, or $(D - \frac{L}{15})R$ inches, where R is $\frac{L}{131.2}$ at lengths less than 393.6 feet and 3 at 393.6 feet length and above.

(2) Where D is less than $\frac{L}{15}$ no reduction shall be made except in a ship with an enclosed superstructure covering at least $0.6L$ amidships, with a complete trunk, or combination of detached enclosed superstructures and trunks which extend all fore and aft, where the freeboard shall be reduced at the rate prescribed in paragraph (1) of this regulation.

(3) Where the height of superstructure or trunk is less than the standard height, the reduction shall be in the ratio of the actual to the standard height as defined in regulation 33.

see also the unified interpretation

Regulation 32
Correction for position of deck line

Where the actual depth to the upper edge of the deck line is greater or less than D, the difference between the depths shall be added to or deducted from the freeboard.

(7) *Existing ship* means a ship which is not a new ship;

(8) *Length* means 96% of the total length on a waterline at 85% of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline.

see also the unified interpretation

Article 3
General provisions

(1) No ship to which the present Convention applies shall proceed to sea on an international voyage after the date on which the present Convention comes into force unless it has been surveyed, marked and provided with an International Load Line Certificate (1966) or, where appropriate, an International Load Line Exemption Certificate in accordance with the provisions of the present Convention.

(2) Nothing in this Convention shall prevent an Administration from assigning a greater freeboard than the minimum freeboard determined in accordance with annex I.

Article 4
Application

(1) The present Convention shall apply to:

(a) ships registered in countries the Governments of which are Contracting Governments;

(b) ships registered in territories to which the present Convention is extended under article 32; and

(c) unregistered ships flying the flag of a State, the Government of which is a Contracting Government.

(2) The present Convention shall apply to ships engaged on international voyages.

(3) The regulations contained in annex I are specifically applicable to new ships.

(4) Existing ships which do not fully comply with the requirements of the regulations contained in annex I or any part thereof shall meet at least such lesser related requirements as the Administration applied to ships on international voyages prior to the coming into force of the present Convention; in no case shall such ships be required to increase their freeboards. In order to take advantage of any reduction in freeboard from that previously assigned, existing ships shall comply with all the requirements of the present Convention.

see also the unified interpretation

(5) The regulations contained in annex II are applicable to new and existing ships to which the present Convention applies.

Article 5
Exceptions

(1) The present Convention shall not apply to:

(a) ships of war;

(b) new ships of less than 24 metres (79 feet) in length;

(c) existing ships of less than 150 tons gross;

(d) pleasure yachts not engaged in trade;

(e) fishing vessels.

(2) Nothing herein shall apply to ships solely navigating:

(a) the Great Lakes of North America and the River St. Lawrence as far east as a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the meridian of longitude 63° W;

(b) the Caspian Sea;

(c) the Plate, Parana and Uruguay Rivers as far east as a rhumb line drawn between Punta Norte, Argentina, and Punta del Este, Uruguay.

Article 6
Exemptions

(1) Ships when engaged on international voyages between the near neighbouring ports of two or more States may be exempted by the Administration from the provisions of the present Convention, so long as they shall remain engaged on such voyages, if the Governments of the States in which such ports are situated shall be satisfied that the sheltered nature or conditions of such voyages between such ports make it unreasonable or impracticable to apply the provisions of the present Convention to ships engaged on such voyages.

(2) The Administration may exempt any ship which embodies features of a novel kind from any of the provisions of this Convention the application of which might seriously impede research into the development of such features and their incorporation in ships engaged on international voyages. Any such ship shall, however, comply with safety requirements which, in the opinion of that Administration, are adequate for the service for which it is intended and are such as to ensure the overall safety of the ship and which are acceptable to the Governments of the States to be visited by the ship.

(3) The Administration which allows any exemption under paragraphs (1) and (2) of this article shall communicate to the Inter-Governmental Maritime

(7) *Existing ship* means a ship which is not a new ship;

(8) *Length* means 96% of the total length on a waterline at 85% of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline.

see also the unified interpretation

Article 3
General provisions

(1) No ship to which the present Convention applies shall proceed to sea on an international voyage after the date on which the present Convention comes into force unless it has been surveyed, marked and provided with an International Load Line Certificate (1966) or, where appropriate, an International Load Line Exemption Certificate in accordance with the provisions of the present Convention.

(2) Nothing in this Convention shall prevent an Administration from assigning a greater freeboard than the minimum freeboard determined in accordance with annex I.

Article 4
Application

(1) The present Convention shall apply to:

(a) ships registered in countries the Governments of which are Contracting Governments;

(b) ships registered in territories to which the present Convention is extended under article 32; and

(c) unregistered ships flying the flag of a State, the Government of which is a Contracting Government.

(2) The present Convention shall apply to ships engaged on international voyages.

(3) The regulations contained in annex I are specifically applicable to new ships.

(4) Existing ships which do not fully comply with the requirements of the regulations contained in annex I or any part thereof shall meet at least such lesser related requirements as the Administration applied to ships on international voyages prior to the coming into force of the present Convention; in no case shall such ships be required to increase their freeboards. In order to take advantage of any reduction in freeboard from that previously assigned, existing ships shall comply with all the requirements of the present Convention.

see also the unified interpretation

Regulation 33
Standard height of superstructure

The standard height of a superstructure shall be as given in the following table:

	Standard height (m)	
L (m)	Raised quarter-deck	All other superstructures
30 or less	0.90	1.80
75	1.20	1.80
125 or more	1.80	2.30

	Standard height (feet)	
L (feet)	Raised quarter-deck	All other superstructures
98.5 or less	3.0	5.9
246	3.9	5.9
410 or more	5.9	7.5

The standard heights at intermediate lengths of the ship shall be obtained by linear interpolation.

Regulation 34
Length of superstructure

see also the unified interpretation

(1) Except as provided in paragraph (2) of this regulation, the length of a superstructure (*S*) shall be the mean length of the parts of the superstructure which lie within the length (*L*).

see also the unified interpretation

(2) Where the end bulkhead of an enclosed superstructure extends in a fair convex curve beyond its intersection with the superstructure sides, the length of the superstructure may be increased on the basis of an equivalent plane bulkhead. This increase shall be two-thirds of the fore and aft extent of the curvature. The maximum curvature which may be taken into account in determining this increase is one-half the breadth of the superstructure at the point of intersection of the curved end of the superstructure with its side.

see also the unified interpretation

Regulation 35
Effective length of superstructure

see also the unified interpretations

(1) Except as provided for in paragraph (2) of this regulation, the effective length (E) of an enclosed superstructure of standard height shall be its length.

(2) In all cases where an enclosed superstructure of standard height is set in from the sides of the ship as permitted in regulation 3(10), the effective length shall be the length modified by the ratio of b/B_s, where

b is the breadth of the superstructure at the middle of its length; and

B_s is the breadth of the ship at the middle of the length of the superstructure.

Where a superstructure is set in for a part of its length, this modification shall be applied only to the set-in part.

(3) Where the height of an enclosed superstructure is less than the standard height, the effective length shall be its length reduced in the ratio of the actual height to the standard height. Where the height exceeds the standard, no increase shall be made to the effective length of the superstructure.

see also the unified interpretation

(4) The effective length of a raised quarter-deck, if fitted with an intact front bulkhead, shall be its length up to a maximum of $0.6L$. Where the bulkhead is not intact, the raised quarter-deck shall be treated as a poop of less than standard height.

see also the unified interpretations

(5) Superstructures which are not enclosed shall have no effective length.

Regulation 36
Trunks

see also the unified interpretations

(1) A trunk or similar structure which does not extend to the sides of the ship shall be regarded as efficient on the following conditions:

(a) the trunk is at least as strong as a superstructure;

(b) the hatchways are in the trunk deck, and the hatchway coamings and covers comply with the requirements of regulations 13 to 16 inclusive and the width of the trunk deck stringer provides a satisfactory gangway and sufficient lateral stiffness. However, small access openings with watertight covers may be permitted in the freeboard deck;

(c) a permanent working platform fore and aft fitted with guard rails is provided by the trunk deck, or by detached trunks connected to superstructures by efficient permanent gangways;

(d) ventilators are protected by the trunk, by watertight covers or by other equivalent means;

way of the trunk for at least half their length;

see also the unified interpretation

(f) the machinery casings are protected by the trunk, by a superstructure of at least standard height, or by a deckhouse of the same height and of equivalent strength;

(g) the breadth of the trunk is at least 60% of the breadth of the ship; and

(h) where there is no superstructure, the length of the trunk is at least $0.6L$.

(2) The full length of an efficient trunk reduced in the ratio of its mean breadth to B shall be its effective length.

(3) The standard height of a trunk is the standard height of a superstructure other than a raised quarter-deck.

(4) Where the height of a trunk is less than the standard height, its effective length shall be reduced in the ratio of the actual to the standard height. Where the height of hatchway coamings on the trunk deck is less than that required under regulation 15(1), a reduction from the actual height of trunk shall be made which corresponds to the difference between the actual and the required height of coaming.

see also the unified interpretation

Regulation 37
Deduction for superstructures and trunks

see also the unified interpretation

(1) Where the effective length of superstructures and trunks is $1.0L$, the deduction from the freeboard shall be 350 mm at 24 m length of ship, 860 mm at 85 m length, and 1070 mm at 122 m length and above (14 inches at 79 feet length of ship, 34 inches at 279 feet length, and 42 inches at 400 feet length and above); deductions at intermediate lengths shall be obtained by linear interpolation.

(2) Where the total effective length of superstructures and trunks is less than $1.0L$ the deduction shall be a percentage obtained from one of the following tables:

Percentage of deduction for type 'A' ships

	Total effective length of superstructures and trunks										
	0	$0.1L$	$0.2L$	$0.3L$	$0.4L$	$0.5L$	$0.6L$	$0.7L$	$0.8L$	$0.9L$	$1.0L$
Percentage of deduction for all types of superstructures	0	7	14	21	31	41	52	63	75.3	87.7	100

Percentages at intermediate lengths of superstructures shall be obtained by linear interpolation.

Percentage of deduction for type 'B' ships

	Line	Total effective length of superstructures and trunks										
		0	0.1*L*	0.2*L*	0.3*L*	0.4*L*	0.5*L*	0.6*L*	0.7*L*	0.8*L*	0.9*L*	1.0*L*
Ships with forecastle and without detached bridge	I	0	5	10	15	23.5	32	46	63	75.3	87.7	100
Ships with forecastle and detached bridge	II	0	6.3	12.7	19	27.5	36	46	63	75.3	87.7	100

Percentages at intermediate lengths of superstructures shall be obtained by linear interpolation.

(3) For ships of type 'B':

(a) Where the effective length of a bridge is less than 0.2*L*, the percentages shall be obtained by linear interpolation between lines I and II.

(b) Where the effective length of a forecastle is more than 0.4*L*, the percentages shall be obtained from line II.

(c) Where the effective length of a forecastle is less than 0.07*L*, the above percentages shall be reduced by:

$$5 \times \frac{(0.07L - f)}{0.07L}$$

where f is the effective length of the forecastle.

Regulation 38
Sheer

see also the unified interpretation

General

(1) The sheer shall be measured from the deck at side to a line of reference drawn parallel to the keel through the sheer line amidships.

(2) In ships designed with a rake of keel, the sheer shall be measured in relation to a reference line drawn parallel to the design load waterline.

(3) In flush deck ships and in ships with detached superstructures the sheer shall be measured at the freeboard deck.

(4) In ships with topsides of unusual form in which there is a step or break in the topsides, the sheer shall be considered in relation to the equivalent depth amidships.

(5) In ships with a superstructure of standard height which extends over the whole length of the freeboard deck, the sheer shall be measured at the superstructure deck. Where the height exceeds the standard the least difference (Z) between the actual and standard heights shall be added to each end ordinate. Similarly, the intermediate ordinates at distances of $\frac{1}{6}L$ and $\frac{1}{3}L$ from each perpendicular shall be increased by $0.444Z$ and $0.111Z$ respectively.

see also the unified interpretation

(6) Where the deck of an enclosed superstructure has at least the same sheer as the exposed freeboard deck, the sheer of the enclosed portion of the freeboard deck shall not be taken into account.

(7) Where an enclosed poop or forecastle is of standard height with greater sheer than that of the freeboard deck, or is of more than standard height, an addition to the sheer of the freeboard deck shall be made as provided in paragraph (12) of this regulation.

see also the unified interpretations

Standard sheer profile

(8) The ordinates of the standard sheer profile are given in the following table:

Standard sheer profile
(where L is in metres)

	Station	Ordinate (mm)	Factor
After half	After perpendicular	$25(\frac{L}{3}+10)$	1
	$\frac{1}{6}L$ from A.P.	$11.1(\frac{L}{3}+10)$	3
	$\frac{1}{3}L$ from A.P.	$2.8(\frac{L}{3}+10)$	3
	Amidships	0	1
For-ward half	Amidships	0	1
	$\frac{1}{3}L$ from F.P.	$5.6(\frac{L}{3}+10)$	3
	$\frac{1}{6}L$ from F.P.	$22.2(\frac{L}{3}+10)$	3
	Forward perpendicular	$50(\frac{L}{3}+10)$	1

Standard sheer profile
(where L is in feet)

	Station	Ordinate (inches)	Factor
After half	After perpendicular	$0.1L + 10$	1
	$\frac{1}{6}L$ from A.P.	$0.0444L + 4.44$	3
	$\frac{1}{3}L$ from A.P.	$0.0111L + 1.11$	3
	Amidships	0	1
For-ward half	Amidships	0	1
	$\frac{1}{3}L$ from F.P.	$0.0222L + 2.22$	3
	$\frac{1}{6}L$ from F.P.	$0.0888L + 8.88$	3
	Forward perpendicular	$0.2L + 20$	1

Measurement of variation from standard sheer profile

(9) Where the sheer profile differs from the standard, the four ordinates of each profile in the forward or after half shall be multiplied by the appropriate factors given in the table of ordinates. The difference between the sums of the respective products and those of the standard divided by 8 measures the deficiency or excess of sheer in the forward or after half. The arithmetical mean of the excess or deficiency in the forward and after halves measures the excess or deficiency of sheer.

(10) Where the after half of the sheer profile is greater than the standard and the forward half is less than the standard, no credit shall be allowed for the part in excess and deficiency only shall be measured.

(11) Where the forward half of the sheer profile exceeds the standard, and the after portion of the sheer profile is not less than 75% of the standard, credit shall be allowed for the part in excess; where the after part is less than 50% of the standard no credit shall be given for the excess sheer forward. Where the after sheer is between 50% and 75% of the standard, intermediate allowances may be granted for excess sheer forward.

(12) Where sheer credit is given for a poop or forecastle the following formula shall be used:

$$s = \frac{yL'}{3L}$$

where s = sheer credit, to be deducted from the deficiency or added to the excess of sheer,

y = difference between actual and standard height of superstructure at the end of sheer,

L' = mean enclosed length of poop or forecastle up to a maximum length of $0.5L$,

L = length of ship as defined in regulation 3(1) of this annex.

The above formula provides a curve in the form of a parabola tangent to the actual sheer curve at the freeboard deck and intersecting the end ordinate at a point below the superstructure deck a distance equal to the standard height of a superstructure. The superstructure deck shall not be less than standard height above this curve at any point. This curve shall be used in determining the sheer profile for forward and after halves of the ship.

see also the unified interpretations

Correction for variations from standard sheer profile

(13) The correction for sheer shall be the deficiency or excess of sheer (see paragraphs (9) to (11) inclusive of this regulation), multiplied by

$$0.75 - \frac{S}{2L}$$

where S is the total length of enclosed superstructures.

Addition for deficiency in sheer

(14) Where the sheer is less than the standard, the correction for deficiency in sheer (see paragraph (13) of this regulation) shall be added to the freeboard.

Deduction for excess sheer

(15) In ships where an enclosed superstructure covers $0.1L$ before and $0.1L$ abaft amidships, the correction for excess of sheer as calculated under the provisions of paragraph (13) of this regulation shall be deducted from the freeboard; in ships where no enclosed superstructure covers amidships, no deduction shall be made from the freeboard; where an enclosed superstructure covers less than $0.1L$ before and $0.1L$ abaft amidships, the deduction shall be obtained by linear interpolation. The maximum deduction for excess sheer shall be at the rate of 125 mm per 100 m of length ($1\frac{1}{2}$ inches per 100 feet of length).

see also the unified interpretation

Regulation 39
Minimum bow height

see also the unified interpretation

(1) The bow height defined as the vertical distance at the forward perpendicular between the waterline corresponding to the assigned summer freeboard and the designed trim and the top of the exposed deck at side shall be not less than:

for ships below 250 m in length,

$$56L\left(1 - \frac{L}{500}\right)\frac{1.36}{C_b + 0.68} \text{ mm;}$$

for ships of 250 m and above in length,

$$7000\frac{1.36}{C_b + 0.68} \text{ mm;}$$

where L is the length of the ship in metres,

C_b is the block coefficient which is to be taken as not less than 0.68

or,

for ships below 820 feet in length,

$$0.672L\left(1 - \frac{L}{1640}\right)\frac{1.36}{C_b + 0.68} \text{ inches;}$$

for ships of 820 feet and above in length,

$$275.6\frac{1.36}{C_b + 0.68} \text{ inches;}$$

where L is the length of the ship in feet,

C_b is the block coefficient which is to be taken as not less than 0.68

(2) Where the bow height required in paragraph (1) of this regulation is obtained by sheer, the sheer shall extend for at least 15% of the length of the ship measured from the forward perpendicular. Where it is obtained by fitting a superstructure, such superstructure shall extend from the stem to a point at least $0.07L$ abaft the forward perpendicular, and it shall comply with the following requirements:

(a) for ships not over 100 m (328 feet) in length it shall be enclosed as defined in regulation 3(10), and

(b) for ships over 100 m (328 feet) in length it need not comply with regulation 3(10), but shall be fitted with closing appliances to the satisfaction of the Administration.

see also the unified interpretation

(3) Ships which, to suit exceptional operational requirements, cannot meet the requirements of paragraphs (1) and (2) of this regulation may be given special consideration by the Administration.

see also the unified interpretation

Summer freeboard

(1) The minimum freeboard in summer shall be the freeboard derived from the tables in regulation 28 as modified by the corrections in regulations 27, as applicable, 29, 30, 31, 32, 37, 38 and, if applicable, 39.

see also the unified interpretation

(2) The freeboard in salt water, as calculated in accordance with paragraph (1) of this regulation, but without the correction for deck line, as provided by regulation 32, shall not be less than 50 mm (2 inches). For ships having in position 1 hatchways with covers which do not comply with the requirements of regulations 15(7), 16 or 26, the freeboard shall be not less than 150 mm (6 inches).

Tropical freeboard

(3) The minimum freeboard in the Tropical Zone shall be the freeboard obtained by a deduction from the summer freeboard of one forty-eighth of the summer draught measured from the top of the keel to the centre of the ring of the load line mark.

(4) The freeboard in salt water, as calculated in accordance with paragraph (1) of this regulation, but without the correction for deck line, as provided by regulation 32, shall not be less than 50 mm (2 inches). For ships having in position 1 hatchways with covers which do not comply with the requirements of regulations 15(7), 16 or 26, the freeboard shall be not less than 150 mm (6 inches).

Winter freeboard

(5) The minimum freeboard in winter shall be the freeboard obtained by an addition to the summer freeboard of one forty-eighth of summer draught, measured from the top of the keel to the centre of the ring of the load line mark.

Winter North Atlantic freeboard

(6) The minimum freeboard for ships of not more than 100 m (328 feet) in length which enter any part of the North Atlantic defined in regulation 52 (annex II) during the winter seasonal period shall be the winter freeboard plus 50 mm (2 inches). For other ships, the Winter North Atlantic freeboard shall be the winter freeboard.

Fresh water freeboard

(7) The minimum freeboard in fresh water of unit density shall be obtained by deducting from the minimum freeboard in salt water:

$$\frac{\Delta}{40T} \text{ cm (inches)}$$

where Δ = displacement in salt water in tons at the summer load waterline

T = tons per centimetre (inch) immersion in salt water at the summer load waterline.

(8) Where the displacement at the summer load waterline cannot be certified, the deduction shall be one forty-eighth of summer draught, measured from the top of the keel to the centre of the ring of the load line mark.

Chapter IV
Special requirements for ships assigned timber freeboards

Regulation 41
Application of this chapter

Regulations 42 to 45 inclusive apply only to ships to which timber load lines are assigned.

Regulation 42
Definitions

(1) *Timber deck cargo*. The term "timber deck cargo" means a cargo of timber carried on an uncovered part of a freeboard or superstructure deck. The term does not include wood pulp or similar cargo.

(2) *Timber load line*. A timber deck cargo may be regarded as giving a ship a certain additional buoyancy and a greater degree of protection against the sea. For that reason, ships carrying a timber deck cargo may be granted a reduction of freeboard calculated according to the provisions of regulation 45 and marked on the ship's side in accordance with the provisions of regulations 6(3) and (4). However, in order that such special freeboard may be granted and used, the timber deck cargo shall comply with certain conditions which are laid down in regulation 44, and the ship itself shall also comply with certain conditions relating to its construction which are set out in regulation 43.

Regulation 43
Construction of ship

Superstructure

(1) Ships shall have a forecastle of at least standard height and a length of at least 0.07*L*. In addition, if the ship is less than 100 m (328 feet) in length, a poop of at least standard height, or a raised quarter-deck with either a deckhouse or a strong steel hood of at least the same total height shall be fitted aft.

Double bottom tanks

(2) Double bottom tanks where fitted within the midship half length of the ship shall have adequate watertight longitudinal subdivision.

Bulwarks

(3) The ship shall be fitted either with permanent bulwarks at least 1 m ($39\frac{1}{2}$ inches) in height, specially stiffened on the upper edge and supported by strong bulwark stays attached to the deck and provided with necessary freeing ports, or with efficient rails of the same height and of specially strong construction.

Regulation 44
Stowage

see also the unified interpretation

General

(1) Openings in the weather deck over which cargo is stowed shall be securely closed and battened down. The ventilators shall be efficiently protected.

(2) Timber deck cargo shall extend over at least the entire available length which is the total length of the well or wells between superstructures. Where there is no limiting superstructure at the after end, the timber shall extend at least to the after end of the aftermost hatchway. The timber shall be stowed as solidly as possible to at least the standard height of the superstructure.

(3) On a ship within a seasonal winter zone in winter, the height of the deck cargo above the weather deck shall not exceed one-third of the extreme breadth of the ship.

(4) The timber deck cargo shall be compactly stowed, lashed and secured. It shall not interfere in any way with the navigation and necessary work of the ship.

Uprights

(5) Uprights, when required by the nature of the timber, shall be of adequate strength considering the breadth of the ship; the spacing shall be suitable for the length and character of timber carried, but shall not exceed 3 m (9.8 feet). Strong angles or metal sockets or equally efficient means shall be provided for securing the uprights.

Lashings

(6) Timber deck cargo shall be effeciently secured throughout its length by independent over-all lashings spaced not more than 3 m (9.8 feet) apart. Eye plates for these lashings shall be efficiently attached to the sheer strake or to the deck stringer plate at intervals of not more than 3 m (9.8 feet). The distance from an end bulkhead of a superstructure to the first eye plate shall be not more than 2 m (6.6 feet). Eye plates and lashings shall be provided 0.6 m ($23\frac{1}{2}$ inches) and 1.5 m (4.9 feet) from the ends of timber deck cargoes where there is no bulkhead.

(7) Lashings shall be not less than 19 mm ($\frac{3}{4}$ inch) close link chain or flexible wire rope of equivalent strength, fitted with sliphooks and turn-buckles, which shall be accessible at all times. Wire rope lashings shall have a short length of long link chain to permit the length of lashings to be regulated.

(8) When timber is in lengths less than 3.6 m (11.8 feet) the spacing of the lashings shall be reduced or other suitable provisions made to suit the length of timber.

(9) All fittings required for securing the lashings shall be of strength corresponding to the strength of the lashings

Stability

(10) Provision shall be made for a safe margin of stability at all stages of the voyage, regard being given to additions of weight, such as those due to absorption of water and icing, and to losses of weight such as those due to consumption of fuel and stores.

Protection of crew, access to machinery spaces, etc.

(11) In addition to the requirements of regulation 25(5) of this annex guard rails or lifelines not more than 33 cm (13 inches) apart vertically shall be provided on each side of the deck cargo to a height of at least 1 m (39½ inches) above the cargo.

Steering arrangements

(12) Steering arrangements shall be effectively protected from damage by cargo and, as far as practicable, shall be accessible. Efficient provision shall be made for steering in the event of a breakdown in the main steering arrangements.

Regulation 45
Computation for freeboard

(1) The minimum summer freeboards shall be computed in accordance with regulations 27(5), 27(6), 27(11), 28, 29, 30, 31, 32, 37 and 38, except that regulation 37 is modified by substituting the following percentages for those given in regulation 37:

	Total effective length of superstructures										
	0	0.1*L*	0.2*L*	0.3*L*	0.4*L*	0.5*L*	0.6*L*	0.7*L*	0.8*L*	0.9*L*	1.0*L*
Percentage of deduction for all types of superstructure	20	31	42	53	64	70	76	82	88	94	100

Percentages at intermediate lengths of superstructures shall be obtained by linear interpolation.

(2) The Winter Timber Freeboard shall be obtained by adding to the Summer Timber Freeboard one thirty-sixth of the moulded summer timber draught.

see also the unified interpretation

(3) The Winter North Atlantic Timber Freeboard shall be the same as the Winter North Atlantic Freeboard prescribed in regulation 40(6).

see also the unified interpretation

(4) The Tropical Timber Freeboard shall be obtained by deducting from the Summer Timber Freeboard one forty-eighth of the moulded summer timber draught.

(5) The Fresh Water Timber Freeboard shall be computed in accordance with regulation 40(7) based on the summer timber load waterline.

Annex II

Zones, areas and seasonal periods

The zones and areas in this annex are, in general, based on the following criteria:

SUMMER – not more than 10% winds of force 8 Beaufort (34 knots) or more.

TROPICAL – not more than 1% winds of force 8 Beaufort (34 knots) or more. Not more than one tropical storm in 10 years in an area of 5° square in any one separate calendar month.

In certain special areas, for practical reasons, some degree of relaxation has been found acceptable.

A chart is attached to this annex to illustrate the zones and areas defined below.

Regulation 46

Northern Winter Seasonal Zones and Area

(1) North Atlantic Winter Seasonal Zones I and II

(a) The North Atlantic Winter Seasonal Zone I lies within the meridian of longitude 50° W from the coast of Greenland to latitude 45° N, thence the parallel of latitude 45° N to longitude 15° W, thence the meridian of longitude 15° W to latitude 60° N, thence the parallel of latitude 60° N to the Greenwich Meridian, thence this meridian northwards.

Seasonal periods:

WINTER: 16 October to 15 April
SUMMER: 16 April to 15 October

(b) The North Atlantic Winter Seasonal Zone II lies within the meridian of longitude 68°30' W from the coast of the United States to latitude 40° N, thence the rhumb line to the point latitude 36° N, longitude 73° W, thence the parallel of latitude 36° N to longitude 25° W and thence the rhumb line to Cape Toriñana.

Excluded from this zone are the North Atlantic Winter Seasonal Zone I and the Baltic Sea bounded by the parallel of the latitude of The Skaw in the Skaggerak.

Seasonal periods:

WINTER: 1 November to 31 March
SUMMER: 1 April to 31 October

(2) **North Atlantic Winter Seasonal Area**

The boundary of the North Atlantic Winter Seasonal Area is

the meridian of longitude 68°30′ W from the coast of the United States to latitude 40° N, thence the rhumb line to the southernmost intersection of the meridian of longitude 61° W with the coast of Canada and thence the east coasts of Canada and the United States.

Seasonal periods:

For ships over 100 m (328 feet) in length:

WINTER: 16 December to 15 February
SUMMER: 16 February to 15 December

For ships of 100 m (328 feet) and under in length:

WINTER: 1 November to 31 March
SUMMER: 1 April to 31 October

(3) **North Pacific Winter Seasonal Zone**

The southern boundary of the North Pacific Winter Seasonal Zone is

the parallel of latitude 50° N from the east coast of the USSR to the west coast of Sakhalin, thence the west coast of Sakhalin to the southern extremity of Cape Kril'on, thence the rhumb line to Wakkanai, Hokkaido, Japan, thence the east and south coasts of Hokkaido to longitude 145° E, thence the meridian of longitude 145° E to latitude 35° N, thence the parallel of latitude 35° N to longitude 150° W and thence the rhumb line to the southern extremity of Dall Island, Alaska.

Seasonal periods:

WINTER: 16 October to 15 April
SUMMER: 16 April to 15 October

Regulation 47
Southern Winter Seasonal Zone

The northern boundary of the Southern Winter Seasonal Zone is

the rhumb line from the east coast of the American continent at Cape Tres Puntas to the point latitude 34° S, longitude 50° W, thence the parallel of latitude 34° S to longitude 17° E, thence the rhumb line to the point latitude 35°10′ S, longitude 20° E, thence the rhumb line to the point latitude 34° S, longitude 28° E, thence along the rhumb line to the point latitude 35°30′ S, longitude 118° E, and thence the rhumb line to Cape Grim on the north-west coast of Tasmania; thence along the north and east coasts of Tasmania to the southernmost point of Bruny Island, thence the rhumb line to Black Rock Point on Stewart Island, thence the rhumb line to the point latitude 47° S, longitude

longitude 170° W, and thence the parallel of latitude 33° S to the west coast of the American continent.

Seasonal periods:

WINTER: 16 April to 15 October
SUMMER: 16 October to 15 April

Regulation 48
Tropical Zone

(1) Northern boundary of the Tropical Zone

The northern boundary of the Tropical Zone is

the parallel of latitude 13° N from the east coast of the American continent to longitude 60° W, thence the rhumb line to the point latitude 10° N, longitude 58° W, thence the parallel of latitude 10° N to longitude 20° W, thence the meridian of longitude 20° W to latitude 30° N and thence the parallel of latitude 30° N to the west coast of Africa; from the east coast of Africa the parallel of latitude 8° N to longitude 70° E, thence the meridian of longitude 70° E to latitude 13° N, thence the parallel of latitude 13° N to the west coast of India; thence the south coast of India to latitude 10°30′ N on the east coast of India, thence the rhumb line to the point latitude 9° N, longitude 82° E, thence the meridian of longitude 82° E to latitude 8° N, thence the parallel of latitude 8° N to the west coast of Malaysia, thence the coast of South-East Asia to the east coast of Viet Nam at latitude 10° N, thence the parallel of latitude 10° N to longitude 145° E, thence the meridian of longitude 145° E to latitude 13° N and thence the parallel of latitude 13° N to the west coast of the American continent.

Saigon is to be considered as being on the boundary line of the Tropical Zone and the Seasonal Tropical Area.

(2) Southern boundary of the Tropical Zone

The southern boundary of the Tropical Zone is

the rhumb line from the Port of Santos, Brazil, to the point where the meridian of longitude 40° W intersects the Tropic of Capricorn; thence the Tropic of Capricorn to the west coast of Africa; from the east coast of Africa the parallel of latitude 20° S to the west coast of Madagascar, thence the west and north coasts of Madagascar to longitude 50° E, thence the meridian of longitude 50° E to latitude 10° S, thence the parallel of latitude 10° S to longitude 98° E, thence the rhumb line to Port Darwin, Australia, thence the coasts of Australia and Wessel Island eastwards to Cape Wessel, thence the parallel of latitude 11° S to the west side of Cape York; from the east side of Cape York the parallel of latitude 11° S to longitude 150° W; thence the rhumb line to the point latitude 26° S, longitude 75° W, and thence the rhumb line to the west coast of the American continent at latitude 30° S.

Coquimbo and Santos are to be considered as being on the boundary line of the Tropical and Summer Zones.

(3) Areas to be included in the Tropical Zone

The following areas are to be treated as included in the Tropical Zone:

(a) The Suez Canal, the Red Sea and the Gulf of Aden, from Port Said to the meridian of longitude 45° E.

Aden and Berbera are to be considered as being on the boundary line of the Tropical Zone and the Seasonal Tropical Area.

(b) The Persian Gulf to the meridian of longitude 59° E.

(c) The area bounded by the parallel of latitude 22° S from the east coast of Australia to the Great Barrier Reef, thence the Great Barrier Reef to latitude 11° S. The northern boundary of the area is the southern boundary of the Tropical Zone.

Regulation 49

Seasonal tropical areas

The following are Seasonal Tropical Areas:

(1) In the North Atlantic

An area bounded

on the north by the rhumb line from Cape Catoche, Yucatan, to Cape San Antonio, Cuba, the north coast of Cuba to latitude 20° N and thence the parallel of latitude 20° N to longitude 20° W;

on the west by the coast of the American continent;

on the south and east by the northern boundary of the Tropical Zone.

Seasonal periods:

TROPICAL: 1 November to 15 July
SUMMER: 16 July to 31 October

(2) In the Arabian Sea

An area bounded

on the west by the coast of Africa, the meridian of longitude 45° E in the Gulf of Aden, the coast of South Arabia and the meridian of longitude 59° E in the Gulf of Oman;

on the north and east by the coasts of Pakistan and India;

on the south by the northern boundary of the Tropical Zone.

Seasonal periods:

TROPICAL: 1 September to 31 May
SUMMER: 1 June to 31 August

The Bay of Bengal north of the northern boundary of the Tropical Zone.

Seasonal periods:

TROPICAL: 1 December to 30 April
SUMMER: 1 May to 30 November

(4) In the South Indian Ocean

(a) An area bounded

on the north and west by the southern boundary of the Tropical Zone and the east coast of Madagascar;

on the south by the parallel of latitude 20° S;

on the east by the rhumb line from the point latitude 20° S, longitude 50° E, to the point latitude 15° S, longitude 51°30′ E, and thence by the meridian of longitude 51°30′ E to latitude 10° S.

Seasonal periods:

TROPICAL: 1 April to 30 November
SUMMER: 1 December to 31 March

(b) An area bounded

on the north by the southern boundary of the Tropical Zone;

on the east by the coast of Australia;

on the south by the parallel of latitude 15° S from longitude 51°30′ E to longitude 120° E and thence the meridian of longitude 120° E to the coast of Australia;

on the west by the meridian of longitude 51°30′ E.

Seasonal periods:

TROPICAL: 1 May to 30 November
SUMMER: 1 December to 30 April

(5) In the China Sea

An area bounded

on the west and north by the coasts of Viet Nam and China from latitude 10° N to Hong Kong;

on the east by the rhumb line from Hong Kong to the Port of Sual (Luzon Island) and the west coasts of the Islands of Luzon, Samar, and Leyte to latitude 10° N;

on the south by the parallel of latitude 10° N.

Hong Kong and Sual are to be considered as being on the boundary of the Seasonal Tropical Area and Summer Zone.

Seasonal periods:

TROPICAL: 21 January to 30 April
SUMMER: 1 May to 20 January

(6) In the North Pacific

(a) An area bounded

on the north by the parallel of latitude 25° N;

on the west by the meridian of longitude 160° E;

on the south by the parallel of latitude 13° N;

on the east by the meridian of longitude 130° W.

Seasonal periods:

TROPICAL: 1 April to 31 October
SUMMER: 1 November to 31 March

(b) An area bounded

on the north and east by the west coast of the American continent;

on the west by the meridian of longitude 123° W from the coast of the American continent to latitude 33° N and by the rhumb line from the point latitude 33° N, longitude 123° W, to the point latitude 13° N, longitude 105° W;

on the south by the parallel of latitude 13° N.

Seasonal periods:

TROPICAL: 1 March to 30 June and 1 November to 30 November
SUMMER: 1 July to 31 October and 1 December to 28/29 February.

(7) In the South Pacific

(a) The Gulf of Carpentaria south of latitude 11° S.

Seasonal periods:

TROPICAL: 1 April to 30 November
SUMMER: 1 December to 31 March

(b) An area bounded

on the north and east by the southern boundary of the Tropical Zone;

on the south by the Tropic of Capricorn from the east coast of Australia to longitude 150° W, thence by the meridian of longitude 150° W to latitude 20° S and thence by the parallel of latitude 20° S to the point where it intersects the southern boundary of the Tropical Zone;

on the west by the boundaries of the area within the Great Barrier Reef included in the Tropical Zone and by the east coast of Australia.

Seasonal periods:

TROPICAL: 1 April to 30 November
SUMMER: 1 December to 31 March

Regulation 50
Summer Zones

The remaining areas constitute the Summer Zones.

However, for ships of 100 m (328 feet) and under in length, the area bounded

on the north and west by the east coast of the United States;

on the east by the meridian of longitude 68°30' W from the coast of the United States to latitude 40° N and thence by the rhumb line to the point latitude 36° N, longitude 73° W;

on the south by the parallel of latitude 36° N

is a Winter Seasonal Area.

Seasonal periods:

WINTER: 1 November to 31 March
SUMMER: 1 April to 31 October

Regulation 51
Enclosed seas

(1) Baltic Sea

This sea bounded by the parallel of latitude of The Skaw in the Skagerrak is included in the Summer Zones.

However, for ships of 100 m (328 feet) and under in length, it is a Winter Seasonal Area.

Seasonal periods:

WINTER: 1 November to 31 March
SUMMER: 1 April to 31 October

(2) Black Sea

This sea is included in the Summer Zones.

However, for ships of 100 m (328 feet) and under in length, the area north of latitude 44° N is a Winter Seasonal Area.

Seasonal periods:

WINTER: 1 December to 28/29 February
SUMMER: 1 March to 30 November

(3) Mediterranean

This sea is included in the Summer Zones.

However, for ships of 100 m (328 feet) and under in length, the area bounded

on the north and west by the coasts of France and Spain and the meridian of longitude 3° E from the coast of Spain to latitude 40° N;

on the south by the parallel of latitude 40° N from longitude 3° E to the west coast of Sardinia;

on the east by the west and north coasts of Sardinia from latitude 40° N to longitude 9° E, thence by the meridian of longitude 9° E to the south coast of Corsica, thence by the west and north coasts of Corsica to longitude 9° E and thence by the rhumb line to Cape Sicié

is a Winter Seasonal Area.

Seasonal periods:

WINTER: 16 December to 15 March
SUMMER: 16 March to 15 December

(4) Sea of Japan

This sea south of latitude 50° N is included in the Summer Zones.

However, for ships of 100 m (328 feet) and under in length, the area between the parallel of latitude 50° N and the rhumb line from the east coast of Korea at latitude 38° N to the west coast of Hokkaido, Japan, at latitude 43°12′ N is a Winter Seasonal Area.

Seasonal periods:

WINTER: 1 December to 28/29 February
SUMMER: 1 March to 30 November

Regulation 52
The Winter North Atlantic Load Line

The part of the North Atlantic referred to in regulation 40(6) (annex I) comprises:

(a) that part of the North Atlantic Winter Seasonal Zone II which lies between the meridians of 15° W and 50° W;

(b) the whole of the North Atlantic Winter Seasonal Zone I, the Shetland Islands to be considered as being on the boundary.

Annex III
Certificates

INTERNATIONAL LOAD LINE CERTIFICATE (1966)

(Official seal)

Issued under the provisions of the International Convention on Load Lines, 1966,
under the authority of the government of

_____
(full official designation of the country)

by _____
(full official designation of the competent person or organization recognized under the provisions of the International Convention on Load Lines, 1966)

Name of ship	Distinctive number or letters	Port of registry	Length (L) as defined in article 2(8)

Freeboard assigned as:

- A new ship
- An existing ship

Type of ship

- Type 'A'
- Type 'B'
- Type 'B' with reduced freeboard
- Type 'B' with increased freeboard

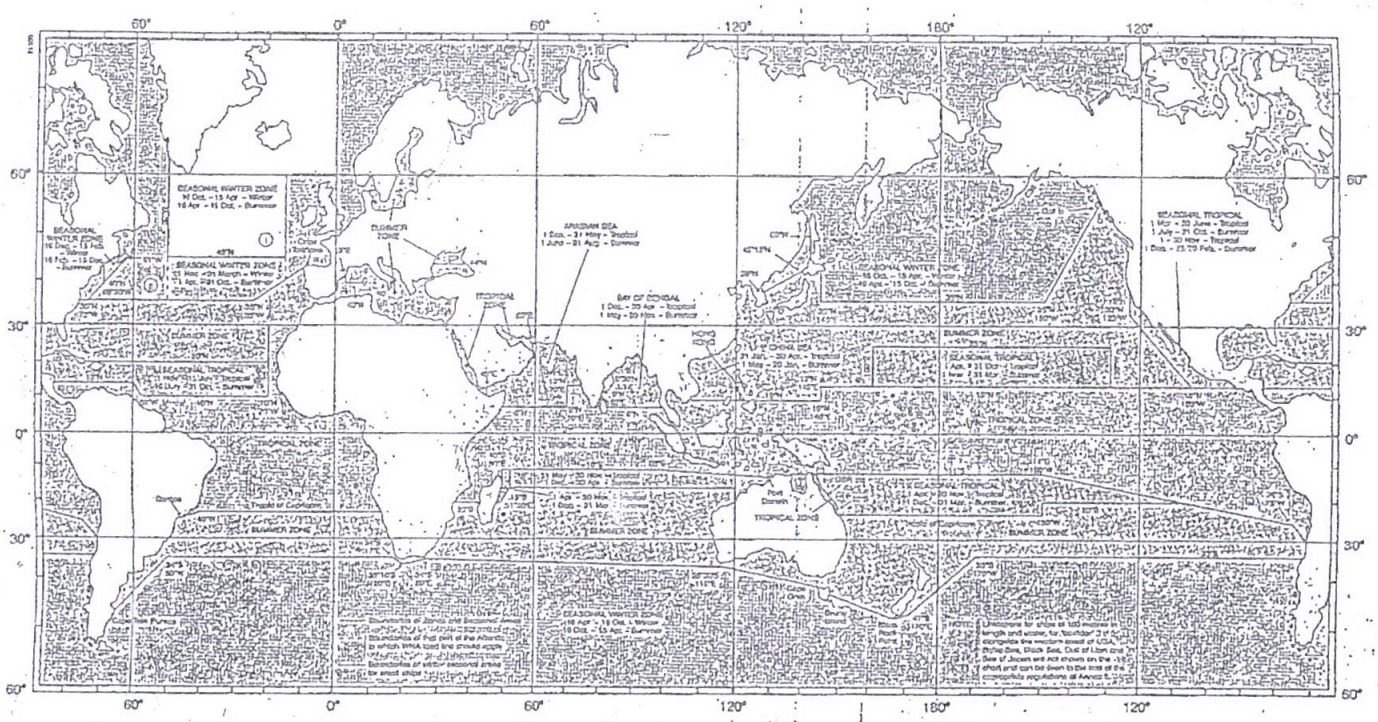


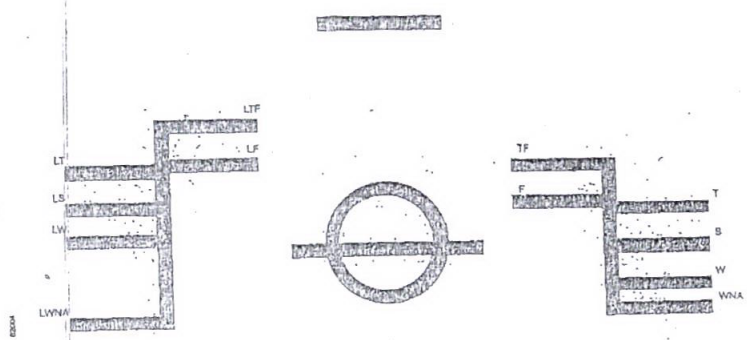
Chart of Zones and Seasonal Areas

	Freeboard from deck line	Load line
Tropical	. . . . mm (inches) (T)	. . . . mm (inches) above (S)
Summer	. . . . mm (inches) (S)	Upper edge of line through centre of ring
Winter	. . . . mm (inches) (W)	. . . . mm (inches) below (S)
Winter North Atlantic	. . . . mm (inches) (WNA)	. . . . mm (inches) below (S)
Timber tropical	. . . . mm (inches) (LT)	. . . . mm (inches) above (LS)
Timber summer	. . . . mm (inches) (LS)	. . . . mm (inches) above (S)
Timber winter	. . . . mm (inches) (LW)	. . . . mm (inches) below (LS)
Timber winter North Atlantic	. . . . mm (inches) (LWNA)	. . . . mm (inches) below (LS)

NOTE: Freeboards and load lines which are not applicable need not be entered on the certificate.

Allowance for fresh water for all freeboards other than timber . . . . mm (inches). For timber freeboards . . . . mm (inches).

The upper edge of the deck line from which these freeboards are measured is . . . . mm (inches) . . . . . deck at side.



Date of initial or periodical survey . . . . . .

This is to certify that this ship has been surveyed and that the freeboards have been assigned and load lines shown above have been marked in accordance with the International Convention on Load Lines, 1966

This certificate is valid until . . . . . , subject to periodical inspections in accordance with article 14(1)(c) of the Convention.

Issued at .....
(Place of issue of certificate)

..... 19 ...
(Date of issue)

.....
(Signature of official issuing the certificate)
and/or
(Seal of issuing authority)

If signed, the following paragraph is to be added:

The undersigned declares that he is duly authorized by the said Government to issue this certificate.

.....
(signature)

NOTES: 1 When a ship departs from a port situated on a river or inland waters, deeper loading shall be permitted corresponding to the weight of fuel and all other materials required for consumption between the point of departure and the sea.

2 When a ship is in fresh water of unit density the appropriate load line may be submerged by the amount of fresh water allowance shown above. Where the density is other than unity, an allowance shall be made proportional to the difference between 1.025 and the actual density.

Reverse of Certificate

THIS IS TO CERTIFY that at a periodical inspection required by article 14(1)(c) of the Convention, the ship was found to comply with the relevant provisions of the Convention.

Place ..... Date .....

signature and/or seal of issuing authority

Place ..... Date .....

signature and/or seal of issuing authority

Place ..... Date .....

signature and/or seal of issuing authority

Place ..... Date .....

signature and/or seal of issuing authority

The provisions of the Convention being fully complied with by this ship, the validity of this certificate is, in accordance with article 19(2) of the Convention, extended until

.....

Place ..... Date .....

signature and/or seal of issuing authority

INTERNATIONAL LOAD LINE EXEMPTION CERTIFICATE

(Official seal)

Issued under the provisions of the International Convention on Load Lines, 1966, under the authority of the government of

_____

(full official designation of the country)

by _____

(full official designation of the competent person or organization recognized under the provisions of the International Convention on Load Lines, 1966)

Name of ship	Distinctive number or letters	Port of registry

This is to certify that the above-mentioned ship is exempted from the provisions of the 1966 Convention, under the authority conferred by article 6(2)/article 6(4)* of the Convention referred to above.

The provisions of the Convention from which the ship is exempted under article 6(2) are:

.....

.....

.....

The voyage for which exemption is granted under article 6(4) is:

From: .....

To: .....

* Delete whichever is inapplicable.

Conditions, if any, on which the exemption is granted under either article 6(2) or article 6(4):

. . . . . .

. . . . . .

. . . . . .

This certificate is valid until . . . . . subject, where appropriate, to periodical inspections in accordance with article 14(1)(c) of the Convention.

Issued at . . . . . .
(Place of issue of certificate)

. . . . . 19 . . .
(Date of issue)

. . . . . .
(Signature of official issuing the certificate)
and/or
(Seal of issuing authority)

If signed, the following paragraph is to be added:

The undersigned declares that he is duly authorized by the said Government to issue this certificate.

. . . . . .
(Signature)

Reverse of Certificate

This is to certify that this ship continues to comply with the conditions under which this exemption was granted.

Place ..... Date .....

signature and/or seal of issuing authority

Place ..... Date .....

signature and/or seal of issuing authority

Place ..... Date .....

signature and/or seal of issuing authority

Place ..... Date .....

signature and/or seal of issuing authority

This ship continues to comply with the conditions under which this exemption was granted and the validity of this certificate is, in accordance with article 19(4)(a) of the Convention, extended until .....

Place ..... Date .....

signature and/or seal of issuing authority

Part 2
Articles of the Protocol of 1988 relating to the International Convention on Load Lines, 1966

Protocol of 1988 relating to the International Convention on Load Lines, 1966

THE PARTIES TO THE PRESENT PROTOCOL,

BEING PARTIES to the International Convention on Load Lines, 1966, done at London on 5 April 1966,

RECOGNIZING the significant contribution which is made by the above-mentioned Convention to the promotion of the safety of ships and property at sea and the lives of persons on board,

RECOGNIZING ALSO the need to improve further the technical provisions of the above-mentioned Convention,

RECOGNIZING FURTHER the need for the introduction into the above-mentioned Convention of provisions for survey and certification harmonized with corresponding provisions in other international instruments,

CONSIDERING that these needs may best be met by the conclusion of a Protocol relating to the International Convention on Load Lines, 1966,

HAVE AGREED as follows:

Article I
General obligations

1 The Parties to the present Protocol undertake to give effect to the provisions of the present Protocol and the Annexes hereto, which shall constitute an integral part of the present Protocol. Every reference to the present Protocol constitutes at the same time a reference to the Annexes hereto.

2 As between the Parties to the present Protocol, the provisions of the International Convention on Load Lines, 1966 (hereinafter referred to as "the Convention"), except article 29, shall apply subject to the modifications and additions set out in the present Protocol.

3 With respect to ships entitled to fly the flag of a State which is not a Party to the Convention and the present Protocol, the Parties to the present Protocol shall apply the requirements of the Convention and the present Protocol as may be necessary to ensure that no more favourable treatment is given to such ships.

Article II
Existing certificates

1 Notwithstanding any other provisions of the present Protocol, any International Load Line Certificate which is current when the present Protocol enters into force in respect of the Government of the State whose flag the ship is entitled to fly shall remain valid until it expires.

2 A Party to the present Protocol shall not issue certificates [illegible] accordance with, the provisions of the International Convention on Load Lines, 1966, as adopted on 5 April 1966.

Article III
Communication of information

The Parties to the present Protocol undertake to communicate to, and deposit with, the Secretary-General of the International Maritime Organization (hereinafter referred to as "the Organization"):

(a) the text of laws, decrees, orders and regulations and other instruments which have been promulgated on the various matters within the scope of the present Protocol;

(b) a list of nominated surveyors or recognized organizations which are authorized to act on their behalf in the administration of load line matters for circulation to the Parties for information of their officers, and a notification of the specific responsibilities and conditions of the authority delegated to those nominated surveyors or recognized organizations; and

(c) a sufficient number of specimens of their certificates issued under the provisions of the present Protocol.

Article IV
Signature, ratification, acceptance, approval and accession

1 The present Protocol shall be open for signature at the Headquarters of the Organization from 1 March 1989 to 28 February 1990 and shall thereafter remain open for accession. Subject to the provisions of paragraph 3, States may express their consent to be bound by the present Protocol by:

(a) signature without reservation as to ratification, acceptance or approval; or

(b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

(c) accession.

2 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.

3 The present Protocol may be signed without reservation, ratified, accepted, approved or acceded to only by States which have signed without reservation, accepted or acceded to the Convention.

Article V
Entry into force

1 The present Protocol shall enter into force twelve months after the date on which both the following conditions have been met:

constitute not less than fifty per cent of the gross tonnage of the world's merchant shipping, have expressed their consent to be bound by it in accordance with article IV, and

(b) the conditions for the entry into force of the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 have been met,

provided that the present Protocol shall not enter into force before 1 February 1992.

2 For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of the present Protocol after the conditions for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of the present Protocol or three months after the date of deposit of the instrument, whichever is the later date.

3 Any instrument of ratification, acceptance, approval or accession deposited after the date on which the present Protocol enters into force shall take effect three months after the date of deposit.

4 After the date of which an amendment to the present Protocol or an amendment, as between the Parties to the present Protocol, to the Convention is deemed to have been accepted under article VI, any instrument of ratification, acceptance, approval or accession deposited shall apply to the present Protocol or the Convention as amended.

Article VI
Amendments

1 The present Protocol and, as between the Parties to the present Protocol, the Convention may be amended by either of the procedures specified in the following paragraphs.

2 Amendment after consideration within the Organization:

(a) Any amendment proposed by a Party to the present Protocol shall be submitted to the Secretary-General of the Organization, who shall then circulate it to all Members of the Organization and all Contracting Governments to the Convention at least six months prior to its consideration.

(b) Any amendment proposed and circulated as above shall be referred to the Maritime Safety Committee of the Organization for consideration.

(c) States which are Parties to the present Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Maritime Safety Committee for the consideration and adoption of amendments.

(d) Amendments shall be adopted by a two-thirds majority of the Parties to the present Protocol present and voting in the Maritime Safety Committee expanded as provided for in subparagraph (c)

(hereinafter referred to as "the expanded Maritime Safety Committee") on condition that at least one third of the Parties shall be present at the time of voting.

(e) Amendments adopted in accordance with subparagraph (d) shall be communicated by the Secretary-General of the Organization to all Parties to the present Protocol for acceptance.

(f) (i) An amendment to an article or Annex A to the present Protocol or an amendment, as between Parties to the present Protocol, to an article of the Convention, shall be deemed to have been accepted on the date on which it is accepted by two thirds of the Parties to the present Protocol.

(ii) An amendment to Annex B to the present Protocol or an amendment, as between Parties to the present Protocol, to an Annex to the Convention, shall be deemed to have been accepted:

(aa) at the end of two years from the date on which it is communicated to Parties to the present Protocol for acceptance; or

(bb) at the end of a different period, which shall not be less than one year, if so determined at the time of its adoption by a two-thirds majority of the Parties present and voting in the expanded Maritime Safety Committee.

However, if within the specified period either more than one third of the Parties, or Parties the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of all the merchant fleets of all Parties, notify the Secretary-General of the Organization that they object to the amendment, it shall be deemed not to have been accepted.

(g) (i) An amendment referred to in subparagraph (f)(i) shall enter into force with respect to those Parties to the present Protocol which have accepted it, six months after the date on which it is deemed to have been accepted, and with respect to each Party which accepts it after the date, six months after the date of that Party's acceptance.

(ii) An amendment referred to in subparagraph (f)(ii) shall enter into force with respect to all Parties to the present Protocol, except those which have objected to the amendment under that subparagraph and which have not withdrawn such objections, six months after the date on which it is deemed to have been accepted. However, before the date set for entry into force, any Party may give notice to the Secretary-General of the Organization that it exempts itself from giving effect to that amendment for a period not longer than one year from the date of its entry into force, or for such longer period as may be determined by a two-thirds majority of the Parties present and voting in the expanded Maritime Safety Committee at the time of the adoption of the amendment.

3 Amendment by a Conference:

(a) Upon the request of a Party to the present Protocol concurred in by at least one third of the Parties, the Organization shall convene a Conference of Parties to consider amendments to the present Protocol and the Convention.

(b) Every amendment adopted by such a Conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General of the Organization to all Parties for acceptance.

(c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in subparagraphs 2(f) and 2(g) respectively, provided that references in these paragraphs to the expanded Maritime Safety Committee shall be taken to mean references to the Conference.

4 (a) A Party to the present Protocol which has accepted an amendment referred to in subparagraph 2(f)(ii) which has entered into force shall not be obliged to extend the benefit of the present Protocol in respect of the certificates issued to a ship entitled to fly the flag of a State Party which, pursuant to the provisions of that subparagraph, has objected to the amendment and has not withdrawn such an objection, in so far as such certificates relate to matters covered by the amendment in question.

(b) A Party to the present Protocol which has accepted an amendment referred to in subparagraph 2(f)(ii) which has entered into force shall extend the benefit of the present Protocol in respect of the certificates issued to a ship entitled to fly the flag of a State Party which, pursuant to the provisions of subparagraph 2(g)(ii), has notified the Secretary-General of the Organization that it exempts itself from giving effect to the amendment.

5 Unless expressly provided otherwise, any amendment made under this article which relates to the structure of a ship shall apply only to ships the keels of which are laid or which are at a similar stage of construction on or after the date on which the amendment enters into force.

6 Any declaration of acceptance of, or objection to, an amendment or any notice given under subparagraph 2(g)(ii) shall be submitted in writing to the Secretary-General of the Organization, who shall inform all Parties to the present Protocol of any such submission and the date of its receipt.

7 The Secretary-General of the Organization shall inform all Parties to the present Protocol of any amendments which enter into force under this article, together with the date on which each such amendment enters into force.

Article VII
Denunciation

1 The present Protocol may be denounced by any Party at any time after the expiry of five years from the date on which the present Protocol enters into force for that Party.

2 Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General of the Organization.

be specified in the instrument of denunciation, after its receipt by the Secretary-General of the Organization.

4 A denunciation of the Convention by a Party shall be deemed to be a denunciation of the present Protocol by that Party. Such denunciation shall take effect on the same date as denunciation of the Convention takes effect according to paragraph (3) of article 30 of the Convention.

Article VIII
Depositary

1 The present Protocol shall be deposited with the Secretary-General of the Organization (hereinafter referred to as "the depositary").

2 The depositary shall:

(a) inform the Governments of all States which have signed the present Protocol or acceded thereto of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

(ii) the date of entry into force of the present Protocol;

(iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which it was received and the date on which the denunciation takes effect;

(b) transmit certified true copies of the present Protocol to the Governments of all States which have signed the present Protocol or acceded thereto.

3 As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article IX
Languages

The present Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON this eleventh day of November one thousand nine hundred and eighty-eight.

IN WITNESS WHEREOF the undersigned*, being duly authorized by their respective Governments for that purpose, have signed the present Protocol.

---

* Signatures omitted.



Miscellaneous No.8 (2005)

International Convention

on Civil Liability for Bunker Oil Pollution Damage, 2001

London, 23 March 2001

[The Convention has not been ratified by the United Kingdom]

Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
November 2005

Cm 6693

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INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE, 2001

The States Parties to this Convention,

RECALLING article 194 of the United Nations Convention on the Law of the Sea, 1982[1], which provides that States shall take all measures necessary to prevent, reduce and control pollution of the marine environment,

RECALLING ALSO article 235 of that Convention, which provides that, with the objective of assuring prompt and adequate compensation in respect of all damage caused by pollution of the marine environment, States shall co-operate in the further development of relevant rules of international law,

NOTING the success of the International Convention on Civil Liability for Oil Pollution Damage, 1992[2] and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992[3] in ensuring that compensation is available to persons who suffer damage caused by pollution resulting from the escape or discharge of oil carried in bulk at sea by ships,

NOTING ALSO the adoption of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996[4] in order to provide adequate, prompt and effective compensation for damage caused by incidents in connection with the carriage by sea of hazardous and noxious substances,

RECOGNIZING the importance of establishing strict liability for all forms of oil pollution which is linked to an appropriate limitation of the level of that liability,

CONSIDERING that complementary measures are necessary to ensure the payment of adequate, prompt and effective compensation for damage caused by pollution resulting from the escape or discharge of bunker oil from ships,

DESIRING to adopt uniform international rules and procedures for determining questions of liability and providing adequate compensation in such cases,

HAVE AGREED as follows:

---

[1] Treaty Series No. 81 (1999) Cm 4524
[2] Treaty Series No. 106 (1975) Cmnd 6183
[3] Treaty Series No. 95 (1978) Cmnd 7383
[4] Miscellaneous No.5 (1997) Cm 3580

ARTICLE 1

Definitions

For the purposes of this Convention:

1. "Ship" means any seagoing vessel and seaborne craft, of any type whatsoever.

2. "Person" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivisions.

3. "Shipowner" means the owner, including the registered owner, bareboat charterer, manager and operator of the ship.

4. "Registered owner" means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However, in the case of a ship owned by a State and operated by a company which in that State is registered as the ship's operator, "registered owner" shall mean such company.

5. "Bunker oil" means any hydrocarbon mineral oil, including lubricating oil, used or intended to be used for the operation or propulsion of the ship, and any residues of such oil.

6. "Civil Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1992, as amended.

7. "Preventive measures" means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

8. "Incident" means any occurrence or series of occurrences having the same origin, which causes pollution damage or creates a grave and imminent threat of causing such damage.

9. "Pollution damage" means:

   (a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of bunker oil from the ship, wherever such escape or discharge may occur, provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken; and

   (b) the costs of preventive measures and further loss or damage caused by preventive measures.

10. "State of the ship's registry" means, in relation to a registered ship, the State of registration of the ship and, in relation to an unregistered ship, the State whose flag the ship is entitled to fly.

11. "Gross tonnage" means gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 of the International Convention on Tonnage Measurement of Ships, 1969[1].

12. "Organization" means the International Maritime Organization.

13. "Secretary-General" means the Secretary-General of the Organization.

ARTICLE 2

Scope of application

This Convention shall apply exclusively:

(a) to pollution damage caused:

(i) in the territory, including the territorial sea, of a State Party, and

(ii) in the exclusive economic zone of a State Party, established in accordance with international law, or, if a State Party has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured;

(b) to preventive measures, wherever taken, to prevent or minimize such damage.

ARTICLE 3

Liability of the shipowner

1. Except as provided in paragraphs 3 and 4, the shipowner at the time of an incident shall be liable for pollution damage caused by any bunker oil on board or originating from the ship, provided that, if an incident consists of a series of occurrences having the same origin, the liability shall attach to the shipowner at the time of the first of such occurrences.

[1] Treaty Series No. 50 (1982) Cmnd 8716

2. Where more than one person is liable in accordance with paragraph 1, their liability shall be joint and several.

3. No liability for pollution damage shall attach to the shipowner if the shipowner proves that:

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

(b) the damage was wholly caused by an act or omission done with the intent to cause damage by a third party; or

(c) the damage was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

4. If the shipowner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the shipowner may be exonerated wholly or partially from liability to such person.

5. No claim for compensation for pollution damage shall be made against the shipowner otherwise than in accordance with this Convention.

6. Nothing in this Convention shall prejudice any right of recourse of the shipowner which exists independently of this Convention.

ARTICLE 4

Exclusions

1. This Convention shall not apply to pollution damage as defined in the Civil Liability Convention, whether or not compensation is payable in respect of it under that Convention.

2. Except as provided in paragraph 3, the provisions of this Convention shall not apply to warships, naval auxiliary or other ships owned or operated by a State and used, for the time being, only on Government non-commercial service.

3. A State Party may decide to apply this Convention to its warships or other ships described in paragraph 2, in which case it shall notify the Secretary-General thereof specifying the terms and conditions of such application.

4. With respect to ships owned by a State Party and used for commercial purposes, each State shall be subject to suit in the jurisdictions set forth in article 9 and shall waive all defences based on its status as a sovereign State.

ARTICLE 5

Incidents involving two or more ships

When an incident involving two or more ships occurs and pollution damage results therefrom, the shipowners of all the ships concerned, unless exonerated under article 3, shall be jointly and severally liable for all such damage which is not reasonably separable.

ARTICLE 6

Limitation of liability

Nothing in this Convention shall affect the right of the shipowner and the person or persons providing insurance or other financial security to limit liability under any applicable national or international regime, such as the Convention on Limitation of Liability for Maritime Claims, 1976[1], as amended.

ARTICLE 7

Compulsory insurance or financial security

1. The registered owner of a ship having a gross tonnage greater than 1000 registered in a State Party shall be required to maintain insurance or other financial security, such as the guarantee of a bank or similar financial institution, to cover the liability of the registered owner for pollution damage in an amount equal to the limits of liability under the applicable national or international limitation regime, but in all cases, not exceeding an amount calculated in accordance with the Convention on Limitation of Liability for Maritime Claims, 1976, as amended.

2. A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship after the appropriate authority of a State Party has determined that the requirements of paragraph 1 have been complied with. With respect to a ship registered in a State Party such certificate shall be issued or certified by the appropriate authority of the State of the ship's registry; with respect to a ship not registered in a State Party it may be issued or certified by the appropriate authority of any State Party. This certificate shall be in the form of the model set out in the annex to this Convention and shall contain the following particulars:

[1] Treaty Series No. 13 (1990) Cm 955

(a) name of ship, distinctive number or letters and port of registry;

(b) name and principal place of business of the registered owner;

(c) IMO ship identification number;

(d) type and duration of security;

(e) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established;

(f) period of validity of the certificate which shall not be longer than the period of validity of the insurance or other security.

3. (a) A State Party may authorize either an institution or an organization recognized by it to issue the certificate referred to in paragraph 2. Such institution or organization shall inform that State of the issue of each certificate. In all cases, the State Party shall fully guarantee the completeness and accuracy of the certificate so issued and shall undertake to ensure the necessary arrangements to satisfy this obligation.

(b) A State Party shall notify the Secretary-General of :

(i) the specific responsibilities and conditions of the authority delegated to an institution or organization recognised by it;

(ii) the withdrawal of such authority; and

(iii) the date from which such authority or withdrawal of such authority takes effect.

An authority delegated shall not take effect prior to three months from the date on which notification to that effect was given to the Secretary-General.

(c) The institution or organization authorized to issue certificates in accordance with this paragraph shall, as a minimum, be authorized to withdraw these certificates if the conditions under which they have been issued are not maintained. In all cases the institution or organization shall report such withdrawal to the State on whose behalf the certificate was issued.

4. The certificate shall be in the official language or languages of the issuing State. If the language used is not English, French or Spanish, the text shall include a translation into one of these languages and, where the State so decides, the official language of the State may be omitted.

5. The certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry or, if the ship is not registered in a State Party, with the authorities issuing or certifying the certificate.

6. An insurance or other financial security shall not satisfy the requirements of this article if it can cease, for reasons other than the expiry of the period of validity of the insurance or security specified in the certificate under paragraph 2 of this article, before three months have elapsed from the date on which notice of its termination is given to the authorities referred to in paragraph 5 of this article, unless the certificate has been surrendered to these authorities or a new certificate has been issued within the said period. The foregoing provisions shall similarly apply to any modification which results in the insurance or security no longer satisfying the requirements of this article.

7. The State of the ship's registry shall, subject to the provisions of this article, determine the conditions of issue and validity of the certificate.

8. Nothing in this Convention shall be construed as preventing a State Party from relying on information obtained from other States or the Organization or other international organisations relating to the financial standing of providers of insurance or financial security for the purposes of this Convention. In such cases, the State Party relying on such information is not relieved of its responsibility as a State issuing the certificate required by paragraph 2.

9. Certificates issued or certified under the authority of a State Party shall be accepted by other States Parties for the purposes of this Convention and shall be regarded by other States Parties as having the same force as certificates issued or certified by them even if issued or certified in respect of a ship not registered in a State Party. A State Party may at any time request consultation with the issuing or certifying State should it believe that the insurer or guarantor named in the insurance certificate is not financially capable of meeting the obligations imposed by this Convention.

10. Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the registered owner's liability for pollution damage. In such a case the defendant may invoke the defences (other than bankruptcy or winding up of the shipowner) which the shipowner would have been entitled to invoke, including limitation pursuant to article 6. Furthermore, even if the shipowner is not entitled to limitation of liability according to article 6, the defendant may limit liability to an amount equal to the amount of the insurance or other financial security required to be maintained in accordance with paragraph 1. Moreover, the defendant may invoke the defence that the pollution damage resulted from the wilful misconduct of the shipowner, but the defendant shall not invoke any other defence which the defendant might have been entitled to invoke in proceedings brought by the shipowner against the defendant. The defendant shall in any event have the right to require the shipowner to be joined in the proceedings.

11. A State Party shall not permit a ship under its flag to which this article applies to operate at any time, unless a certificate has been issued under paragraphs 2 or 14.

12. Subject to the provisions of this article, each State Party shall ensure, under its national law, that insurance or other security, to the extent specified in paragraph 1, is in force in respect of any ship having a gross tonnage greater than 1000, wherever registered, entering or leaving a port in its territory, or arriving at or leaving an offshore facility in its territorial sea.

13. Notwithstanding the provisions of paragraph 5, a State Party may notify the Secretary-General that, for the purposes of paragraph 12, ships are not required to carry on board or to produce the certificate required by paragraph 2, when entering or leaving ports or arriving at or leaving from offshore facilities in its territory, provided that the State Party which issues the certificate required by paragraph 2 has notified the Secretary-General that it maintains records in an electronic format, accessible to all States Parties, attesting the existence of the certificate and enabling States Parties to discharge their obligations under paragraph 12.

14. If insurance or other financial security is not maintained in respect of a ship owned by a State Party, the provisions of this article relating thereto shall not be applicable to such ship, but the ship shall carry a certificate issued by the appropriate authority of the State of the ship's registry stating that the ship is owned by that State and that the ship's liability is covered within the limit prescribed in accordance with paragraph 1. Such a certificate shall follow as closely as possible the model prescribed by paragraph 2.

15. A State may, at the time of ratification, acceptance, approval of, or accession to this Convention, or at any time thereafter, declare that this article does not apply to ships operating exclusively within the area of that State referred to in article 2(a)(i).

ARTICLE 8

Time limits

Rights to compensation under this Convention shall be extinguished unless an action is brought thereunder within three years from the date when the damage occurred. However, in no case shall an action be brought more than six years from the date of the incident which caused the damage. Where the incident consists of a series of occurrences, the six-years' period shall run from the date of the first such occurrence.

shall be construed as referring to the territorial unit respectively in which the ship is registered and which issues or certifies the certificate;

(c) references in this Convention to the requirements of national law shall be construed as references to the requirements of the law of the relevant territorial unit; and

(d) references in articles 9 and 10 to courts, and to judgements which must be recognized in States Parties, shall be construed as references respectively to courts of, and to judgements which must be recognized in, the relevant territorial unit.

ARTICLE 14

Entry into Force

1. This Convention shall enter into force one year following the date on which 18 States, including five States each with ships whose combined gross tonnage is not less than 1 million, have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General.

2. For any State which ratifies, accepts, approves or accedes to it after the conditions in paragraph 1 for entry into force have been met, this Convention shall enter into force three months after the date of deposit by such State of the appropriate instrument.

ARTICLE 15

Denunciation

1. This Convention may be denounced by any State Party at any time after the date on which this Convention comes into force for that State.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General.

ARTICLE 16

Revision or amendment

1. A conference for the purpose of revising or amending this Convention may be convened by the Organization.

2. The Organization shall convene a conference of the States Parties for revising or amending this Convention at the request of not less than one-third of the States Parties.

ARTICLE 17

Depositary

1. This Convention shall be deposited with the Secretary-General.

2. The Secretary-General shall:

(a) inform all States which have signed or acceded to this Convention of:

(i) each new signature or deposit of instrument together with the date thereof;

(ii) the date of entry into force of this Convention;

(iii) the deposit of any instrument of denunciation of this Convention together with the date of the deposit and the date on which the denunciation takes effect; and

(iv) other declarations and notifications made under this Convention.

(b) transmit certified true copies of this Convention to all Signatory States and to all States which accede to this Convention.

ARTICLE 18

Transmission to United Nations

As soon as this Convention comes into force, the text shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 19

Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON this twenty-third day of March two thousand and one.

IN WITNESS WHEREOF the undersigned being duly authorised by their respective Governments for that purpose have signed this Convention.

CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE

Issued in accordance with the provisions of article 7 of the
International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001

Name of Ship	Distinctive Number or letters	IMO Ship Identification Number	Port of Registry	Name and full address of the principal place of business of the registered owner.

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of article 7 of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001.

Type of Security .....

Duration of Security .....

Name and address of the insurer(s)and/or guarantor(s)

Name .....

Address .....

.....

This certificate is valid until .....

Issued or certified by the Government of .....

.....

(Full designation of the State)

OR

The following text should be used when a State Party avails itself of article 7(3)

The present certificate is issued under the authority of the Government of .....(full designation of the State) by.....(name of institution or organization)

At ..... On .....
(Place) (Date)

.....
(Signature and Title of issuing or certifying official)

Explanatory Notes:

1. If desired, the designation of the State may include a reference to the competent public authority of the country where the Certificate is issued.

2. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.

3. If security is furnished in several forms, these should be enumerated.

4. The entry "Duration of Security" must stipulate the date on which such security takes effect.

5. The entry "Address" of the insurer(s) and/or guarantor(s) must indicate the principal place of business of the insurer(s) and/or guarantor(s). If appropriate, the place of business where the insurance or other security is established shall be indicated.

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Foreword

Introduction

1 The International Convention for the Safety of Life at Sea (SOLAS), 1974, currently in force, was adopted on 1 November 1974 by the International Conference on Safety of Life at Sea, which was convened by the International Maritime Organization (IMO), and entered into force on 25 May 1980. It has since been amended twice by means of protocols:

.1 by the Protocol adopted on 17 February 1978 by the International Conference on Tanker Safety and Pollution Prevention (1978 SOLAS Protocol), which entered into force on 1 May 1981; and

.2 by the Protocol adopted on 11 November 1988 by the International Conference on the Harmonized System of Survey and Certification (1988 SOLAS Protocol), which entered into force on 3 February 2000 and replaced and abrogated the 1978 Protocol, as between Parties to the 1988 Protocol.

2 In addition, the 1974 SOLAS Convention has been amended by means of resolutions adopted either by IMO's Maritime Safety Committee (MSC) in its expanded form specified in SOLAS article VIII or by Conferences of SOLAS Contracting Governments, also specified in article VIII, as follows:

.1 by the 1981 amendments, which were adopted by resolution MSC.1(XLV) and entered into force on 1 September 1984;

.2 by the 1983 amendments, which were adopted by resolution MSC.6(48) and entered into force on 1 July 1986;

.3 by the April 1988 amendments, which were adopted by resolution MSC.11(55) and entered into force on 22 October 1989;

.4 by the October 1988 amendments, which were adopted by resolution MSC.12(56) and entered into force on 29 April 1990;

.5 by the November 1988 amendments, which were adopted by resolutions 1 and 2 of the Conference of Contracting Governments to SOLAS 1974 on the Global Maritime Distress and Safety System and entered into force on 1 February 1992;

.6 by the 1989 amendments, which were adopted by resolution MSC.13(57) and entered into force on 1 February 1992;

.7 by the 1990 amendments, which were adopted by resolution MSC.19(58) and entered into force on 1 February 1992;

.8 by the 1991 amendments, which were adopted by resolution MSC.22(59) and entered into force on 1 January 1994;

.9 by the April 1992 amendments, which were adopted by resolutions MSC.24(60) and MSC.26(60) and entered into force on 1 October 1994;

.10 by the December 1992 amendments, which were adopted by resolution MSC.27(61) and entered into force on 1 October 1994;

.11 by the May 1994 amendments, which were adopted by resolution MSC.31(63) and entered into force on 1 January 1996 (annex 1) and on 1 July 1998 (annex 2);

.12 by the May 1994 amendments, which were adopted by resolution 1 of the Conference of Contracting Governments to SOLAS 1974 and entered into force on 1 January 1996 (annex 1) and on 1 July 1998 (annex 2);

.13 by the December 1994 amendments, which were adopted by resolution MSC.42(64) and entered into force on 1 July 1996;

.14 by the May 1995 amendments, which were adopted by resolution MSC.46(65) and entered into force on 1 January 1997;

.15 by the November 1995 amendments, which were adopted by resolution 1 of the Conference of Contracting Governments to SOLAS 1974 and entered into force on 1 July 1997;

.16 by the June 1996 amendments, which were adopted by resolution MSC.47(66) and entered into force on 1 July 1998;

.17 by the December 1996 amendments, which were adopted by resolution MSC.57(67) and entered into force on 1 July 1998;

.18 by the June 1997 amendments, which were adopted by resolution MSC.65(68) and entered into force on 1 July 1999;

.19 by the November 1997 amendments which were adopted by resolution 1 of the Conference of Contracting Governments to SOLAS 1974 and entered into force on 1 July 1999;

.20 by the May 1998 amendments, which were adopted by resolution MSC.69(69) and entered into force on 1 July 2002;

.21 by the May 1999 amendments, which were adopted by resolution MSC.87(71) and entered into force on 1 January 2001;

.22 by the May 2000 amendments, which were adopted by resolution MSC.91(72) and entered into force on 1 January 2002;

.23 by the November 2000 amendments, which were adopted by resolution MSC.99(73) and entered into force on 1 July 2002;

.24 by the June 2001 amendments, which were adopted by resolution MSC.117(74) and entered into force on 1 January 2003;

.25 by the May 2002 amendments, which were adopted by resolution MSC.123(75) and entered into force on 1 January 2004;

.26 by the December 2002 amendments, which were adopted by resolution MSC.134(76) and entered into force on 1 July 2004;

.27 by the December 2002 amendments, which were adopted by resolution 1 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 and entered into force on 1 July 2004;

.28 by the June 2003 amendments, which were adopted by resolution MSC.142(77) and entered into force on 1 July 2006;

.29 by the May 2004 amendments, which were adopted by resolutions MSC.151(78), MSC.152(78) and MSC.153(78), and entered into force on 1 January 2006, 1 July 2006 and 1 July 2006, respectively;

.30 by the December 2004 amendments, which were adopted by resolution MSC.170(79) and entered into force on 1 July 2006;

.31 by the May 2005 amendments, which were adopted by resolution MSC.194(80) and entered into force on 1 January 2007 (annex 1) and 1 January 2009 (annex 2);

.32 by the May 2006 amendments, which were adopted by resolutions MSC.201(81) and MSC.202(81) and entered into force on 1 July 2010 and 1 January 2008, respectively;

.33 by the December 2006 amendments, which were adopted by resolution MSC.216(82) and entered into force on 1 July 2008 (annex 1), 1 January 2009 (annex 2), and 1 July 2010 (annex 3);

.34 by the October 2007 amendments, which were adopted by resolution MSC.239(83) and entered into force on 1 July 2009;

.35 by the May 2008 amendments, which were adopted by resolutions MSC.256(84) and MSC.257(84) and entered into force on 1 January 2010;

.36 by the December 2008 amendments, which were adopted by resolution MSC.269(85) and entered into force on 1 July 2010 (annex 1) and 1 January 2011 (annex 2);

.37 by the June 2009 amendments, which were adopted by resolution MSC.282(86) and entered into force on 1 January 2011;

.38 by the May 2010 amendments, which were adopted by resolutions MSC.290(87) and MSC.291(87) and entered into force on 1 January 2012;

.39 by the December 2010 amendments, which were adopted by resolution MSC.308(88) and entered into force on 1 July 2012;

.40 by the May 2011 amendments, which were adopted by resolution MSC.317(89) and entered into force on 1 January 2013;

.41 by the May 2012 amendments, which were adopted by resolution MSC.325(90) and entered into force on 1 January 2014; and

.42 by the November 2012 amendments, which were adopted by resolution MSC.338(91) and entered into force on 1 July 2014.

3 Furthermore, the 1974 SOLAS Convention has recently been amended by resolutions MSC.350(92), MSC.365(93) and MSC.366(93) which would enter into force on 1 January 2015, 1 January 2016 and 1 January 2016, respectively, subject to their acceptance in accordance with article VIII(b)(vi)(2)(bb) of the Convention.*

4 In addition to the above-mentioned amendments, the 1978 SOLAS Protocol has been amended, as follows:

.1 by the 1981 amendments, which were adopted by resolution MSC.2(XLV) and entered into force on 1 September 1984;

.2 by the 1988 amendments, which were adopted by resolution 1 of the Conference of Contracting Governments to SOLAS 1974 on the Global Maritime Distress and Safety System and entered into force on 1 February 1992; and

.3 by the 2012 amendments, which were adopted by resolution MSC.343(91) and entered into force on 1 July 2014.

5 The 1988 SOLAS Protocol has also been amended, as follows:

.1 by the May 2000 amendments, which were adopted by resolution MSC.92(72) and entered into force on 1 January 2002;

.2 by the December 2000 amendments, which were adopted by resolution MSC.100(73) and entered into force on 1 July 2002;

.3 by the May 2002 amendments, which were adopted by resolution MSC.124(75) and entered into force on 1 January 2004;

* A full list of IMO resolutions can be found at http://www.imo.org/KnowledgeCentre/IndexofIMOResolutions.

.4 by the May 2004 amendments, which were adopted by resolution MSC.154(78) and entered into force on 1 July 2006;

.5 by the December 2004 amendments, which were adopted by resolution MSC.171(79) and entered into force on 1 July 2006;

.6 by the May 2006 amendments, which were adopted by resolution MSC.204(81) and shall be deemed to have been accepted on the date on which they are accepted by two thirds of the Parties to the Protocol and shall enter into force six months after that date;

.7 by the December 2006 amendments, which were adopted by resolution MSC.227(82) and entered into force on 1 July 2008;

.8 by the October 2007 amendments, which were adopted by resolution MSC.240(83) and entered into force on 1 July 2009;

.9 by the May 2008 amendments, which were adopted by resolution MSC.258(84) and entered into force on 1 January 2010;

.10 by the June 2009 amendments, which were adopted by resolution MSC.283(86) and entered into force on 1 January 2011;

.11 by the December 2010 amendments, which were adopted by resolution MSC.309(88) and entered into force on 1 July 2012; and

.12 by the November 2012 amendments, which were adopted by resolution MSC.344(91) and entered into force on 1 July 2014.

Content of the consolidated text

6 This publication, compiled by the Secretariat to provide an easy reference to SOLAS requirements, contains a consolidated text of the 1974 SOLAS Convention, the 1988 SOLAS Protocol, and all subsequent amendments thereto in force as on 1 July 2014.

7 The publication has been arranged in two parts:

.1 part 1, which contains the 1974 SOLAS Convention and 1988 SOLAS Protocol articles, requirements and certificates; and

.2 part 2, which contains a list of certificates and documents* to be carried on board ships and a list of resolutions adopted by the aforementioned SOLAS Conferences.

8 The operational requirements contained in this consolidated text are, in general, applicable to all ships, whilst the requirements for ship construction and equipment apply to ships constructed on or after the dates specified in the various regulations. To identify construction and equipment requirements applicable to ships constructed before 2014, previous texts of the 1974 SOLAS Convention, the 1988 SOLAS Protocol and the amendments to the Convention should be consulted.

9 Those requirements of chapter I and of the appendix to the annex to the 1974 SOLAS Convention which have been modified by the 1988 SOLAS Protocol are indicated by the symbol P88. No similar symbol is shown for requirements of the 1974 SOLAS Convention which were modified by the 1978 SOLAS Protocol because, whilst, in respect of chapter I of the Convention, the requirements thereof have been replaced and abrogated by the 1988 SOLAS Protocol, as between Parties to the Protocol, for requirements in other chapters of the Convention, they have been superseded by SOLAS amendments subsequently adopted.

10 In general, this publication reproduces the text of the 1974 SOLAS Convention and the 1988 SOLAS Protocol and includes the modifications and amendments thereto given in their authentic texts. In addition, it

* The list only includes the certificates and documents that are required under IMO instruments and it does not include certificates or documents required by other international organizations or governmental authorities. It should not be used in the context of port State control inspections for which convention requirements should be referred to.

includes some minor editorial changes, which, while not altering the substance, aim at achieving a degree of consistency between the texts of the 1974 SOLAS Convention and the 1988 SOLAS Protocol and the various amendments. In particular:

.1 while the decimal numbering system is used for paragraphs and subparagraphs of regulations in chapters II-1, II-2, III, IV, V, VI and VII, which were completely rewritten in the respective amendments, the original numbering system is retained in chapters I and VIII;

.2 the references to regulations, paragraphs and chapters in the texts adopted in the 1981 and subsequent amendments use an abbreviated form (e.g. "regulation II-2/55.5"), whereas the original reference system is retained in unamended regulations (e.g. "regulation 5 of this chapter", "paragraph (a) of this regulation", etc.);

.3 the term *tons gross tonnage* has been replaced by the term *gross tonnage* in view of the Assembly's decision (resolution A.493(XII)) that the term *tons gross tonnage* used in IMO instruments should be considered as having the same meaning as *gross tonnage* as determined under the 1969 Tonnage Convention; and

.4 metric values of the SI system have been used in accordance with resolution A.351(IX).

Status of footnotes

11 Some of the footnotes contained in this publication are not part of the authentic text of the Convention. They were inserted or updated at the time of publication by the Secretariat, taking into account the provisions of the uniform wording for referencing IMO instruments (resolution A.911(22)). Footnotes inserted or updated refer to codes, guidelines, recommendations, explanatory notes or decisions of the MSC relating to a particular text. The reader must make use of the latest versions of the referenced texts, bearing in mind that such texts may have been revised or superseded by updated material since publication of this consolidated edition of the 1974 SOLAS Convention, as amended. However, this does not apply to footnotes containing references to specific editions of industry standards, such as their number or effective date, which should only be amended after approval of the relevant revised edition of the industry standard by the IMO.

Part 1

Articles of the International Convention for the Safety of Life at Sea, 1974

Articles of the International Convention for the Safety of Life at Sea, 1974

THE CONTRACTING GOVERNMENTS

BEING DESIROUS of promoting safety of life at sea by establishing in a common agreement uniform principles and rules directed thereto,

CONSIDERING that this end may best be achieved by the conclusion of a Convention to replace the International Convention for the Safety of Life at Sea, 1960, taking account of developments since that Convention was concluded,

HAVE AGREED as follows:

Article I
General obligations under the Convention

(a) The Contracting Governments undertake to give effect to the provisions of the present Convention and the annex thereto, which shall constitute an integral part of the present Convention. Every reference to the present Convention constitutes at the same time a reference to the annex.

(b) The Contracting Governments undertake to promulgate all laws, decrees, orders and regulations and to take all other steps which may be necessary to give the present Convention full and complete effect, so as to ensure that, from the point of view of safety of life, a ship is fit for the service for which it is intended.

Article II
Application[*]

The present Convention shall apply to ships entitled to fly the flag of States the Governments of which are Contracting Governments.

Article III
Laws, regulations[†]

The Contracting Governments undertake to communicate to and deposit with the Secretary-General of the Inter-Governmental Maritime Consultative Organization[‡] (hereinafter referred to as "the Organization"):

(a) a list of non-governmental agencies which are authorized to act in their behalf in the administration of measures for safety of life at sea for circulation to the Contracting Governments for the information of their officers;

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[*] Refer to Transfer of ships between States (MSC/Circ.1140-MEPC/Circ.424).

[†] Refer to Notification and circulation through the Global Integrated Shipping Information System (GISIS) (resolution A.1074(28)).

[‡] The name of the Organization was changed to "International Maritime Organization" (IMO) by virtue of amendments to the Organization's Convention which entered into force on 22 May 1982.

(b) the text of laws, decrees, orders and regulations which shall have been promulgated on the various matters within the scope of the present Convention;

(c) a sufficient number of specimens of their certificates issued under the provisions of the present Convention for circulation to the Contracting Governments for the information of their officers.

Article IV
Cases of force majeure

(a) A ship, which is not subject to the provisions of the present Convention at the time of its departure on any voyage, shall not become subject to the provisions of the present Convention on account of any deviation from its intended voyage due to stress of weather or any other case of *force majeure*.

(b) Persons who are on board a ship by reason of *force majeure* or in consequence of the obligation laid upon the master to carry shipwrecked or other persons shall not be taken into account for the purpose of ascertaining the application to a ship of any provisions of the present Convention.

Article V
Carriage of persons in emergencies

(a) For the purpose of evacuating persons in order to avoid a threat to the security of their lives a Contracting Government may permit the carriage of a larger number of persons in its ships than is otherwise permissible under the present Convention.

(b) Such permission shall not deprive other Contracting Governments of any right of control under the present Convention over such ships which come within their ports.

(c) Notice of any such permission, together with a statement of the circumstances, shall be sent to the Secretary-General of the Organization by the Contracting Government granting such permission.

Article VI
Prior treaties and conventions

(a) As between the Contracting Governments, the present Convention replaces and abrogates the International Convention for the Safety of Life at Sea which was signed in London on 17 June 1960.

(b) All other treaties, conventions and arrangements relating to safety of life at sea, or matters appertaining thereto, at present in force between Governments parties to the present Convention shall continue to have full and complete effect during the terms thereof as regards:

(i) ships to which the present Convention does not apply;

(ii) ships to which the present Convention applies, in respect of matters for which it has not expressly provided.

(c) To the extent, however, that such treaties, conventions or arrangements conflict with the provisions of the present Convention, the provisions of the present Convention shall prevail.

(d) All matters which are not expressly provided for in the present Convention remain subject to the legislation of the Contracting Governments.

Article VII
Special rules drawn up by agreement

When in accordance with the present Convention special rules are drawn up by agreement between all or some of the Contracting Governments, such rules shall be communicated to the Secretary-General of the Organization for circulation to all Contracting Governments.

Article VIII
Amendments[*]

(a) The present Convention may be amended by either of the procedures specified in the following paragraphs.

(b) Amendments after consideration within the Organization:

(i) Any amendment proposed by a Contracting Government shall be submitted to the Secretary-General of the Organization, who shall then circulate it to all Members of the Organization and all Contracting Governments at least six months prior to its consideration.

(ii) Any amendment proposed and circulated as above shall be referred to the Maritime Safety Committee of the Organization for consideration.

(iii) Contracting Governments of States, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Maritime Safety Committee for the consideration and adoption of amendments.

(iv) Amendments shall be adopted by a two-thirds majority of the Contracting Governments present and voting in the Maritime Safety Committee expanded as provided for in subparagraph (iii) of this paragraph (hereinafter referred to as "the expanded Maritime Safety Committee") on condition that at least one third of the Contracting Governments shall be present at the time of voting.

(v) Amendments adopted in accordance with subparagraph (iv) of this paragraph shall be communicated by the Secretary-General of the Organization to all Contracting Governments for acceptance.

(vi) (1) An amendment to an article of the Convention or to chapter I of the annex shall be deemed to have been accepted on the date on which it is accepted by two thirds of the Contracting Governments.

(2) An amendment to the annex other than chapter I shall be deemed to have been accepted

(aa) at the end of two years from the date on which it is communicated to Contracting Governments for acceptance; or

(bb) at the end of a different period, which shall not be less than one year, if so determined at the time of its adoption by a two-thirds majority of the Contracting Governments present and voting in the expanded Maritime Safety Committee.

However, if within the specified period either more than one third of Contracting Governments, or Contracting Governments the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet, notify the Secretary-General of the Organization that they object to the amendment, it shall be deemed not to have been accepted.

(vii) (1) An amendment to an article of the Convention or to chapter I of the annex shall enter into force with respect to those Contracting Governments which have accepted it, six months after the date on which it is deemed to have been accepted, and with respect to each Contracting Government which accepts it after that date, six months after the date of that Contracting Government's acceptance.

[*] Refer to Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments (MSC.1/Circ.1481) and Interim guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments (MSC.1/Circ.1483).

(2) An amendment to the annex other than chapter I shall enter into force with respect to all Contracting Governments, except those which have objected to the amendment under subparagraph (vi)(2) of this paragraph and which have not withdrawn such objections, six months after the date on which it is deemed to have been accepted. However, before the date set for entry into force, any Contracting Government may give notice to the Secretary-General of the Organization that it exempts itself from giving effect to that amendment for a period not longer than one year from the date of its entry into force, or for such longer period as may be determined by a two-thirds majority of the Contracting Governments present and voting in the expanded Maritime Safety Committee at the time of the adoption of the amendment.

(c) Amendment by a Conference:

(i) Upon the request of a Contracting Government concurred in by at least one third of the Contracting Governments, the Organization shall convene a Conference of Contracting Governments to consider amendments to the present Convention.

(ii) Every amendment adopted by such a Conference by a two-thirds majority of the Contracting Governments present and voting shall be communicated by the Secretary-General of the Organization to all Contracting Governments for acceptance.

(iii) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in subparagraphs (b)(vi) and (b)(vii) respectively of this article, provided that references in these paragraphs to the expanded Maritime Safety Committee shall be taken to mean references to the Conference.

(d) (i) A Contracting Government which has accepted an amendment to the annex which has entered into force shall not be obliged to extend the benefit of the present Convention in respect of the certificates issued to a ship entitled to fly the flag of a State the Government of which, pursuant to the provisions of subparagraph (b)(vi)(2) of this article, has objected to the amendment and has not withdrawn such an objection, but only to the extent that such certificates relate to matters covered by the amendment in question.

(ii) A Contracting Government which has accepted an amendment to the annex which has entered into force shall extend the benefit of the present Convention in respect of the certificates issued to a ship entitled to fly the flag of a State the Government of which, pursuant to the provisions of subparagraph (b)(vii)(2) of this article, has notified the Secretary-General of the Organization that it exempts itself from giving effect to the amendment.

(e) Unless expressly provided otherwise, any amendment to the present Convention made under this article, which relates to the structure of a ship, shall apply only to ships the keels of which are laid or which are at a similar stage of construction, on or after the date on which the amendment enters into force.

(f) Any declaration of acceptance of, or objection to, an amendment or any notice given under subparagraph (b)(vii)(2) of this article shall be submitted in writing to the Secretary-General of the Organization, who shall inform all Contracting Governments of any such submission and the date of its receipt.

(g) The Secretary-General of the Organization shall inform all Contracting Governments of any amendments which enter into force under this article, together with the date on which each such amendment enters into force.

Article IX

Signature, ratification, acceptance, approval and accession

(a) The present Convention shall remain open for signature at the Headquarters of the Organization from 1 November 1974 until 1 July 1975 and shall thereafter remain open for accession. States may become parties to the present Convention by:

(i) signature without reservation as to ratification, acceptance or approval; or

(ii) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

(iii) accession.

(b) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.

(c) The Secretary-General of the Organization shall inform the Governments of all States which have signed the present Convention or acceded to it of any signature or of the deposit of any instrument of ratification, acceptance, approval or accession and the date of its deposit.

Article X
Entry into force

(a) The present Convention shall enter into force twelve months after the date on which not less than twenty-five States, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant shipping, have become parties to it in accordance with article IX.

(b) Any instrument of ratification, acceptance, approval or accession deposited after the date on which the present Convention enters into force shall take effect three months after the date of deposit.

(c) After the date on which an amendment to the present Convention is deemed to have been accepted under article VIII, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention as amended.

Article XI
Denunciation

(a) The present Convention may be denounced by any Contracting Government at any time after the expiry of five years from the date on which the Convention enters into force for that Government.

(b) Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General of the Organization who shall notify all the other Contracting Governments of any instrument of denunciation received and of the date of its receipt as well as the date on which such denunciation takes effect.

(c) A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its receipt by the Secretary-General of the Organization.

Article XII
Deposit and registration

(a) The present Convention shall be deposited with the Secretary-General of the Organization who shall transmit certified true copies thereof to the Governments of all States which have signed the present Convention or acceded to it.

(b) As soon as the present Convention enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

Article XIII
Languages

The present Convention is established in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German and Italian languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned,* being duly authorized by their respective Governments for that purpose, have signed the present Convention.

DONE AT LONDON this first day of November one thousand nine hundred and seventy-four.

* Signatures omitted.

Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974

Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974

THE PARTIES TO THE PRESENT PROTOCOL,

BEING PARTIES to the International Convention for the Safety of Life at Sea, done at London on 1 November 1974,

RECOGNIZING the need for the introduction into the above-mentioned Convention of provisions for survey and certification harmonized with corresponding provisions in other international instruments,

CONSIDERING that this need may best be met by the conclusion of a Protocol relating to the International Convention for the Safety of Life at Sea, 1974,

HAVE AGREED as follows:

Article I
General obligations

1 The Parties to the present Protocol undertake to give effect to the provisions of the present Protocol and the annex hereto, which shall constitute an integral part of the present Protocol. Every reference to the present Protocol constitutes at the same time a reference to the annex hereto.

2 As between the Parties to the present Protocol, the provisions of the International Convention for the Safety of Life at Sea, 1974, as amended, (hereinafter referred to as "the Convention") shall apply subject to the modifications and additions set out in the present Protocol.

3 With respect to ships entitled to fly the flag of a State which is not a Party to the Convention and the present Protocol, the Parties to the present Protocol shall apply the requirements of the Convention and the present Protocol as may be necessary to ensure that no more favourable treatment is given to such ships.

Article II
Prior treaties

1 As between the Parties to the present Protocol, the present Protocol replaces and abrogates the Protocol of 1978 relating to the Convention.

2 Notwithstanding any other provisions of the present Protocol, any certificate issued under, and in accordance with, the provisions of the Convention and any supplement to such certificate issued under, and in accordance with, the provisions of the Protocol of 1978 relating to the Convention which is current when the present Protocol enters into force in respect of the Party by which the certificate or supplement was issued, shall remain valid until it expires under the terms of the Convention or the Protocol of 1978 relating to the Convention, as the case may be.

3 A Party to the present Protocol shall not issue certificates under, and in accordance with, the provisions of the International Convention for the Safety of Life at Sea, 1974, as adopted on 1 November 1974.

Article III
*Communication of information**

The Parties to the present Protocol undertake to communicate to, and deposit with, the Secretary-General of the International Maritime Organization (hereinafter referred to as "the Organization"):

(a) the text of laws, decrees, orders and regulations and other instruments which have been promulgated on the various matters within the scope of the present Protocol;

(b) a list of nominated surveyors or recognized organizations which are authorized to act on their behalf in the administration of measures for safety of life at sea for circulation to the Parties for information of their officers, and a notification of the specific responsibilities and conditions of the authority delegated to those nominated surveyors or recognized organizations; and

(c) a sufficient number of specimens of their certificates issued under the provision of the present Protocol.

Article IV
Signature, ratification, acceptance, approval and accession

1 The present Protocol shall be open for signature at the Headquarters of the Organization from 1 March 1989 to 28 February 1990 and shall thereafter remain open for accession. Subject to the provisions of paragraph 3, States may express their consent to be bound by the present Protocol by:

(a) signature without reservation as to ratification, acceptance or approval; or

(b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

(c) accession.

2 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.

3 The present Protocol may be signed without reservation, ratified, accepted, approved or acceded to only by States which have signed without reservation, ratified, accepted, approved or acceded to the Convention.

Article V
Entry into force

1 The present Protocol shall enter into force twelve months after the date on which both the following conditions have been met:

(a) not less than fifteen States, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant shipping, have expressed their consent to be bound by it in accordance with article IV, and

(b) the conditions for the entry into force of the Protocol of 1988 relating to the International Convention on Load Lines, 1966, have been met,

provided that the present Protocol shall not enter into force before 1 February 1992.

2 For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of the present Protocol after the conditions for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of the present Protocol or three months after the date of deposit of the instrument, whichever is the later date.

* Refer to Notification and circulation through the Global Integrated Shipping Information System (GISIS) (resolution A.1074(28)).

3 Any instrument of ratification, acceptance, approval or accession deposited after the date on which the present Protocol enters into force shall take effect three months after the date of deposit.

4 After the date on which an amendment to the present Protocol is deemed to have been accepted under article VI, any instrument of ratification, acceptance, approval or accession deposited shall apply to the present Protocol as amended.

Article VI
*Amendments**

The procedures set out in article VIII of the Convention shall apply to amendments to the present Protocol, provided that:

(a) references in that article to the Convention and to Contracting Governments shall be taken to mean references to the present Protocol and to the Parties to the present Protocol respectively;

(b) amendments to the articles of the present Protocol and to the annex thereto shall be adopted and brought into force in accordance with the procedure applicable to amendments to the articles of the Convention or to chapter I of the annex thereto; and

(c) amendments to the appendix to the annex to the present Protocol may be adopted and brought into force in accordance with the procedure applicable to amendments to the annex to the Convention other than chapter I.

Article VII
Denunciation

1 The present Protocol may be denounced by any Party at any time after the expiry of five years from the date on which the present Protocol enters into force for that Party.

2 Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General of the Organization.

3 A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its receipt by the Secretary-General of the Organization.

4 A denunciation of the Convention by a Party shall be deemed to be a denunciation of the present Protocol by that Party. Such denunciation shall take effect on the same date as denunciation of the Convention takes effect according to paragraph (c) of article XI of the Convention.

Article VIII
Depositary

1 The present Protocol shall be deposited with the Secretary-General of the Organization (hereinafter referred to as "the depositary").

2 The depositary shall:

(a) inform the Governments of all States which have signed the present Protocol or acceded thereto of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

* Refer to Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments (MSC.1/Circ.1481) and Interim guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments (MSC.1/Circ.1483).

(ii) the date of entry into force of the present Protocol;

(iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which it was received and the date on which the denunciation takes effect;

(b) transmit certified true copies of the present Protocol to the Governments of all States which have signed the present Protocol or acceded thereto.

3 As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article IX
Languages

The present Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic. An official translation into the Italian language shall be prepared and deposited with the signed original.

DONE AT LONDON this eleventh day of November one thousand nine hundred and eighty-eight.

IN WITNESS WHEREOF the undersigned,* being duly authorized by their respective Governments for that purpose, have signed the present Protocol.

* Signatures omitted.

Consolidated text of the annex to the 1974 SOLAS Convention and the 1988 Protocol relating thereto

Chapter I

General provisions

Chapter 1
General provisions

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Part A
Application, definitions, etc.

Regulation 1
*Application**

(a) Unless expressly provided otherwise, the present regulations apply only to ships engaged on international voyages.

(b) The classes of ships to which each chapter applies are more precisely defined, and the extent of the application is shown, in each chapter.

Regulation 2
Definitions

For the purpose of the present regulations, unless expressly provided otherwise:

(a) *Regulations* means the regulations contained in the annex to the present Convention.

(b) *Administration* means the Government of the State whose flag the ship is entitled to fly.

(c) *Approved* means approved by the Administration.

(d) *International voyage* means a voyage from a country to which the present Convention applies to a port outside such country, or conversely.

(e) A *passenger* is every person other than:

(i) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and

(ii) a child under one year of age.

(f) A *passenger ship* is a ship which carries more than twelve passengers.

(g) A *cargo ship* is any ship which is not a passenger ship.

(h) A *tanker* is a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable† nature.

(i) A *fishing vessel* is a vessel used for catching fish, whales, seals, walrus or other living resources of the sea.

(j) A *nuclear ship* is a ship provided with a nuclear power plant.

P88 (k) *New ship* means a ship the keel of which is laid or which is at a similar stage of construction on or after 25 May 1980.

(l) *Existing ship* means a ship which is not a new ship.

(m) A *mile* is 1,852 m or 6,080 ft.

P88 (n) *Anniversary date* means the day and the month of each year which will correspond to the date of expiry of the relevant certificate.

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* Refer to Unified interpretation of the application of regulations governed by the building contract date, the keel laying date and the delivery date for the requirements of the SOLAS and MARPOL Conventions (MSC-MEPC.5/Circ.8).

† "Inflammable" has the same meaning as "flammable".

Regulation 3
Exceptions

(a) The present regulations, unless expressly provided otherwise, do not apply to:

(i) Ships of war and troopships.

(ii) Cargo ships of less than 500 gross tonnage.

(iii) Ships not propelled by mechanical means.

(iv) Wooden ships of primitive build.

(v) Pleasure yachts not engaged in trade.

(vi) Fishing vessels.

(b) Except as expressly provided in chapter V, nothing herein shall apply to ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.

Regulation 4
*Exemptions**

(a) A ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Administration from any of the requirements of the present regulations provided that it complies with safety requirements which are adequate in the opinion of the Administration for the voyage which is to be undertaken by the ship.

(b) The Administration may exempt any ship which embodies features of a novel kind from any of the provisions of chapters II-1, II-2, III and IV of these regulations the application of which might seriously impede research into the development of such features and their incorporation in ships engaged on international voyages. Any such ship shall, however, comply with safety requirements which, in the opinion of that Administration, are adequate for the service for which it is intended and are such as to ensure the overall safety of the ship and which are acceptable to the Governments of the States to be visited by the ship. The Administration which allows any such exemption shall communicate to the Organization particulars of same and the reasons therefor which the Organization shall circulate to the Contracting Governments for their information.

Regulation 5
Equivalents

(a) Where the present regulations require that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a ship; or that any particular provision shall be made, the Administration may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that ship, if it is satisfied by trial thereof or otherwise that such fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by the present regulations.

(b) Any Administration which so allows, in substitution, a fitting, material, appliance or apparatus, or type thereof, or provision, shall communicate to the Organization particulars thereof together with a report on any trials made and the Organization shall circulate such particulars to other Contracting Governments for the information of their officers.

* Refer to Issue of exemption certificates under the 1974 SOLAS Convention and amendments thereto, as amended (SLS.14/Circ.115) and Port State concurrence with SOLAS exemptions (MSC/Circ.606).

Part B
Surveys and certificates*

PBS Regulation 6
Inspection and survey

(a) The inspection and survey of ships, so far as regards the enforcement of the provisions of the present regulations and the granting of exemptions therefrom, shall be carried out by officers of the Administration. The Administration may, however, entrust the inspections and surveys either to surveyors nominated for the purpose or to organizations recognized by it.

(b) An Administration nominating surveyors or recognizing organizations to conduct inspections and surveys as set forth in paragraph (a) shall as a minimum empower any nominated surveyor or recognized organization to:

(i) require repairs to a ship;

(ii) carry out inspections and surveys if requested by the appropriate authorities of a port State.

The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to nominated surveyors or recognized organizations.†

(c) When a nominated surveyor or recognized organization determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate or is such that the ship is not fit to proceed to sea without danger to the ship, or persons on board, such surveyor or organization shall immediately ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action is not taken the relevant certificate should be withdrawn and the Administration shall be notified immediately; and, if the ship is in the port of another Party, the appropriate authorities of the port State shall also be notified immediately. When an officer of the Administration, a nominated surveyor or a recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this regulation. When applicable, the Government of the port State concerned shall ensure that the ship shall not sail until it can proceed to sea, or leave port for the purpose of proceeding to the appropriate repair yard, without danger to the ship or persons on board.

(d) In every case, the Administration shall fully guarantee the completeness and efficiency of the inspection and survey, and shall undertake to ensure the necessary arrangements to satisfy this obligation.

PBS Regulation 7
Surveys of passenger ships‡

(a) A passenger ship shall be subject to the surveys specified below:

(i) an initial survey before the ship is put in service;

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* Refer to Global and uniform implementation of the harmonized system of survey and certification (HSSC) (resolution A.883(21)), Survey guidelines under the harmonized system of survey and certification (HSSC), 2011 (resolution A.1053(27), as may be amended), Guidelines for pre-planning of surveys in dry docks of ships which are not subject to the enhanced programme of inspections (MSC.1/Circ.1223), Unified interpretation of the term "first survey" referred to in SOLAS regulations (MSC.1/Circ.1290) and Guidelines for Administrations to ensure the adequacy of transfer of class-related matters between recognized organizations (ROs) (MSC-MEPC.5/Circ.2).

† Refer to Communication of information on the authorization of recognized organizations (ROs) (MSC/Circ.1010-MEPC/Circ.382) and the information collected via the Global Integrated Shipping Information System (GISIS).

‡ Refer to Surveys and inspections of ro-ro passenger ships (resolution A.794(19)), Guidelines for unscheduled inspections of ro-ro passenger ships by flag States (MSC/Circ.956) and Guidelines for the assessment of technical provisions for the performance of an in-water survey in lieu of bottom inspection in dry-dock to permit one dry-dock examination in any five-year period for passenger ships other than ro-ro passenger ships (MSC.1/Circ.1348).

(ii) a renewal survey once every 12 months, except where regulation 14(b), (e), (f) and (g) is applicable;

(iii) additional surveys, as occasion arises.

(b) The surveys referred to above shall be carried out as follows:

(i) the initial survey shall include a complete inspection of the ship's structure, machinery and equipment, including the outside of the ship's bottom and the inside and outside of the boilers. This survey shall be such as to ensure that the arrangements, materials and scantlings of the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installation, radio installations including those used in life-saving appliances, fire protection, fire safety systems and appliances, life-saving appliances and arrangements, shipborne navigational equipment, nautical publications, means of embarkation for pilots and other equipment fully comply with the requirements of the present regulations, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration for ships of the service for which it is intended. The survey shall also be such as to ensure that the workmanship of all parts of the ship and its equipment is in all respects satisfactory, and that the ship is provided with the lights, shapes, means of making sound signals and distress signals as required by the provisions of the present regulations and the International Regulations for Preventing Collisions at Sea in force;

(ii) the renewal survey shall include an inspection of the structure, boilers and other pressure vessels, machinery and equipment, including the outside of the ship's bottom. The survey shall be such as to ensure that the ship, as regards the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installation, radio installations including those used in life-saving appliances, fire protection, fire safety systems and appliances, life-saving appliances and arrangements, shipborne navigational equipment, nautical publications, means of embarkation for pilots and other equipment is in satisfactory condition and is fit for the service for which it is intended, and that it complies with the requirements of the present regulations and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration. The lights, shapes, means of making sound signals and distress signals carried by the ship shall also be subject to the above-mentioned survey for the purpose of ensuring that they comply with the requirements of the present regulations and of the International Regulations for Preventing Collisions at Sea in force;

(iii) an additional survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in regulation 11, or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the ship complies in all respects with the provisions of the present regulations and of the International Regulations for Preventing Collisions at Sea in force, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration;

(c) (i) the laws, decrees, orders and regulations referred to in paragraph (b) of this regulation shall be in all respects such as to ensure that, from the point of view of safety of life, the ship is fit for the service for which it is intended;

(ii) they shall among other things prescribe the requirements to be observed as to the initial and subsequent hydraulic or other acceptable alternative tests to which the main and auxiliary boilers, connections, steam pipes, high pressure receivers and fuel tanks for internal combustion engines are to be submitted including the test procedures to be followed and the intervals between two consecutive tests.

PBR Regulation 8

Surveys of life-saving appliances and other equipment of cargo ships

(a) The life-saving appliances and other equipment of cargo ships of 500 gross tonnage and upwards as referred to in paragraph (b)(i) shall be subject to the surveys specified below:

(i) an initial survey before the ship is put in service;

(ii) a renewal survey at intervals specified by the Administration but not exceeding 5 years, except where regulation 14(b), (e), (f) and (g) is applicable;

(iii) a periodical survey within three months before or after the second anniversary date or within three months before or after the third anniversary date of the Cargo Ship Safety Equipment Certificate which shall take the place of one of the annual surveys specified in paragraph (a)(iv);

(iv) an annual survey within 3 months before or after each anniversary date of the Cargo Ship Safety Equipment Certificate;

(v) an additional survey as prescribed for passenger ships in regulation 7(b)(iii).

(b) The surveys referred to in paragraph (a) shall be carried out as follows:

(i) the initial survey shall include a complete inspection of the fire safety systems and appliances, life-saving appliances and arrangements except radio installations, the shipborne navigational equipment, means of embarkation for pilots and other equipment to which chapters II-1, II-2, III and V apply to ensure that they comply with the requirements of the present regulations, are in satisfactory condition and are fit for the service for which the ship is intended. The fire control plans, nautical publications, lights, shapes, means of making sound signals and distress signals shall also be subject to the above-mentioned survey for the purpose of ensuring that they comply with the requirements of the present regulations and, where applicable, the International Regulations for Preventing Collisions at Sea in force;

(ii) the renewal and periodical surveys shall include an inspection of the equipment referred to in paragraph (b)(i) to ensure that it complies with the relevant requirements of the present regulations and the International Regulations for Preventing Collisions at Sea in force, is in satisfactory condition and is fit for the service for which the ship is intended;

(iii) the annual survey shall include a general inspection of the equipment referred to in paragraph (b)(i) to ensure that it has been maintained in accordance with regulation 11(a) and that it remains satisfactory for the service for which the ship is intended.

(c) The periodical and annual surveys referred to in paragraphs (a)(iii) and (a)(iv) shall be endorsed on the Cargo Ship Safety Equipment Certificate.

P&B Regulation 9

Surveys of radio installations of cargo ships

(a) The radio installations, including those used in life-saving appliances, of cargo ships to which chapters III and IV apply shall be subject to the surveys specified below:

(i) an initial survey before the ship is put in service;

(ii) a renewal survey at intervals specified by the Administration but not exceeding five years, except where regulation 14(b), (e), (f) and (g) is applicable;

(iii) a periodical survey within three months before or after each anniversary date of the Cargo Ship Safety Radio Certificate;

(iv) an additional survey as prescribed for passenger ships in regulation 7(b)(iii).

(b) The surveys referred to in paragraph (a) shall be carried out as follows:

(i) the initial survey shall include a complete inspection of the radio installations of cargo ships, including those used in life-saving appliances, to ensure that they comply with the requirements of the present regulations;

(ii) the renewal and periodical surveys shall include an inspection of the radio installations of cargo ships, including those used in life-saving appliances, to ensure that they comply with the requirements of the present regulations.

(c) The periodical surveys referred to in paragraph (a)(iii) shall be endorsed on the Cargo Ship Safety Radio Certificate.

P&I Regulation 10

*Surveys of structure, machinery and equipment of cargo ships**

(a) The structure, machinery and equipment (other than items in respect of which a Cargo Ship Safety Equipment Certificate and a Cargo Ship Safety Radio Certificate are issued) of a cargo ship as referred to in paragraph (b)(i) shall be subject to the surveys and inspections specified below:

(i) an initial survey including an inspection of the outside of the ship's bottom before the ship is put in service;

(ii) a renewal survey at intervals specified by the Administration but not exceeding 5 years, except where regulation 14(b), (e), (f) and (g) is applicable;

(iii) an intermediate survey within three months before or after the second anniversary date or within three months before or after the third anniversary date of the Cargo Ship Safety Construction Certificate, which shall take the place of one of the annual surveys specified in paragraph (a)(iv);

(iv) an annual survey within 3 months before or after each anniversary date of the Cargo Ship Safety Construction Certificate;

(v) a minimum of two inspections of the outside of the ship's bottom during any five year period, except where regulation 14(e) or (f) is applicable. Where regulation 14(e) or (f) is applicable, this five-year period may be extended to coincide with the extended period of validity of the certificate. In all cases the interval between any two such inspections shall not exceed 36 months;

(vi) an additional survey as prescribed for passenger ships in regulation 7(b)(iii).

(b) The surveys and inspections referred to in paragraph (a) shall be carried out as follows:

(i) the initial survey shall include a complete inspection of the structure, machinery and equipment. This survey shall be such as to ensure that the arrangements, materials, scantlings and workmanship of the structure, boilers and other pressure vessels, their appurtenances, main and auxiliary machinery including steering gear and associated control systems, electrical installation and other equipment comply with the requirements of the present regulations, are in satisfactory condition and are fit for the service for which the ship is intended and that the required stability information is provided. In the case of tankers such a survey shall also include an inspection of the pump-rooms, cargo, bunker and ventilation piping systems and associated safety devices;

(ii) the renewal survey shall include an inspection of the structure, machinery and equipment as referred to in paragraph (b)(i) to ensure that they comply with the requirements of the present regulations, are in satisfactory condition and are fit for the service for which the ship is intended;

(iii) the intermediate survey shall include an inspection of the structure, boilers and other pressure vessels, machinery and equipment, the steering gear and the associated control systems and electrical installations to ensure that they remain satisfactory for the service for which the ship is intended. In the case of tankers, the survey shall also include an inspection of the pump-rooms, cargo, bunker and ventilation piping systems and associated safety devices and the testing of insulation resistance of electrical installations in dangerous zones;

(iv) the annual survey shall include a general inspection of the structure, machinery and equipment referred to in paragraph (b)(i), to ensure that they have been maintained in accordance with regulation 11(a) and that they remain satisfactory for the service for which the ship is intended;

(v) the inspection of the outside of the ship's bottom and the survey of related items inspected at the same time shall be such as to ensure that they remain satisfactory for the service for which the ship is intended.

(c) The intermediate and annual surveys and the inspections of the outside of the ship's bottom referred to in paragraphs (a)(iii), (a)(iv) and (a)(v) shall be endorsed on the Cargo Ship Safety Construction Certificate.

* Refer to Guidelines for bulk carrier hatch cover surveys and owners' inspections and maintenance (MSC/Circ.1071).

PRR Regulation 11
*Maintenance of conditions after survey**

(a) The condition of the ship and its equipment shall be maintained to conform with the provisions of the present regulations to ensure that the ship in all respects will remain fit to proceed to sea without danger to the ship or persons on board.

(b) After any survey of the ship under regulations 7, 8, 9 or 10 has been completed, no change shall be made in the structural arrangements, machinery, equipment and other items covered by the survey, without the sanction of the Administration.

(c) Whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment, the master or owner of the ship shall report at the earliest opportunity to the Administration, the nominated surveyor or recognized organization responsible for issuing the relevant certificate, who shall cause investigations to be initiated to determine whether a survey, as required by regulations 7, 8, 9 or 10, is necessary. If the ship is in a port of another Contracting Government, the master or owner shall also report immediately to the appropriate authorities of the port State and the nominated surveyor or recognized organization shall ascertain that such a report has been made.

PSR Regulation 12
Issue or endorsement of certificates†

(a) (i) a certificate called a Passenger Ship Safety Certificate shall be issued after an initial or renewal survey to a passenger ship which complies with the relevant requirements of chapters II-1, II-2, III, IV and V and any other relevant requirements of the present regulations;

(ii) a certificate called a Cargo Ship Safety Construction Certificate shall be issued after an initial or renewal survey to a cargo ship which complies with the relevant requirements of chapters II-1 and II-2 (other than those relating to fire safety systems and appliances and fire control plans) and any other relevant requirements of the present regulations;

(iii) a certificate called a Cargo Ship Safety Equipment Certificate shall be issued after an initial or renewal survey to a cargo ship which complies with the relevant requirements of chapters II-1, II-2, III and V and any other relevant requirements of the present regulations;

(iv) a certificate called a Cargo Ship Safety Radio Certificate shall be issued after an initial or renewal survey to a cargo ship which complies with the relevant requirements of chapter IV and any other relevant requirements of the present regulations;

(v) (1) a certificate called a Cargo Ship Safety Certificate may be issued after an initial or renewal survey to a cargo ship which complies with the relevant requirements of chapters II-1, II-2, III, IV and V and any other relevant requirements of the present regulations, as an alternative to the certificates referred to in paragraph (a)(ii), (a)(iii) and (a)(iv);

(2) whenever in this chapter reference is made to a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate or Cargo Ship Safety Radio Certificate, it shall apply to a Cargo Ship Safety Certificate, if it is used as an alternative to these certificates.

(vi) the Passenger Ship Safety Certificate, the Cargo Ship Safety Equipment Certificate, the Cargo Ship Safety Radio Certificate and the Cargo Ship Safety Certificate, referred to in subparagraphs (i), (iii), (iv) and (v), shall be supplemented by a Record of Equipment;

* Refer to Ship design, construction, repair and maintenance (MSC/Circ.1070) and Shipboard technical operating and maintenance manuals (MSC.1/Circ.1253).

† Refer to Recommendation on the use of national tonnage in applying international conventions (resolution A.1073(28)).

(vii) when an exemption is granted to a ship under and in accordance with the provisions of the present regulations, a certificate called an Exemption Certificate shall be issued in addition to the certificates prescribed in this paragraph;

(viii) the certificates referred to in this regulation shall be issued or endorsed either by the Administration or by any person or organization authorized by it. In every case, that Administration assumes full responsibility for the certificates.

(b) A Contracting Government shall not issue certificates under, and in accordance with, the provisions of the International Convention for the Safety of Life at Sea, 1960, 1948 or 1929, after the date on which acceptance of the present Convention by the Government takes effect.

P&B Regulation 13

Issue or endorsement of certificates by another Government

A Contracting Government may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the requirements of the present regulations are complied with, shall issue or authorize the issue of certificates to the ship and, where appropriate, endorse or authorize the endorsement of certificates on the ship in accordance with the present regulations. Any certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of the State the flag of which the ship is entitled to fly, and it shall have the same force and receive the same recognition as a certificate issued under regulation 12.

P&B Regulation 14

*Duration and validity of certificates**

(a) A Passenger Ship Safety Certificate shall be issued for a period not exceeding 12 months. A Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate and Cargo Ship Safety Radio Certificate shall be issued for a period specified by the Administration which shall not exceed five years. An Exemption Certificate shall not be valid for longer than the period of the certificate to which it refers.

(b) (i) notwithstanding the requirements of paragraph (a), when the renewal survey is completed within three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to:

(1) for a passenger ship, a date not exceeding 12 months from the date of expiry of the existing certificate;

(2) for a cargo ship, a date not exceeding five years from the date of expiry of the existing certificate;

(ii) when the renewal survey is completed after the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to:

(1) for a passenger ship, a date not exceeding 12 months from the date of expiry of the existing certificate;

(2) for a cargo ship, a date not exceeding five years from the date of expiry of the existing certificate;

(iii) when the renewal survey is completed more than three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to:

(1) for a passenger ship, a date not exceeding 12 months from the date of completion of the renewal survey;

(2) for a cargo ship, a date not exceeding five years from the date of completion of the renewal survey.

* Refer to Recommended conditions for extending the period of validity of a certificate (MSC-MEPC.5/Circ.1) and Unified interpretation of the date of completion of the survey and verification on which the certificates are based (MSC-MEPC.5/Circ.3).

(c) If a certificate other than a Passenger Ship Safety Certificate is issued for a period of less than five years, the Administration may extend the validity of the certificate beyond the expiry date to the maximum period specified in paragraph (a), provided that the surveys referred to in regulations 8, 9 and 10 applicable when a certificate is issued for a period of 5 years are carried out as appropriate.

(d) If a renewal survey has been completed and a new certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the person or organization authorized by the Administration may endorse the existing certificate and such a certificate shall be accepted as valid for a further period which shall not exceed 5 months from the expiry date.

(e) If a ship at the time when a certificate expires is not in a port in which it is to be surveyed, the Administration may extend the period of validity of the certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so. No certificate shall be extended for a period longer than three months, and a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new certificate. When the renewal survey is completed, the new certificate shall be valid to:

(i) for a passenger ship, a date not exceeding 12 months from the date of expiry of the existing certificate before the extension was granted;

(ii) for a cargo ship, a date not exceeding 5 years from the date of expiry of the existing certificate before the extension was granted.

(f) A certificate issued to a ship engaged on short voyages which has not been extended under the foregoing provisions of this regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it. When the renewal survey is completed, the new certificate shall be valid to:

(i) for a passenger ship, a date not exceeding 12 months from the date of expiry of the existing certificate before the extension was granted;

(ii) for a cargo ship, a date not exceeding 5 years from the date of expiry of the existing certificate before the extension was granted.

(g) In special circumstances, as determined by the Administration, a new certificate need not be dated from the date of expiry of the existing certificate as required by paragraphs (b)(ii), (e) or (f). In these special circumstances, the new certificate shall be valid to:

(i) for a passenger ship, a date not exceeding 12 months from the date of completion of the renewal survey;

(ii) for a cargo ship, a date not exceeding five years from the date of completion of the renewal survey.

(h) If an annual, intermediate or periodical survey is completed before the period specified in the relevant regulations then:

(i) the anniversary date shown on the relevant certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;

(ii) the subsequent annual, intermediate or periodical survey required by the relevant regulations shall be completed at the intervals prescribed by these regulations using the new anniversary date;

(iii) the expiry date may remain unchanged provided one or more annual, intermediate or periodical surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by the relevant regulations are not exceeded.

(i) A certificate issued under regulation 12 or 13 shall cease to be valid in any of the following cases:

(i) if the relevant surveys and inspections are not completed within the periods specified under regulations 7(a), 8(a), 9(a) and 10(a);

(ii) if the certificate is not endorsed in accordance with the present regulations;

(iii) upon transfer of the ship to the flag of another State. A new certificate shall only be issued when the Government issuing the new certificate is fully satisfied that the ship is in compliance with the requirements of regulation 11(a) and (b). In the case of a transfer between Contracting Governments, if requested within three months after the transfer has taken place, the Government of the State whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Administration copies of the certificates carried by the ship before a transfer and, if available, copies of the relevant survey reports.

P88 **Regulation 15**
*Forms of certificates and records of equipment**

The certificates and records of equipment shall be drawn up in the form corresponding to the models given in the appendix to the annex to the present Convention. If the language used is neither English nor French, the text shall include a translation into one of these languages.†

P88 **Regulation 16**
Availability of certificates‡

The certificates issued under regulations 12 and 13 shall be readily available on board for examination at all times.

Regulation 17
Acceptance of certificates

Certificates issued under the authority of a Contracting Government shall be accepted by the other Contracting Governments for all purposes covered by the present Convention. They shall be regarded by the other Contracting Governments as having the same force as certificates issued by them.

Regulation 18
Qualification of certificates

(a) If in the course of a particular voyage a ship has on board a number of persons less than the total number stated in the Passenger Ship Safety Certificate and is in consequence, in accordance with the provisions of the present regulations, free to carry a smaller number of lifeboats and other life-saving appliances than that stated in the certificate, an annex may be issued by the Government, person or organization referred to in regulation 12 or 13 of this chapter.

(b) This annex shall state that in the circumstances there is no infringement of the provisions of the present regulations. It shall be annexed to the certificate and shall be substituted for it in so far as the life-saving appliances are concerned. It shall be valid only for the particular voyage for which it is issued.

* Refer to Guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments (MSC-MEPC.5/Circ.6).

† Refer to Translation of the text of certificates (resolution A.561(14)).

‡ Refer to Retention of original records/documents on board ships (MSC-MEPC.4/Circ.1) and Guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments (MSC-MEPC.5/Circ.6).

Regulation 19
*Control**

(a) Every ship when in a port of another Contracting Government is subject to control by officers duly authorized by such Government in so far as this control is directed towards verifying that the certificates issued under regulation 12 or regulation 13 are valid.

(b) Such certificates, if valid, shall be accepted unless there are clear grounds for believing that the condition of the ship or of its equipment does not correspond substantially with the particulars of any of the certificates or that the ship and its equipment are not in compliance with the provisions of regulation 11(a) and (b).

(c) In the circumstances given in paragraph (b) or where a certificate has expired or ceased to be valid, the officer carrying out the control shall take steps to ensure that the ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the appropriate repair yard without danger to the ship or persons on board.

(d) In the event of this control giving rise to an intervention of any kind, the officer carrying out the control shall forthwith inform, in writing, the Consul or, in his absence, the nearest diplomatic representative of the State whose flag the ship is entitled to fly† of all the circumstances in which intervention was deemed necessary. In addition, nominated surveyors or recognized organizations responsible for the issue of the certificates shall also be notified. The facts concerning the intervention shall be reported to the Organization.

(e) The port State authority concerned shall notify all relevant information about the ship to the authorities of the next port of call, in addition to parties mentioned in paragraph (d), if it is unable to take action as specified in paragraphs (c) and (d) or if the ship has been allowed to proceed to the next port of call.

(f) When exercising control under this regulation all possible efforts shall be made to avoid a ship being unduly detained or delayed. If a ship is thereby unduly detained or delayed it shall be entitled to compensation for any loss or damage suffered.

Regulation 20
Privileges

The privileges of the present Convention may not be claimed in favour of any ship unless it holds appropriate valid certificates.

KENYA MARITIME AUTHORITY
P O Box 95076 - 80104
MOMBASA
Tel: 041-2318398, 0724-319344

* Refer to Procedures for port State control, 2011 (resolution A.1052(27)) and Code of good practice for port State control officers (MSC-MEPC.4/Circ.2)..

† Refer to Measures to improve port State control procedures (MSC/Circ.1011-MEPC/Circ.383), to the MSC-MEPC.6 circular series, and to the information collected via the Global Integrated Shipping Information System (GISIS).

Part C
Casualties

Regulation 21
*Casualties**

(a) Each Administration undertakes to conduct an investigation of any casualty occurring to any of its ships subject to the provisions of the present Convention when it judges that such an investigation may assist in determining what changes in the present regulations might be desirable.

(b) Each Contracting Government undertakes to supply the Organization with pertinent information concerning the findings of such investigations. No reports or recommendations of the Organization based upon such information shall disclose the identity or nationality of the ships concerned or in any manner fix or imply responsibility upon any ship or person.

* See additional requirements for the investigation of marine casualties and incidents in regulation XI-1/6.

PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA OF 1 NOVEMBER 1974

(London, 17 February 1978)

THE PARTIES TO THE PRESENT PROTOCOL,

BEING Parties to the International Convention for the Safety of Life at Sea, 1974, done at London on 1 November 1974,

RECOGNIZING the significant contribution which can be made by the above-mentioned Convention to the promotion of the safety of ships and property at sea and the lives of persons on board,

RECOGNIZING also the need to improve further the safety of ships, particularly tankers,

CONSIDERING that this objective may best be achieved by the conclusion of a Protocol Relating to the International Convention for the Safety of Life at Sea, 1974,

HAVE AGREED as follows:

Article I

General obligations

The Parties to the present Protocol undertake to give effect to the provisions of the present Protocol and the Annex hereto which shall constitute an integral part of the present Protocol. Every reference to the present Protocol constitutes at the same time a reference to the Annex hereto.

Article II

Application

1. The provisions of Articles II, III (other than paragraph (a)), IV, VI(b), (c) and (d), VII and VIII of the International Convention for the Safety of Life at Sea, 1974 (hereinafter referred to as "the Convention") are incorporated in the present Protocol, provided that references in those Articles to the Convention and to Contracting Governments shall be taken to mean references to the present Protocol and to the Parties to the present Protocol, respectively.

2. Any ship to which the present Protocol applies shall comply with the provisions of the Convention, subject to the modifications and additions set out in the present Protocol.

3. With respect to the ships of non-parties to the Convention and the present Protocol, the Parties to the present Protocol shall apply the requirements of the Convention and the present Protocol as may be necessary to ensure that no more favourable treatment is given to such ships.

Article III

Communication of information

The Parties to the present Protocol undertake to communicate to, and deposit with, the Secretary-General of the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as "the Organization"), a list of nominated surveyors or recognized organizations which are authorized to act on their behalf in the administration of measures for safety of life at sea for circulation to the Parties for information of their officers. The Administration shall therefore notify the Organization of the specific responsibilities and conditions of the authority delegated to the nominated surveyors or recognized organizations.

Article IV

Signature, ratification, acceptance, approval and accession

1. The present Protocol shall be open for signature at the Headquarters of the Organization from 1 June 1978 to 1 March 1979 and shall thereafter remain open for accession. Subject to the provisions of paragraph 3 of this Article, States may become Parties to the present Protocol by:

   (a) signature without reservation as to ratification, acceptance or approval; or

   (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

   (c) accession.

2. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization.

3. The present Protocol may be signed without reservation, ratified, accepted, approved or acceded to only by States which have signed without reservation, ratified, accepted, approved or acceded to the Convention.

Article V

Entry into force

1. The present Protocol shall enter into force six months after the date on which not less than fifteen States, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant shipping, have become Parties to it in accordance with Article IV of the present Protocol, provided however that the present Protocol shall not enter into force before the Convention has entered into force.

2. Any instrument of ratification, acceptance, approval or accession deposited after the date on which the present Protocol enters into force shall take effect three months after the date of deposit.

3. After the date on which an amendment to the present Protocol is deemed to have been accepted under Article VIII of the Convention, any instrument of ratification, acceptance, approval or accession deposited shall apply to the present Protocol as amended.

Article VI

Denunciation

1. The present Protocol may be denounced by any Party at any time after the expiry of five years from the date on which the present Protocol enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its receipt by the Secretary-General of the Organization.

4. A denunciation of the Convention by a party shall be deemed to be a denunciation of the present Protocol by that Party.

Article VII

Depositary

1. The present Protocol shall be deposited with the Secretary-General of the Organization (hereinafter referred to as "the Depositary").

2. The Depositary shall:

   (a) inform all States which have signed the present Protocol or acceded thereto of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

(ii) the date of entry into force of the present Protocol;

(iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which it was received and the date on which the denunciation takes effect;

(b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

3. As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article VIII

Languages

The present Protocol is established in a single original in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German and Italian languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Protocol.

DONE AT LONDON this seventeenth day of February One thousand nine hundred and seventy-eight.

[Signatures not reproduced here.]

ANNEX

MODIFICATIONS AND ADDITIONS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974

CHAPTER I

GENERAL PROVISIONS

PART A - APPLICATION, DEFINITIONS, ETC

Regulation 2

Definitions

The following paragraph is added to the existing text:

(n) "Age of a ship" means the elapsed period of time determined from the year of build as indicated on the ship's registry papers.

PART B - SURVEYS AND CERTIFICATES

Regulation 6

Inspection and survey

The existing text of Regulation 6 is replaced by the following:

(a) The inspection and survey of ships, so far as regards the enforcement of the provisions of the present Regulations and the granting of exemptions therefrom, shall be carried out by officers of the Administration. The Administration may, however, entrust the inspections and surveys either to surveyors nominated for the purpose or to organizations recognized by it.

(b) The Administration shall institute arrangements for unscheduled inspections to be carried out during the period of validity of the certificate. Such inspections shall ensure that the ship and its equipment remain in all respects satisfactory for the service for which the ship is intended. These inspections may be carried out by the Administration's own inspection services, or by nominated surveyors, or by recognized organizations, or by other Parties upon request of the Administration. Where the Administration, under the provisions of Regulations 8 and 10 of this Chapter, establishes mandatory annual surveys, the above unscheduled inspections shall not be obligatory.

(c) An Administration nominating surveyors or recognizing organizations to conduct inspections and surveys as set forth in paragraphs (a) and (b) of this Regulation shall as a minimum empower any nominated surveyor or recognized organization to:

(i) require repairs to a ship, and

(ii) carry out inspections and surveys if requested by the appropriate authorities of a Port State.

The Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to nominated surveyors or recognized organizations.

(d) When a nominated surveyor or recognized organization determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate or is such that the ship is not fit to proceed to sea without danger to the ship, or persons on board, such surveyor or organization shall immediately ensure that corrective action is taken and shall in due course notify the Administration. If such corrective action is not taken the relevant certificate should be withdrawn and the Administration shall be notified immediately; and, if the ship is in the port of another Party, the appropriate authorities of the Port State shall also be notified immediately. When an officer of the Administration, a nominated surveyor or recognized organization has notified the appropriate authorities of the Port State, the Government of the Port State concerned shall give such officer, surveyor or organization any necessary assistance to carry out their obligations under this Regulation. When applicable, the Government of the Port State concerned shall ensure that the ship shall not sail until it can proceed to sea, or leave port for the purpose of proceeding to the appropriate repair yard, without danger to the ship or persons on board.

(e) In every case, the Administration shall fully guarantee the completeness and efficiency of the inspection and survey, and shall undertake to ensure the necessary arrangements to satisfy this obligation.

Regulation 7

Surveys of passenger ships

The existing text of paragraph (b)(iii) is replaced by the following:

(iii) A survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in Regulation 11 of this Chapter, or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the ship complies in all respects with the provisions of the Convention and the present Protocol and of the International Regulations for Preventing Collisions at Sea in force, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration.

Regulation 8

Surveys of life-saving appliances and other equipment of cargo ships

The existing text of Regulation 8 is replaced by the following:

(a) The life-saving appliances, except a radiotelegraph installation in a motor lifeboat or a portable radio apparatus for survival craft, the echo-sounding device, the gyro-compass, the fire-extinguishing appliances and the inert gas system of cargo

ships to which Chapters II-1, II-2, III and V of the Convention and the present Protocol apply, shall be subject to initial and subsequent surveys as prescribed for passenger ships in Regulation 7 of Chapter I of the Convention and the present Protocol with the substitution of 24 months for 12 months in sub-paragraph (a)(ii) of that Regulation. The fire control plans in new ships and the pilot ladders, mechanical pilot hoists, lights, shapes and means of making sound signals carried by new and existing ships shall be included in the surveys for the purpose of ensuring that they comply fully with the requirements of the Convention and the present Protocol and, where applicable, the International Regulations for Preventing Collisions at Sea in force.

(b) Intermediate surveys shall be made for tankers of ten years of age and over, within three months before or after the anniversary date of the Cargo Ship Safety Equipment Certificate, to ensure that equipment specified in paragraph (a) of this Regulation has been maintained in accordance with Regulation 11 of this Chapter and that it is in good working condition. Such intermediate surveys shall be endorsed on the Cargo Ship Safety Equipment Certificate issued in accordance with Regulation 12(a)(iii) of Chapter I of the Convention.

Regulation 10

Surveys of hull, machinery and equipment of cargo ships

The existing text of Regulation 10 is replaced by the following:

(a) The hull, machinery and equipment (other than items in respect of which Cargo Ship Safety Equipment Certificates, Cargo Ship Safety Radiotelegraphy Certificates or Cargo Ship Radiotelephony Certificates are issued) of a cargo ship shall be surveyed on completion and thereafter in such a manner as the Administration may consider necessary in order to ensure that their condition is in all respects satisfactory and at the following intervals:

(i) at intervals specified by the Administration but not exceeding five years (periodical surveys);

(ii) in addition to such periodical surveys a tanker of ten years of age and over shall undergo a minimum of one intermediate survey during the period of validity of its Cargo Ship Safety Construction Certificate. In cases where only one such intermediate survey is carried out in any one certificate validity period, it shall be held not before six months prior to, nor later than six months after, the half-way date of the certificate's period of validity.

(b) The initial and periodical survey shall be such as to ensure that the arrangements, material and scantlings of the structure, boilers and other pressure vessels, their appurtenances, main and auxiliary machinery including steering gear and

associated control systems, electrical installation and other equipment are in all respects satisfactory for the service for which the ship is intended. Such surveys shall, in the case of tankers, also include inspection of the outside of the ship's bottom, pump rooms, cargo and bunker piping systems, vent piping, pressure vacuum valves and flame screens.

(c) The intermediate survey of tankers of ten years of age and over shall include inspection of steering gear equipment and associated control systems, pump rooms, cargo and bunker piping systems on deck and in pump rooms, vent piping, pressure vacuum valves and flame screens, the electrical installations in dangerous zones, and the outside of the ship's bottom. In addition to the visual inspection of the electrical installation, the insulation resistance of the electrical equipment in dangerous zones is to be tested. If, upon examination, there should be any doubt as to the condition of the piping, extra measures, such as pressure tests and thickness determination, shall be taken as necessary. Such intermediate surveys shall be endorsed on the Cargo Ship Safety Construction Certificate issued in accordance with Regulation 12 (a)(ii) of Chapter I of the Convention.

(d) A survey, either general or partial according to the circumstances, shall be made when required after an investigation prescribed in Regulation 11 of this Chapter, or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the ship is fit to proceed to sea without danger to the ship or persons on board.

Regulation 11

Maintenance of conditions after survey

The existing text of Regulation 11 is replaced by the following:

(a) The condition of the ship and its equipment shall be maintained to conform with the provisions of the Convention and the present Protocol to ensure that the ship in all respects will remain fit to proceed to sea without danger to the ship or persons on board.

(b) After any survey of the ship under Regulations 6, 7, 8, 9 or 10 of Chapter I of the Convention and the present Protocol has been completed, no change shall be made in the structural arrangement, machinery, equipment and other items covered by the survey, without the sanction of the Administration.

(c) Whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment, the master or owner of the ship shall report at the earliest opportunity to the Administration, the nominated surveyor or recognized

organization responsible for issuing the relevant certificate, who shall cause investigations to be initiated to determine whether a survey, as required by Regulations 6, 7, 8, 9 or 10 of Chapter I of the Convention and the present Protocol, is necessary. If the ship is in a port of another Party, the master or owner shall also report immediately to the appropriate authorities of the Port State and the nominated surveyor or recognized organization shall ascertain that such a report has been made.

Regulation 14

Duration and validity of certificates

The existing text of Regulation 14 is replaced by the following:

(a) Certificates other than the Cargo Ship Safety Construction Certificate, the Cargo Ship Safety Equipment Certificate and any Exemption Certificate shall be issued for a period not exceeding 12 months. The Cargo Ship Safety Construction Certificate shall be issued for a period not exceeding five years. The Cargo Ship Safety Equipment Certificate shall be issued for a period not exceeding 24 months. Exemption Certificates shall not be valid for longer than the period of the certificates to which they refer.

(b) No extension of the five-year period of validity of the Cargo Ship Safety Construction Certificate shall be permitted.

(c) If a survey takes place within two months before the end of the period for which a Cargo Ship Safety Radiotelegraphy Certificate or a Cargo Ship Safety Radiotelephony Certificate issued in respect of cargo ships of 300 tons gross tonnage and upwards, but less than 500 tons gross tonnage, was originally issued, that certificate may be withdrawn, and a new certificate may be issued which shall expire 12 months after the end of the said period.

(d) If the ship at the time when a certificate, other than that referred to in paragraph (b) of this Regulation, expires is not in a port of the country in which it is registered or is to be surveyed, the Administration may extend the certificate, but such extension shall be granted only for the purpose of allowing the ship to complete its voyage to the country in which it is registered or is to be surveyed, and then only in cases where it appears proper and reasonable to do so.

(e) No certificate shall be extended under the provisions of paragraph (d) of this Regulation for a longer period than five months, and a ship to which an extension is granted shall not, on its arrival in the country in which it is registered or the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port or country without having obtained a new certificate.

(f) A certificate, other than that referred to in paragraph (b) of this Regulation, which has not been extended under the foregoing provisions of this Regulation, may be extended by the Administration for a period of grace up to one month from the date of expiry stated on it.

(g) A certificate shall cease to be valid:

(i) if the inspections and surveys are not carried out within the period specified under Regulations 7(a), 8, 9 and 10(a) of Chapter I of the Convention and the present Protocol or as they may have been extended in accordance with paragraphs (d), (e) or (f) of this Regulation, or

(ii) upon transfer of the ship to the flag of another Government. A new certificate shall only be issued when the Government issuing the new certificate is fully satisfied that the ship is in compliance with the requirements of Regulation 11(a) and (b) of this Chapter. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Government of the Party whose flag the ship was formally entitled to fly shall, as soon as possible, transmit to the Administration copies of the certificates carried by the ship before the transfer and, if available, copies of the relevant survey reports.

Regulation 19

Control

The existing text of Regulation 19 is replaced by the following:

(a) Every ship when in a port of another Party is subject to control by officers duly authorized by such Government in so far as this control is directed towards verifying that the certificates issued under Regulation 12 or Regulation 13 of Chapter I of the Convention are valid.

(b) Such certificates, if valid, shall be accepted unless there are clear grounds for believing that the condition of the ship or of its equipment does not correspond substantially with the particulars of any of the certificates or that the ship and its equipment are not in compliance with the provisions of Regulation 11(a) and (b) of this Chapter.

(c) In the circumstances given in paragraph (b) of this Regulation or where a certificate has expired or ceased to be valid, the officer carrying out the control shall take steps to ensure that the ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the appropriate repair yard without danger to the ship or persons on board.

(d) In the event of this control giving rise to an intervention of any kind, the officer carrying out the control shall forthwith inform, in writing, the Consul or, in his absence, the nearest diplomatic representative of the State whose flag the ship is entitled to fly of all the circumstances in which intervention was deemed necessary. In addition, nominated surveyors or recognized organizations responsible for the issue of the certificates shall also be notified. The facts concerning the intervention shall be reported to the Organization.

(e) The Port State authority concerned shall notify all relevant information about the ship to the authorities of the next port of call, in addition to parties mentioned in paragraph (d) of this Regulation, if it is unable to take action as specified in paragraphs (c) and (d) of this Regulation or if the ship has been allowed to proceed to the next port of call.

(f) When exercising control under this Regulation all possible efforts shall be made to avoid a ship being unduly detained or delayed. If a ship is thereby unduly detained or delayed it shall be entitled to compensation for any loss or damage suffered.

CHAPTER II-1

CONSTRUCTION - SUBDIVISION AND STABILITY, MACHINERY AND ELECTRICAL INSTALLATIONS

PART A - GENERAL

Regulation 1

Application

The following sub-paragraphs are added to the existing text of paragraph (b):

(iii) Notwithstanding the provisions of sub-paragraph (ii) of this paragraph and sub-paragraph (a)(iii) of this Regulation, for the purposes of paragraph (d) of Regulation 29 of this Chapter, a new tanker means a tanker:

(1) for which the building contract is placed after 1 June 1979; or

(2) in the absence of a building contract, the keel of which is laid, or which is at a similar stage of construction after 1 January 1980; or

(3) the delivery of which is after 1 June 1982; or

(4) which has undergone an alteration or modification or a major character:

(a) for which the contract is placed after 1 June 1979; or

(b) in the absence of a contract, the construction work of which is begun after 1 January 1980; or

(c) which is completed after 1 June 1982.

(iv) For the purposes of paragraph (d) of Regulation 29 of this Chapter, an existing tanker is a tanker which is not a new tanker as defined in sub-paragraph (iii) of this paragraph.

(v) For the purposes of sub-paragraph (iii) of this paragraph, conversion of an existing tanker of 20,000 metric tons deadweight and upwards to meet the requirements of the present Protocol or the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, shall not be deemed to constitute an alteration or modification of a major character.

Regulation 2

Definitions

The following paragraphs are added to the existing text:

(k) The remote steering gear control system is the means by which required rudder movements are transmitted from the navigating bridge to the steering gear power unit controls.

(l) The main steering gear is the machinery, the steering gear power units, if any, and ancillary equipment and the means of applying torque to the rudder stock (e.g. tiller or quadrant) necessary for effecting movement of the rudder for the purpose of steering the ship under normal service conditions.

(m) The steering gear power unit is:

(i) In the case of electric steering gear, an electric motor and its associated electrical equipment;

(ii) in the case of electro-hydraulic steering gear, an electric motor and its associated electrical equipment and connected pump;

(iii) in the case of other hydraulic steering gear, a driving engine and connected pump.

(n) The auxiliary steering gear is that equipment which is provided for effecting movement of the rudder for the purpose of steering the ship in the event of failure of the main steering gear.

PART C - MACHINERY AND ELECTRICAL INSTALLATIONS

Regulation 29

Steering gear

The following paragraph is added to the existing text:

(d) Tankers only

(i) The following shall apply to every new tanker of 10,000 tons gross tonnage and upwards and, not later than two years from the date of entry into force of the present Protocol, to every existing tanker of 10,000 tons gross tonnage and upwards:

(1) two remote steering gear control systems shall be provided, each of which shall be operable separately from the navigating bridge. This does not require duplication of the steering wheel or steering lever. In the event of failure of the remote steering gear control system in operation, the other system shall be capable of being brought into immediate operation from a position on the navigating bridge. Each remote steering gear control system, if electric, shall be served by its own separate circuit supplied from the steering gear power circuit from a point within the steering gear compartment. In the event of failure of electrical power supply to a remote steering gear control system an alarm shall be given on the navigating bridge. The alarms required in this sub-paragraph shall be both audible and visual and situated in a position on the navigating bridge where they can be readily observed;

(2) control of the main steering gear shall also be provided in the steering gear compartment;

(3) means shall be provided in the steering gear compartment to disconnect the remote steering gear control system from the power circuit;

(4) a means of communication shall be provided between the navigating bridge and the steering gear compartment;

(5) the exact angular position of the rudder shall be indicated on the navigating bridge. The rudder angle indication shall be independent of the remote steering gear control system; and

(6) the angular position of the rudder shall be recognizable in the steering gear compartment.

(ii) In every new tanker of 10,000 tons gross tonnage and upwards, in addition to the requirements of paragraph (a) and sub-paragraph (d)(i) of this Regulation, the following shall apply:

(1) the main steering gear shall comprise two or more identical power units and it shall be capable of operating the rudder as required by sub-paragraph (d)(ii)(2) of this Regulation while operating with one or more power units. As far as reasonable and practicable, the main steering gear shall be so arranged that a single failure in its piping or in one of the power units will not impair the integrity of the remaining part of the steering gear. All mechanical couplings which are part of the steering gear and the mechanical connexion with any remote steering gear control system, if any, shall be of sound and reliable construction to the satisfaction of the Administration;

(2) the main steering gear shall, with the ship at its deepest sea-going draught, be capable of putting the rudder over from 35 degrees on one side to 35 degrees on the other side with the ship running ahead at maximum service speed. The rudder shall be capable of being put over from 35 degrees on either side to 30 degrees on the other side in not more than 28 seconds, under the same conditions;

(3) the main steering gear shall be operated by power where necessary to fulfill the requirements of sub-paragraph (d)(ii)(2) of this Regulation;

(4) the main steering gear power units shall be arranged to start automatically when power is restored after a power failure;

(5) in the event of failure of any of the steering gear power units an alarm shall be given on the navigating bridge. Every steering gear power unit shall be capable of being brought into operation either automatically or manually from a position on the navigating bridge; and

(6) an alternative power supply, at least sufficient to supply a steering gear power unit so as to enable it to move the rudder as specified below, and also to supply its associated remote steering gear control system and the rudder angle indicator, shall be provided, automatically, within 45 seconds, either from the emergency source of electrical power, or from another independent source of power located in the steering gear compartment. This independent source of power shall be used only for this purpose and shall have a capacity sufficient for half an hour of continuous operation. The steering gear power unit, when being supplied by the alternative

power supply, shall at least be capable of putting the rudder over from 15 degrees on one side to 15 degrees on the other side in not more than 60 seconds with the ship at its deepest sea-going draught while running at one half of its maximum service speed ahead or 7 knots, whichever is the greater.

CHAPTER II - 2

CONSTRUCTION - FIRE PROTECTION, FIRE DETECTION AND FIRE EXTINCTION

PART A - GENERAL

Regulation 1

Application

The following sub-paragraphs are added to the existing text of paragraph (a):

(iv) Notwithstanding the provisions of sub-paragraphs (ii) and (iii) of this paragraph, for the purposes of paragraph (a)(ii) of Regulation 55 and of Regulation 60 of this Chapter, a new tanker means a tanker:

(1) for which the building contract is placed after 1 June 1979; or

(2) in the absence of a building contract, the keel of which is laid, or which is at a similar stage of construction after 1 January 1980; or

(3) the delivery of which is after 1 June 1982; or

(4) which has undergone an alteration or modification of a major character:

(a) for which the contract is placed after 1 June 1979; or

(b) in the absence of a contract, the construction work of which is begun after 1 January 1980; or

(c) which is completed after 1 June 1982.

(v) For the purposes of paragraph (a)(ii) of Regulation 55 and of Regulation 60 of this Chapter, an existing tanker is a tanker which is not a new tanker as defined in sub-paragraph (iv) of this paragraph.

(vi) For the purposes of sub-paragraph (iv) of this paragraph, conversion of an existing tanker of 20,000 metric tons deadweight and upwards to meet the requirements of the present Protocol or the Protocol of 1978 Relating to the

International Convention for the Prevention of Pollution from Ships, 1973 shall not be deemed to constitute an alteration or modification of a major character.

Regulation 3

Definitions

The existing text of paragraph (v) is replaced by the following:

(v) "Lightweight" means the displacement of a ship in metric tons without cargo, fuel, lubricating oil, ballast water, fresh water and feed water in tanks, consumable stores, and passengers and crew and their effects.

The following paragraph is added to the existing text:

(x) "Crude oil" mean oil occurring naturally in the earth whether or not treated to render it suitable for transportation and includes:

(i) crude oil from which certain distillate fractions may have been removed; and

(ii) crude oil to which certain distillate fractions may have been added.

PART E - FIRE SAFETY MEASURES FOR TANKERS

Regulation 55

Application

The existing text of this Regulation is replaced by the following:

(a) Unless expressly provided otherwise:

(i) this part shall apply to all new tankers carrying crude oil and petroleum products having a flashpoint not exceeding 60deg.C (140deg.F) (closed cup test) as determined by an approved flashpoint apparatus and a Reid vapour pressure which is below atmospheric pressure and other liquid products having similar fire hazard; and

(ii) in addition, all ships covered by this Part shall comply with the requirements of Regulations 52, 53 and 54 of Chapter II-2 of the Convention except that fixed gas fire-extinguishing systems for cargo spaces shall not be used for new tankers and for those existing tankers complying with Regulation 60 of this Chapter. For existing tankers not required to comply with Regulation 60, the Administration, in applying the requirements of paragraph (f) of Regulation 52, may accept a froth

system capable of discharging froth internally or externally to the tanks. The details of the installation shall be to the satisfaction of the Administration.

(b) Where cargoes other than those referred to in sub-paragraph (a)(i) of this Regulation which introduce additional fire hazards are intended to be carried, additional safety measures shall be required to the satisfaction of the Administration.

(c) Combination carriers shall not carry solid cargoes unless all cargo tanks are empty of oil and gas freed or unless, in each case, the Administration is satisfied with the arrangements provided.

Regulation 60

Cargo tank protection

The existing text of this Regulation is replaced by the following:

(a) For new tankers of 20,000 metric tons deadweight and upwards, the protection of the cargo tanks deck area and cargo tanks shall be achieved by a fixed deck froth system and a fixed inert gas system in accordance with the requirements of Regulations 61 and 62 of Chapter II-2 of the Convention except that in lieu of the above installations the Administration, after having given consideration to the ship's arrangement and equipment, may accept other combinations of fixed installations if they afford protection equivalent to the above, in accordance with Regulation 5 of Chapter I of the Convention.

(b) To be considered equivalent, the system proposed in lieu of the deck froth system shall:

(i) be capable of extinguishing spill fires and also preclude ignition of spilled oil not yet ignited; and

(ii) be capable of combating fires in ruptured tanks.

(c) To be considered equivalent, the system proposed in lieu of the fixed inert gas system shall:

(i) be capable of preventing dangerous accumulations of explosive mixtures in intact cargo tanks during normal service throughout the ballast voyage and necessary in-tank operations; and

(ii) be so designed as to minimize the risk of ignition from the generation of static electricity by the system itself.

(d) Any existing tanker of 20,000 metric tons deadweight and upwards engaged in the trade of carrying crude oil shall be fitted with an inert gas system, complying with the requirements of paragraph (a) of this Regulation, not later than a date:

(i) for a tanker of 70,000 metric tons deadweight and upwards, two years after the date of entry into force of the present Protocol; and

(ii) for a tanker of less than 70,000 metric tons deadweight, four years after the date of entry into force of the present Protocol, except that for tankers less than 40,000 tons deadweight not fitted with tank washing machines having an individual throughput of greater than 60 cubic metres per hour, the Administration may exempt existing tankers from the requirements of this paragraph, if it would be unreasonable and impracticable to apply these requirements, taking into account the ship's design characteristics.

(e) Any existing tanker of 40,000 metric tons deadweight and upwards engaged in the trade of carrying oil other than crude oil and any such tanker of 20,000 metric tons deadweight and upwards engaged in the trade of carrying oil other than crude oil fitted with tank washing machines having an individual throughput of greater than 60 cubic metres per hour shall be fitted with an inert gas system, complying with the requirements of paragraph (a) of this Regulation, not later than a date:

(i) for a tanker of 70,000 metric tons deadweight and upwards, two years after the date of entry into force of the present Protocol; and

(ii) for a tanker of less than 70,000 metric tons deadweight, four years after the date of entry into force of the present Protocol.

(f) Any tanker operating with a cargo tank cleaning procedure using crude oil washing shall be fitted with an inert gas system complying with the requirements of Regulation 62 of Chapter II-2 of the Convention and with fixed tank washing machines.

(g) All tankers fitted with a fixed inert gas system shall be provided with a closed ullage system.

(h) Any new tanker of 2,000 tons gross tonnage and upwards not covered by paragraph (a) of this Regulation shall be provided with a froth system, capable of discharging froth internally or externally, to the tanks. The details of such installation shall be to the satisfaction of the Administration.

CHAPTER V

SAFETY OF NAVIGATION

Regulation 12

Shipborne navigational equipment

The existing text of paragraph (a) is replaced by the following:

(a) All ships of 1,600 tons gross tonnage and upwards but less than 10,000 tons gross tonnage shall be fitted with at least one radar. All ships of 10,000 tons gross tonnage and upwards shall be fitted with at least two radars, each capable of operating independently of the other. All radars fitted in compliance with this Regulation shall be of a type approved by the Administration and shall conform to operational standards not inferior to those adopted by the Organization. Facilities for plotting radar readings shall be provided on the bridge in those ships.

Regulation 19

Use of the automatic pilot

The following paragraph is added to the existing text:

(d) The manual steering shall be tested after prolonged use of the automatic pilot, and before entering areas where navigation demands special caution.

The following new Regulations are added to this Chapter:

Regulation 19-1

Operation of steering gear

In areas where navigation demands special caution, ships shall have more than one steering gear power unit in operation when such units are capable of simultaneous operation.

Regulation 19-2

Steering gear - testing and drills

(a) Within 12 hours before departure, the ship's steering gear shall be checked and tested by the ship's crew. The test procedure shall include, where applicable, the operation of the following:

(i) the main steering gear;

(ii) the auxiliary steering gear;

(iii) the remote steering gear control systems;

(iv) the steering positions located on the navigating bridge;

(v) the emergency power supply;

(vi) the rudder angle indicators in relation to the actual position of the rudder;

(vii) the remote steering gear control system power failure alarms; and

(viii) the steering gear power unit failure alarms.

(b) The checks and test shall include:

(i) the full movement of the rudder according to the required capabilities of the steering gear;

(ii) a visual inspection of the steering gear and its connecting linkage; and

(iii) the operation of the means of communication between the navigating bridge and steering gear compartment.

(c) (i) Simple operating instructions with a block diagram showing the change-over procedures for remote steering gear control systems and steering gear power units shall be permanently displayed on the navigating bridge and in the steering gear compartment.

(ii) All officers concerned with the operation and/or maintenance of steering gear shall be familiar with the operation of the steering systems fitted on the ship and with the procedures for changing from one system to another.

(d) In addition to the routine checks and tests prescribed in paragraphs (a) and (b) of this Regulation, emergency steering drills shall take place at least once every three months in order to practise emergency steering procedures. These drills shall include direct control from within the steering gear compartment, the communications procedure with the navigating bridge and, where applicable, the operation of alternative power supplies.

(e) The Administration may waive the requirement to carry out the checks and tests prescribed in paragraphs (a) and (b) of this Regulation for ships which regularly ply on voyages of short duration. Such ships shall carry out these checks and tests at least once every week.

(f) The date upon which the checks and test prescribed in paragraphs (a) and (b) of this Regulation are carried out and the date and details of emergency steering drills carried out under paragraph (d) of this Regulation, shall be recorded in the log book as may be prescribed by the Administration.

APPENDIX

Form of Safety Construction Certificate for Cargo Ships

The following form of Supplement is added to the existing form:

SUPPLEMENT TO THE CARGO SHIP SAFETY CONSTRUCTION CERTIFICATE

(Official Seal) (Country)

Issued under the provisions of the

PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974

Name of ship	Distinctive number or letters	Port of registry	Deadweight of ship (metric tons)	Year of build

Type of ship:

Tanker engaged in the trade of carrying crude oil*

Tanker engaged in the trade of carrying oil other than crude oil*

Tanker engaged in the trade of carrying crude/other oil*

Cargo ship other than a tanker engaged in the trade of carrying oil*

Date of contract for building or alteration or modification of a major character

Date on which keel was laid or ship was at a similar stage of construction or on which an alteration or modification of a major character was commenced

Date of delivery or completion of an alteration or modification of a major character

This Supplement shall be permanently attached to the Cargo Ship Safety Construction Certificate.

* Delete as appropriate. [Footnote appearing in original text.]

THIS IS TO CERTIFY:

That the ship has been surveyed in accordance with Regulation 10 of Chapter I of the Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea, 1974; and

that the survey showed that the condition of the hull, machinery and equipment as defined in the above Regulation was in all respects satisfactory and that the ship complied with the requirements of that Protocol.

This certificate is valid until ..... subject to intermediate survey(s) at intervals of

Issued at .....

(Place of issue of certificate)

.....19.. .....

(Signature of duly authorized official issuing the certificate)

(Seal or stamp of the issuing Authority, as appropriate)

Intermediate Survey

This is to certify that at an intermediate survey required by Regulation 10 of Chapter I of the Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea, 1974, this ship was found to comply with the relevant provisions of that Protocol.

Signed .....

(Signature of duly authorized official)

Place .....

Date .....

Next intermediate survey due .....

(Seal or stamp of the Authority, as appropriate)

Signed .....

(Signature of duly authorized official)

Place .....

Date .....

Next intermediate survey due .....

(Seal or stamp of the Authority, as appropriate)

Signed .....

(Signature of duly authorized official)

Place .....

Date .....

Next intermediate survey due .....

(Seal or stamp of the Authority, as appropriate)

Signed .....

(Signature of duly authorized official)

Place .....

Date .....

Next intermediate survey due .....

(Seal or stamp of the Authority, as appropriate)

Form of Safety Equipment Certificate for Cargo Ships

The following form of Supplement is added to the existing form:

SUPPLEMENT TO THE CARGO SHIP SAFETY EQUIPMENT CERTIFICATE

(Official Seal) (Country)

Issued under the provisions of the

PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974

Name of ship	Distinctive letters	number or Port registry	of Deadweight of ship (metric tons)	Year of build

Type of ship:

Tanker engaged in the trade of carrying crude oil*

Tanker engaged in the trade of carrying oil other than crude oil*

Tanker engaged in the trade of carrying crude/other oil*

Cargo ship other than a tanker engaged in the trade of carrying oil*

Date of contract for building or alteration or modification of a major character

Date on which keel was laid or ship was at a similar stage of construction or on which an alteration or modification of a major character was commenced

Date of delivery or completion of an alteration or modification of a major character

This Supplement shall be permanently attached to the Cargo Ship Safety Equipment Certificate.

* Delete as appropriate. [Footnote appearing in original text.]

THIS IS TO CERTIFY:

That the ship has been surveyed in accordance with Regulation 8 of Chapter I of the Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea, 1974; and

that the survey showed that the condition of the safety equipment as defined in the above Regulation was in all respects satisfactory and that the ship complied with requirements of that Protocol.

This certificate is valid until .....subject to intermediate survey(s) at intervals of

Issued at .....

(Place of issue of certificate)

..... 19.. .....

(Signature of duly authorized official issuing the certificate)

(Seal or stamp of the issuing Authority, as appropriate)

Intermediate Survey

This is to certify that at an intermediate survey required by Regulation 8 of Chapter I of the Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea, 1974, the ship was found to comply with the relevant provisions of that Protocol.

Signed .....

(Signature of duly authorized official)

Place .....

Date .....

Next intermediate survey due .....

(Seal or stamp of the Authority, as appropriate)

Signed .....

(Signature of duly authorized official)

Place .....

Date .....

(Seal or stamp of the Authority, as appropriate)

Under the provisions of Regulation 14 of Chapter I of the Protocol the validity of this Certificate is extended until.....

Signed .....

(Signature of duly authorized official)

Place .....

Date .....

(Seal or stamp of the Authority, as appropriate)

Protocol of 1996 to amend the 1976 Convention on Limitation of Liability for Maritime Claims

(London, 2 May 1996)

THE PARTIES TO THE PRESENT PROTOCOL,

CONSIDERING that it is desirable to amend the Convention on Limitation of Liability for Maritime Claims, done at London on 19 November 1976, to provide for enhanced compensation and to establish a simplified procedure for updating the limitation amounts,

HAVE AGREED as follows:

Article 1

For the purposes of this Protocol:

1. "Convention" means the Convention on Limitation of Liability for Maritime Claims, 1976.

2. "Organization" means the International Maritime Organization.

3. "Secretary-General" means the Secretary-General of the Organization.

Article 2

Article 3, subparagraph (a) of the Convention is replaced by the following text:

(a) claims for salvage, including, if applicable, any claim for special compensation under Article 14 of the International Convention on Salvage 1989, as amended, or contribution in general average;

Article 3

Article 6, paragraph 1 of the Convention is replaced by the following text:

1. The limits of liability for claims other than those mentioned in Article 7, arising on any distinct occasion, shall be calculated as follows:

(a) in respect of claims for loss of life or personal injury,

(i) 2 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,

(ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):

for each ton from 2,001 to 30,000 tons, 800 Units of Account;

for each ton from 30,001 to 70,000 tons, 600 Units of Account; and

for each ton in excess of 70,000 tons, 400 Units of Account,

(b) in respect of any other claims,

(i) 1 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,

(ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):

for each ton from 2,001 to 30,000 tons, 400 Units of Account;

for each ton from 30,001 to 70,000 tons, 300 Units of Account; and

for each ton in excess of 70,000 tons, 200 Units of Account.

Article 4

Article 7, paragraph 1 of the Convention is replaced by the following text:

1. In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the shipowner thereof shall be an amount of 175,000 Units of Account multiplied by the number of passengers which the ship is authorized to carry according to the ship's certificate.

Article 5

Article 8, paragraph 2 of the Convention is replaced by the following text:

2. Nevertheless, those States which are not members of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 1 may, at the time of signature without reservation as to ratification, acceptance or approval or at the time of ratification, acceptance, approval or accession or at any time thereafter, declare that the limits of liability provided for in this Convention to be applied in their territories shall be fixed as follows:

(a) in respect of Article 6, paragraph 1(a), at an amount of

(i) 30 million monetary units for a ship with a tonnage not exceeding 2,000 tons;

(ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):

for each ton from 2,001 to 30,000 tons, 12,000 monetary units;

for each ton from 30,001 to 70,000 tons, 9,000 monetary units; and

for each ton in excess of 70,000 tons, 6,000 monetary units; and

(b) in respect of Article 6, paragraph 1(b), at an amount of:

(i) 15 million monetary units for a ship with a tonnage not exceeding 2,000 tons;

(ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):

for each ton from 2,001 to 30,000 tons, 6,000 monetary units;

for each ton from 30,001 to 70,000 tons, 4,500 monetary units; and

for each ton in excess of 70,000 tons, 3,000 monetary units; and

(c) in respect of Article 7, paragraph 1, at an amount of 2,625,000 monetary units multiplied by the number of passengers which the ship is authorized to carry according to its certificate.

Paragraphs 2 and 3 of Article 6 apply correspondingly to subparagraphs (a) and (b) of this paragraph.

Article 6

The following text is added as paragraph 3*bis* in Article 15 of the Convention:

3*bis* Notwithstanding the limit of liability prescribed in paragraph 1 of Article 7, a State Party may regulate by specific provisions of national law the system of liability to be applied to claims for loss of life or personal injury to passengers of a ship, provided that the limit of liability is not lower than that prescribed in paragraph 1 of Article 7. A State Party which makes use of the option provided for in this paragraph shall inform the Secretary-General of the limits of liability adopted or of the fact that there are none.

Article 7

Article 18, paragraph 1 of the Convention is replaced by the following text:

1. Any State may, at the time of signature, ratification, acceptance, approval or accession, or at any time thereafter, reserve the right:

(a) to exclude the application of Article 2, paragraphs 1(d) and (e);

(b) to exclude claims for damage within the meaning of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 or of any amendment or protocol thereto.

No other reservations shall be admissible to the substantive provisions of this Convention.

Article 8

Amendment of limits

1. Upon the request of at least one half, but in no case less than six, of the States Parties to this Protocol, any proposal to amend the limits specified in Article 6, paragraph 1, Article 7, paragraph 1 and Article 8, paragraph 2 of the Convention as amended by this Protocol shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.

2. Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization (the Legal Committee) for consideration at a date at least six months after the date of its circulation.

3. All Contracting States to the Convention as amended by this Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Legal Committee for the consideration and adoption of amendments.

4. Amendments shall be adopted by a two-thirds majority of the Contracting States to the Convention as amended by this Protocol present and voting in the Legal Committee expanded as provided for in paragraph 3, on condition that at least one half of the Contracting States to the Convention as amended by this Protocol shall be present at the time of voting.

5. When acting on a proposal to amend the limits, the Legal Committee shall take into account the experience of incidents and, in particular, the amount of damage resulting therefrom, changes in the monetary values and the effect of the proposed amendment on the cost of insurance.

6. (a) No amendment of the limits under this Article may be considered less than five years from the date on which this Protocol was opened for signature nor less than five years from the date of entry into force of a previous amendment under this Article.

(b) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the Convention as amended by this Protocol increased by six percent per year calculated on a compound basis from the date on which this Protocol was opened for signature.

(c) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the Convention as amended by this Protocol multiplied by three.

7. Any amendment adopted in accordance with paragraph 4 shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification, unless within that period not less than one-fourth of the States that were Contracting States at the time of the adoption of the amendment have communicated to the Secretary-General that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.

8. An amendment deemed to have been accepted in accordance with paragraph 7 shall enter into force eighteen months after its acceptance.

9. All Contracting States shall be bound by the amendment, unless they denounce this Protocol in accordance with paragraphs 1 and 2 of Article 12 at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.

10. When an amendment has been adopted but the eighteen-month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 7. In the cases referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Protocol enters into force for that State, if later.

Article 9

1. The Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.

2. A State which is Party to this Protocol but not a Party to the Convention shall be bound by the provisions of the Convention as amended by this Protocol in relation to other States Parties hereto, but shall not be bound by the provisions of the Convention in relation to States Parties only to the Convention.

3. The Convention as amended by this Protocol shall apply only to claims arising out of occurrences which take place after the entry into force for each State of this Protocol.

4. Nothing in this Protocol shall affect the obligations of a State which is a Party both to the Convention and to this Protocol with respect to a State which is a Party to the Convention but not a Party to this Protocol.

FINAL CLAUSES

Article 10

Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open for signature at the Headquarters of the Organization from 1 October 1996 to 30 September 1997 by all States.

2. Any State may express its consent to be bound by this Protocol by:

(a) signature without reservation as to ratification, acceptance or approval; or

(b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or

(c) accession.

3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

4. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the Convention as amended by this Protocol shall be deemed to apply to the Convention so amended, as modified by such amendment.

Article 11

Entry into force

1. This Protocol shall enter into force ninety days following the date on which ten States have expressed their consent to be bound by it.

2. For any State which expresses its consent to be bound by this Protocol after the conditions in paragraph 1 for entry into force have been met, this Protocol shall enter into force ninety days following the date of expression of such consent.

Article 12

Denunciation

1. This Protocol may be denounced by any State Party at any time after the date on which it enters into force for that State Party.

2. Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

3. A denunciation shall take effect twelve months, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General.

4. As between the States Parties to this Protocol, denunciation by any of them of the Convention in accordance with Article 19 thereof shall not be construed in any way as a denunciation of the Convention as amended by this Protocol.

Article 13

Revision and amendment

1. A conference for the purpose of revising or amending this Protocol may be convened by the Organization.

2. The Organization shall convene a conference of Contracting States to this Protocol for revising or amending it at the request of not less than one-third of the Contracting States.

Article 14

Depositary

1. This Protocol and any amendments adopted under Article 8 shall be deposited with the Secretary General.

2. The Secretary-General shall:

(a) inform all States which have signed or acceded to this Protocol of:

(i) each new signature or deposit of an instrument together with the date thereof;

(ii) each declaration and communication under Article 8, paragraph 2 of the Convention as amended by this Protocol, and Article 8, paragraph 4 of the Convention;

(iii) the date of entry into force of this Protocol;

(iv) any proposal to amend limits which has been made in accordance with Article 8, paragraph 1;

(v) any amendment which has been adopted in accordance with Article 8, paragraph 4;

(vi) any amendment deemed to have been accepted under Article 8, paragraph 7, together with the date on which that amendment shall enter into force in accordance with paragraphs 8 and 9 of that Article;

(vii) the deposit of any instrument of denunciation of this Protocol together with the date of the deposit and the date on which it takes effect;

(b) transmit certified true copies of this Protocol to all Signatory States and to all States which accede to this Protocol.

3. As soon as this Protocol enters into force, the text shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

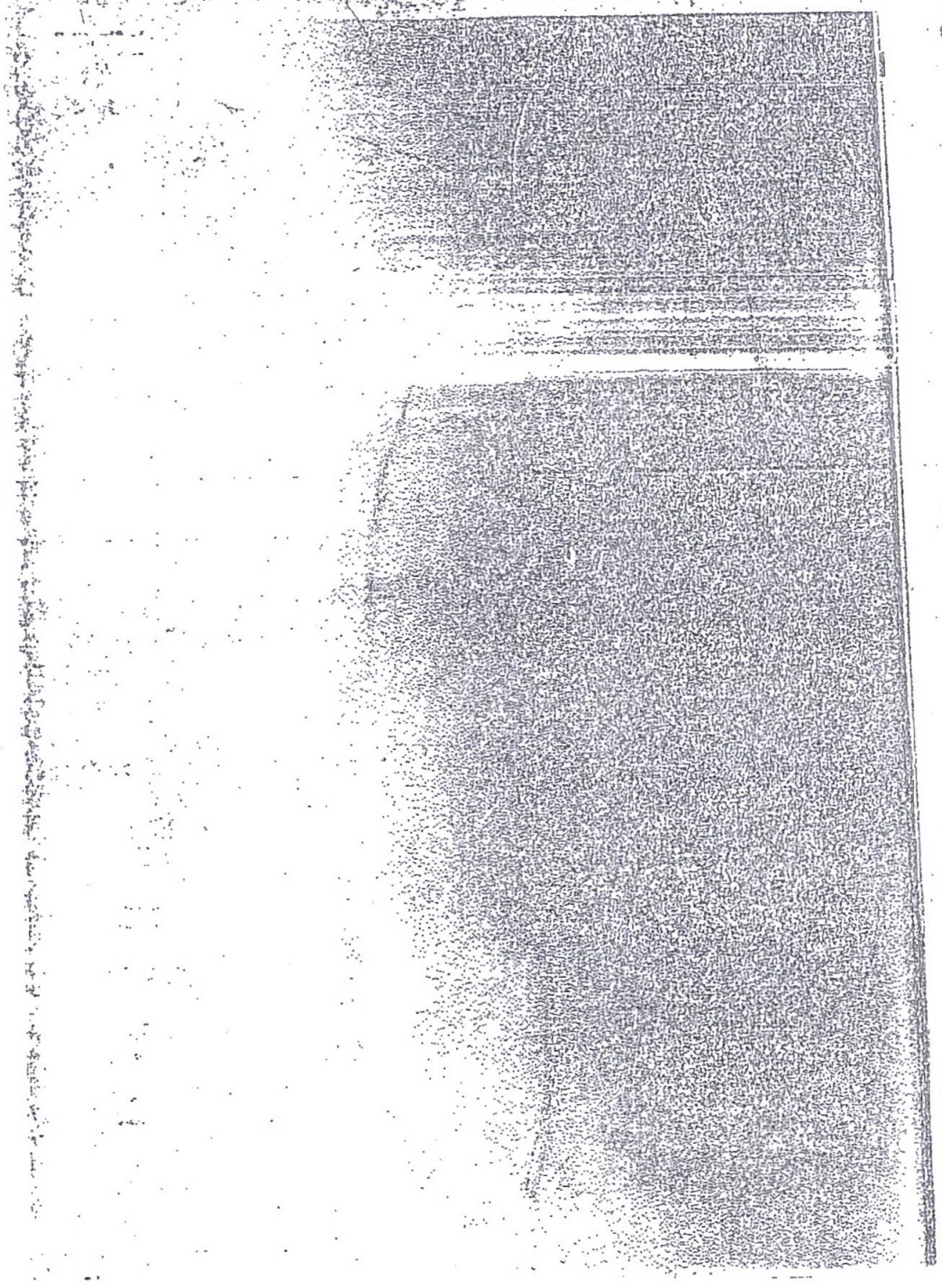
Article 15

Languages

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic

DONE at London this second day of May one thousand nine hundred and ninety-six.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Protocol.



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Nairobi International Convention on the

Removal of Wrecks, 2007

2008 Edition

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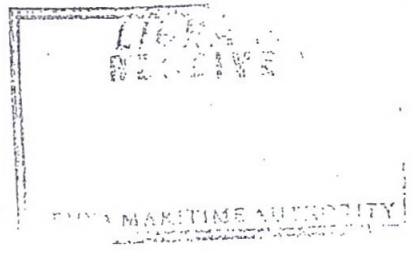
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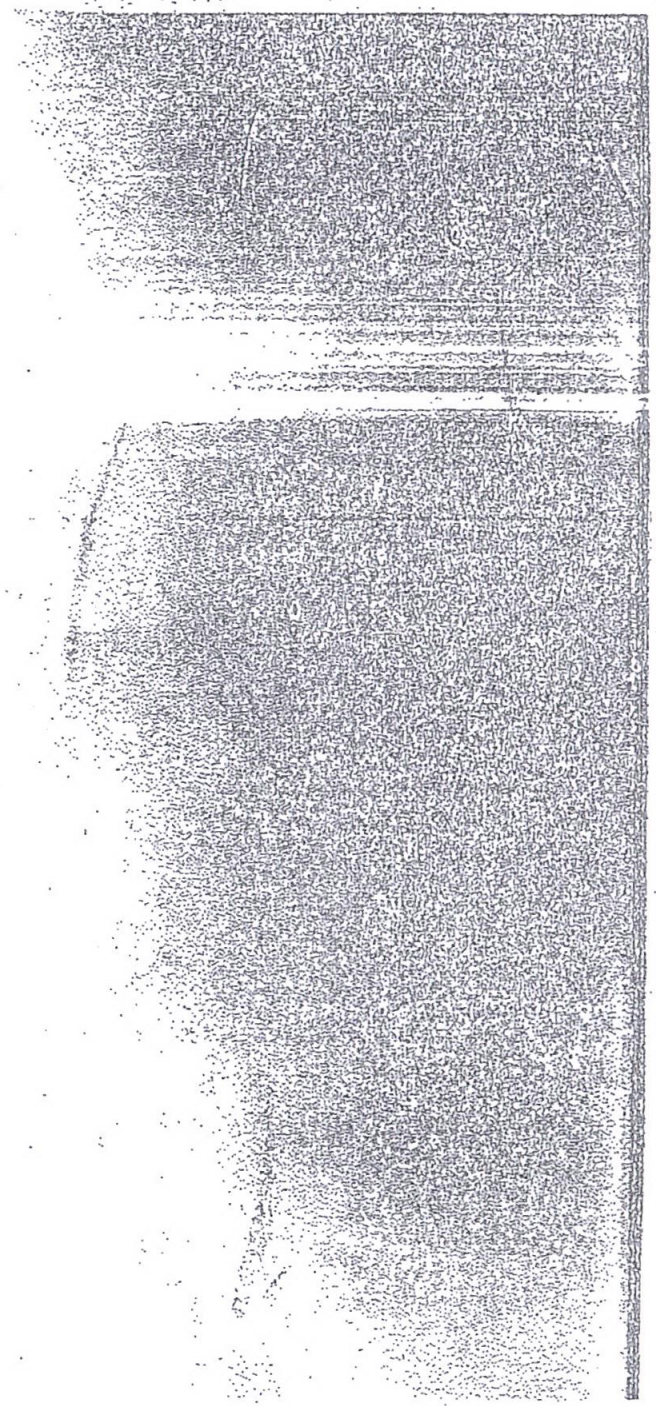
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Foreword

The Nairobi International Convention on the Removal of Wrecks, 2007 was adopted on 18 May 2007 by the International Conference on the Removal of Wrecks convened by the International Maritime Organization (IMO) at the Headquarters of the United Nations Office at Nairobi (UNON), from 14 to 18 May 2007.

The Convention provides the legal basis to enable States to remove, or have removed, from their coastlines and waters around their coasts, wrecks posing a hazard to the safety of shipping or to the marine environment. To achieve these objectives, the new treaty includes provisions on the reporting and locating of ships and wrecks and criteria for determining the hazard posed by wrecks, including assessment of damage to the marine environment. It also regulates measures to facilitate the removal of wrecks, as well as the liability of the owner for the costs of locating, marking and removing of ships and wrecks. The registered shipowner is required to maintain compulsory insurance or other financial security to cover liability under the Convention.

The Convention will enter into force twelve months following the date on which ten States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the IMO Secretary-General.

The Conference also adopted the following resolutions:

1. Resolution on expressions of appreciation;

2. Resolution on compulsory insurance certificates under existing maritime liability conventions, including the Nairobi International Convention on the Removal of Wrecks, 2007; and

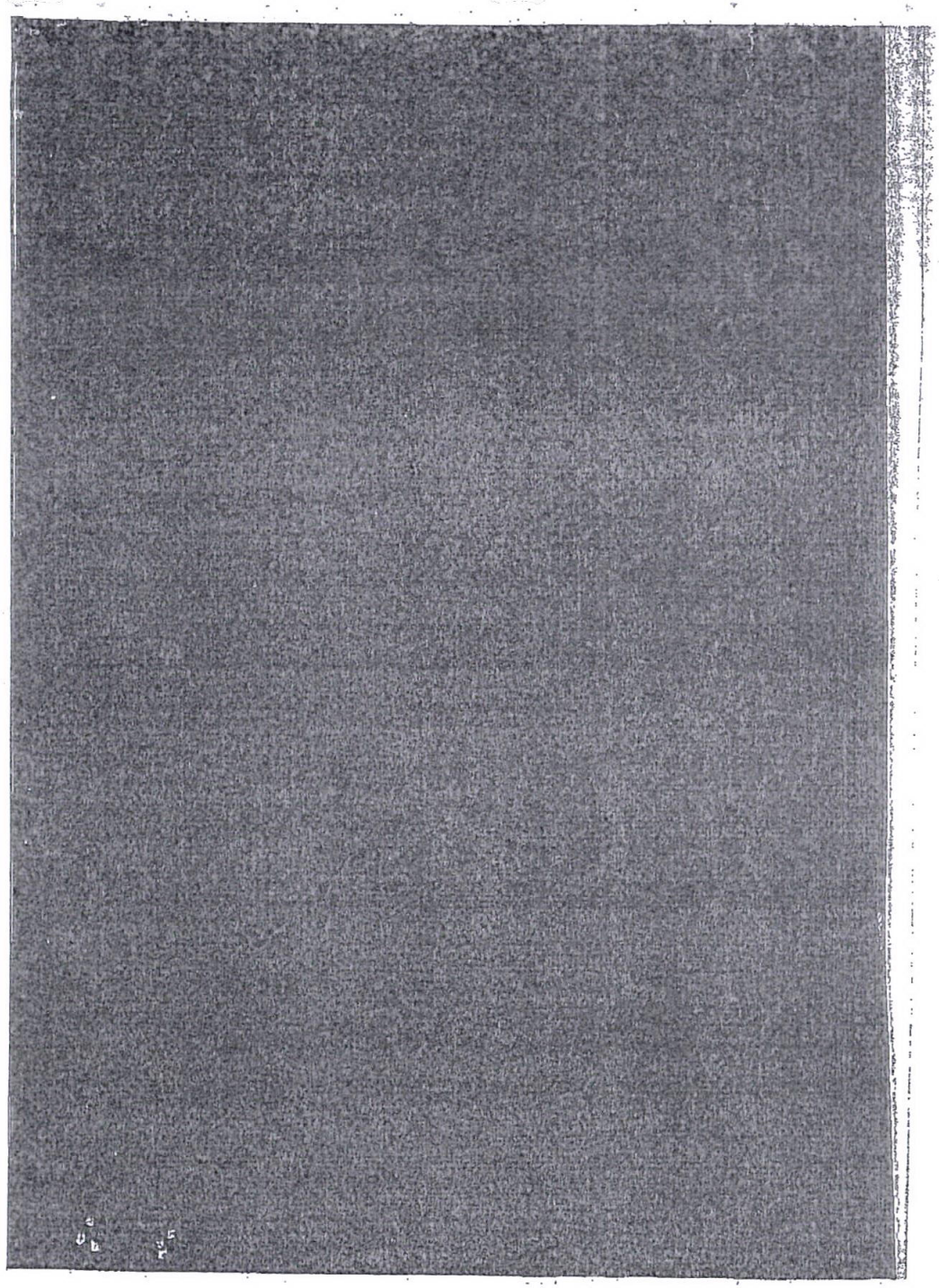
3. Resolution on promotion of technical co-operation and assistance.

This publication reproduces the texts of the Final Act of the International Conference on the Removal of Wrecks, the Nairobi International Convention on the Removal of Wrecks, 2007 and the three resolutions adopted by the Conference.

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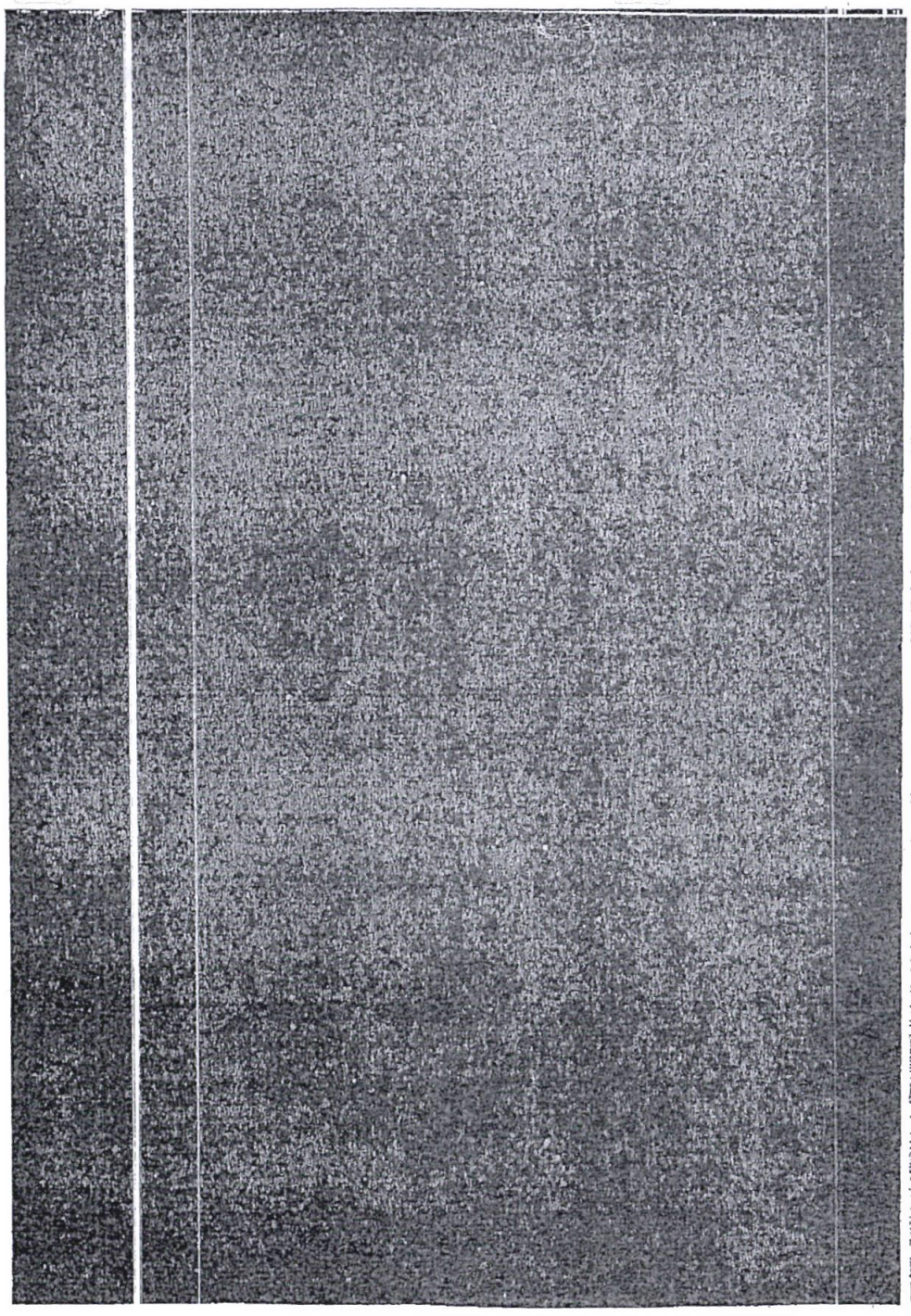
FINAL ACT OF THE INTERNATIONAL CONFERENCE ON THE REMOVAL OF WRECKS, 2007

1 In accordance with Article 2(b) of the Convention on the International Maritime Organization, and pursuant to a decision of the Assembly of the Organization at its twenty-third regular session, as reflected in resolution A.942(23) of 5 December 2003, and subsequently endorsed by the Assembly at its twenty-fourth regular session, as reflected in resolution A.969(24) of 28 November 2005, the Council of the Organization decided at its ninety-sixth session, in June 2006, to convene a diplomatic conference to consider the adoption of a convention on the removal of wrecks in Nairobi, Kenya, in May 2007.

2 The Conference was held at the Headquarters of the United Nations Office at Nairobi (UNON), Kenya, from 14 to 18 May 2007.

3 Representatives of 64 States participated in the Conference, namely the representatives of:

ALGERIA
ANTIGUA AND BARBUDA
ARGENTINA
AUSTRALIA
BAHAMAS
BANGLADESH
BELGIUM
BENIN
BRAZIL
BULGARIA
BURUNDI
CANADA
CHILE
CHINA
CUBA
CYPRUS
DENMARK
EGYPT
ESTONIA
FINLAND
FRANCE
GERMANY
GHANA
GREECE
INDIA
INDONESIA
IRAN (ISLAMIC REPUBLIC OF)
IRELAND
ITALY
JAPAN
KENYA
KUWAIT
LATVIA
LIBERIA
LITHUANIA
MADAGASCAR
MALAYSIA
MALTA
MAURITIUS
MEXICO
MOROCCO
NETHERLANDS
NIGERIA



NORWAY
PAPUA NEW GUINEA
PHILIPPINES
POLAND
PORTUGAL
QATAR
REPUBLIC OF KOREA
RUSSIAN FEDERATION
SAUDI ARABIA
SINGAPORE
SOMALIA
SOUTH AFRICA
SPAIN
SWEDEN
TURKEY
UKRAINE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
UNITED REPUBLIC OF TANZANIA
UNITED STATES OF AMERICA
VANUATU
VENEZUELA

4 Hong Kong, China, an Associate Member of the Organization, sent observers to the Conference.

5 The International Tribunal for the Law of the Sea (ITLOS) sent an observer to the Conference.

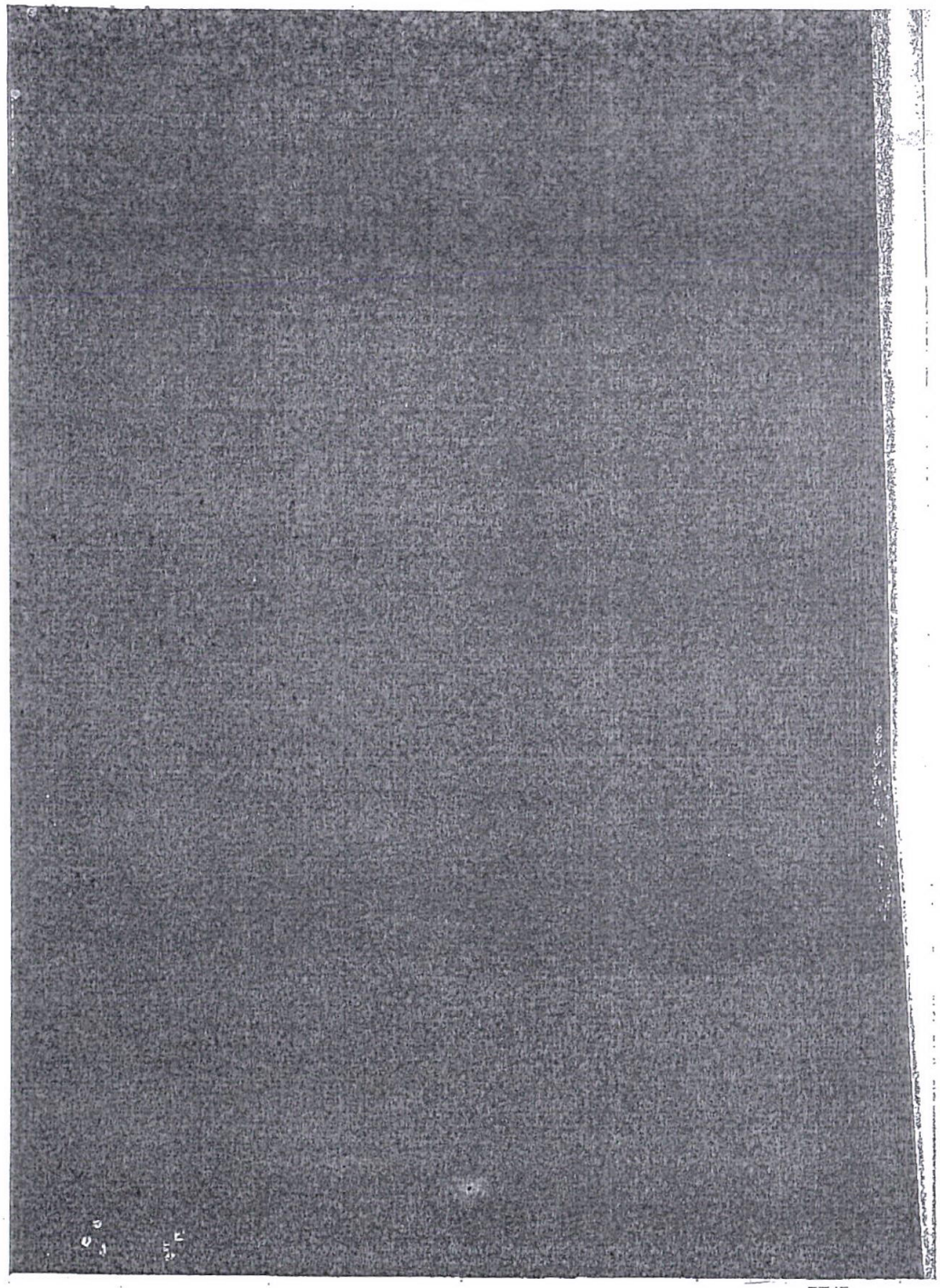
6 The following intergovernmental organizations sent observers to the Conference:

INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS (IOPC FUNDS)
REGIONAL ORGANIZATION FOR THE CONSERVATION OF THE ENVIRONMENT OF THE RED SEA AND GULF OF ADEN (PERSGA)
PORT MANAGEMENT ASSOCIATION OF EASTERN AND SOUTHERN AFRICA (PMAESA)

7 The following non-governmental international organizations sent observers to the Conference:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
INTERNATIONAL SALVAGE UNION (ISU)
INTERNATIONAL GROUP OF P & I ASSOCIATIONS (P & I CLUBS)

8 The Honourable Chirau Ali Mwakwere, Head of the delegation of Kenya, was elected President of the Conference.



9 The Vice-Presidents elected by the Conference were:

Admiral Miguel Angelo Davena (Brazil)
Mr. Eddy Pratomo (Indonesia)
H.E. Mr. Rafal Wiechecki (Poland)
Mr. Jassim Mohamed Al-Manai (Qatar)
Prof. Lee-Sik Chai (Republic of Korea)

10 The Secretariat of the Conference consisted of the following officers:

Secretary-General:	Mr. E.E. Mitropoulos Secretary-General of the Organization
Executive Secretary:	Dr. R.P. Balkin Director, Legal Affairs and External Relations Division
Deputy Executive Secretary:	Mr. A. Blanco-Bazán Senior Deputy Director/Head, Sub-Division for Legal Affairs Legal Affairs and External Relations Division

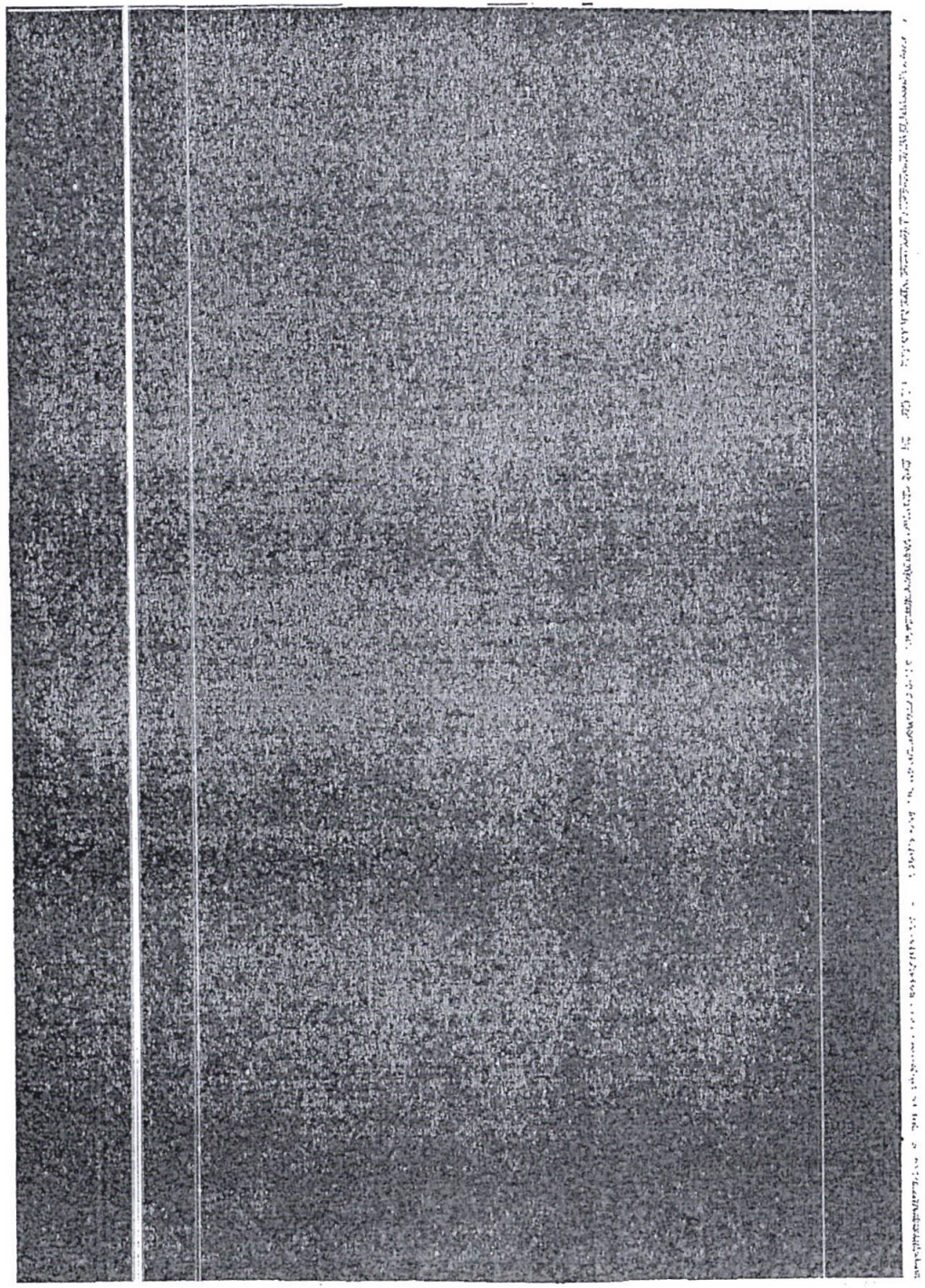
11 The Conference established a Committee of the Whole with the mandate to consider a draft convention on the removal of wrecks.

12 A Drafting Committee established by the Conference was composed of representatives of the following eight States:

CANADA
CHINA
EGYPT
FRANCE
MEXICO
RUSSIAN FEDERATION
SPAIN
UNITED KINGDOM

13 A Credentials Committee was appointed to examine the credentials of representatives attending the Conference. The Committee was composed of representatives of the following five States:

BELGIUM
LIBERIA
MADAGASCAR
MALAYSIA
VENEZUELA



14 The officers elected for the Committees were as follows:

Committee of the Whole:

Chairman:	Mr. Jan Engel de Boer (Netherlands)
First Vice-Chairman:	Mr. Kofi Mbiah (Ghana)
Second Vice-Chairman:	H.E. Mr. Julio César González Marchante (Cuba)

Drafting Committee:

Chairman:	Mr. Marc Gauthier (Canada)
Vice-Chairperson:	Mrs. Tang Guomei (China)

Credentials Committee:

Chairman:	Mr. George M. Arku (Liberia)

15 The Conference used, as the basis of its work, a draft convention on the removal of wrecks prepared by the IMO Legal Committee.

16 Also before the Conference were a number of documents containing proposals and comments submitted by Governments and interested organizations on the above-mentioned draft text.

17 As a result of its deliberations, the Conference adopted the following instrument:

NAIROBI INTERNATIONAL CONVENTION ON THE REMOVAL OF WRECKS, 2007

18 The Conference also adopted the following resolutions contained in the Attachment to this Final Act:

1 RESOLUTION ON EXPRESSIONS OF APPRECIATION

2 RESOLUTION ON COMPULSORY INSURANCE CERTIFICATES UNDER EXISTING MARITIME LIABILITY CONVENTIONS, INCLUDING THE NAIROBI INTERNATIONAL CONVENTION ON THE REMOVAL OF WRECKS, 2007

3 RESOLUTION ON PROMOTION OF TECHNICAL CO-OPERATION AND ASSISTANCE



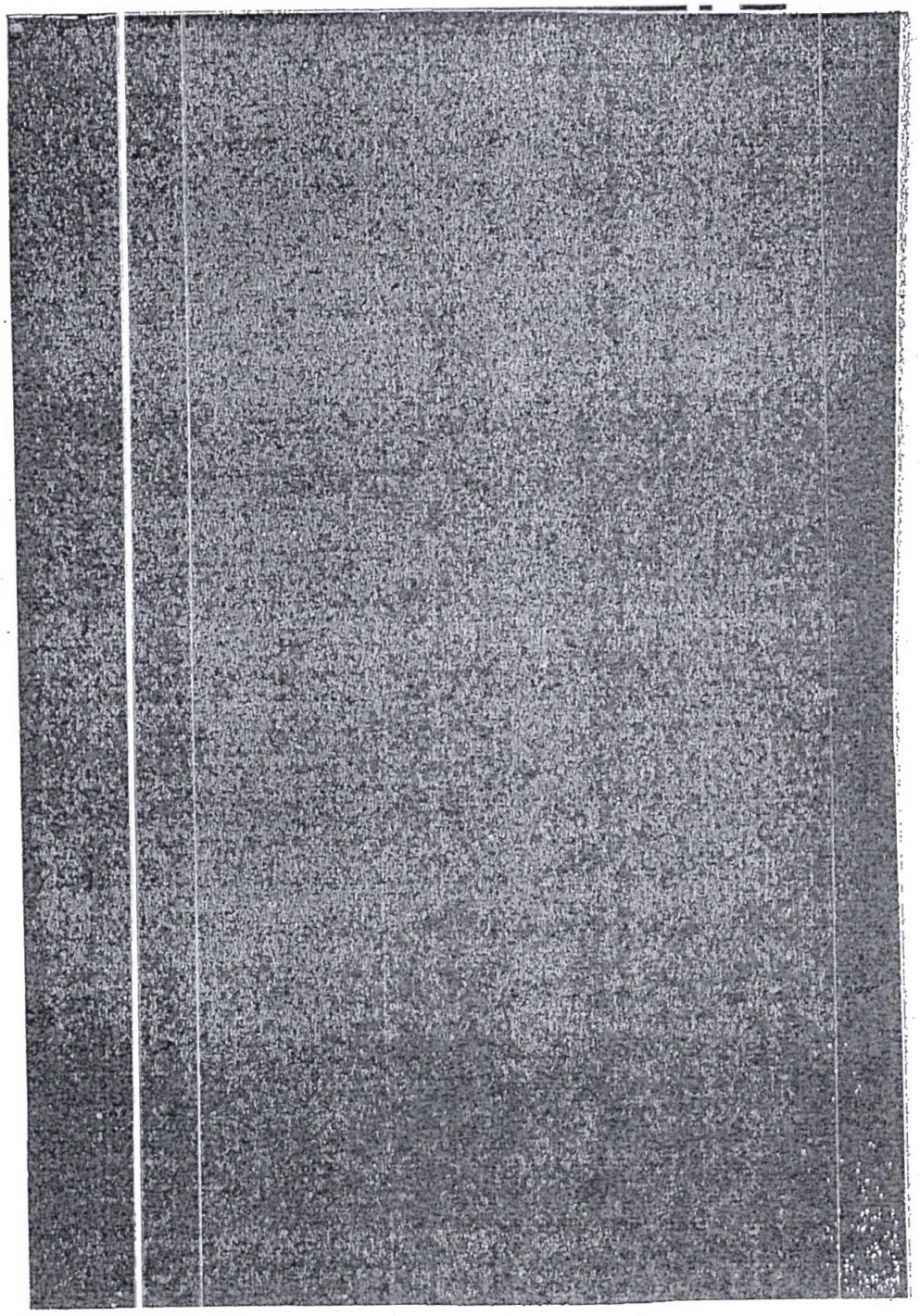
19 This Final Act is established in a single original text in the Arabic, Chinese, English, French, Russian and Spanish languages, which is to be deposited with the Secretary-General of the Organization.

20 The Secretary-General shall send certified 33copies of this Final Act with its Attachment, and certified copies of the authentic text of the instrument referred to in paragraph 17 above, to the Governments of the States invited to be represented at the Conference.

IN WITNESS WHEREOF the undersigned* have affixed their signatures to this Final Act.

DONE IN NAIROBI this eighteenth day of May, two thousand and seven.

* Signatures omitted.



CONFERENCE RESOLUTIONS

Resolution 1

EXPRESSIONS OF APPRECIATION

THE CONFERENCE,

NOTING with appreciation the kind invitation of the Government of Kenya to the International Maritime Organization to hold the Conference in Nairobi,

ACKNOWLEDGING the generous financial and in-kind contribution and excellent arrangements made by the Government of Kenya for the Conference, as well as the hospitality and other amenities bestowed on the participants to the Conference by the Government and the People of Kenya,

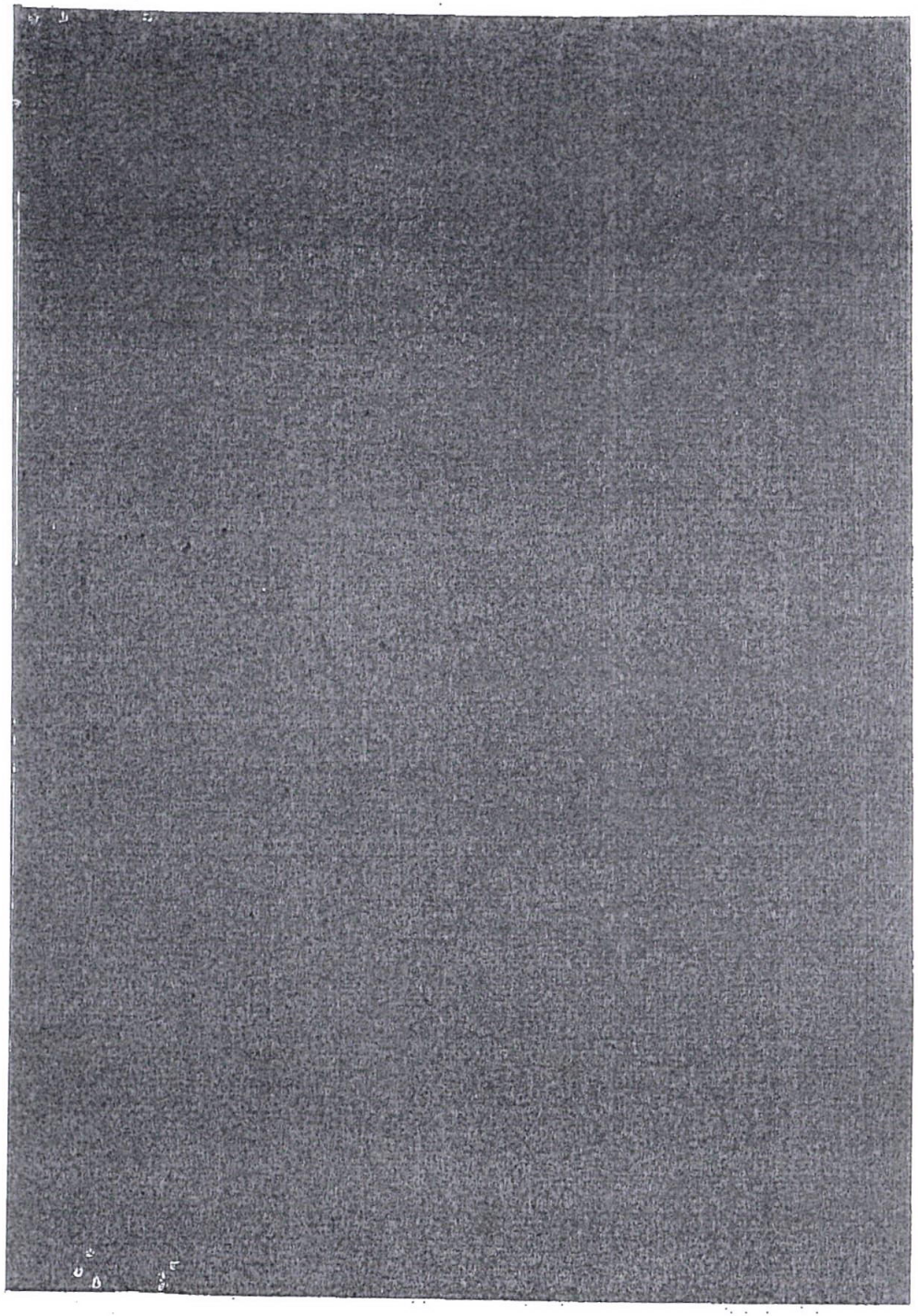
ACKNOWLEDGING FURTHER the excellent facilities provided by the United Nations Office at Nairobi (UNON), which greatly facilitated the efficient conduct of the Conference,

1. EXPRESSES its profound gratitude and thanks to the Government and the People of Kenya for their valuable contribution to the success of the Conference;

2. DECIDES, in grateful recognition of this contribution, to designate the Convention adopted by the Conference as the:

NAIROBI INTERNATIONAL CONVENTION ON THE REMOVAL OF WRECKS, 2007;

3. EXPRESSES FURTHER its thanks to UNON for the facilities provided.



Resolution 2

COMPULSORY INSURANCE CERTIFICATES UNDER EXISTING MARITIME LIABILITY CONVENTIONS, INCLUDING THE NAIROBI INTERNATIONAL CONVENTION ON THE REMOVAL OF WRECKS, 2007

THE CONFERENCE,

HAVING ADOPTED the Nairobi International Convention on the Removal of Wrecks, 2007 (hereinafter referred to as "the Convention"),

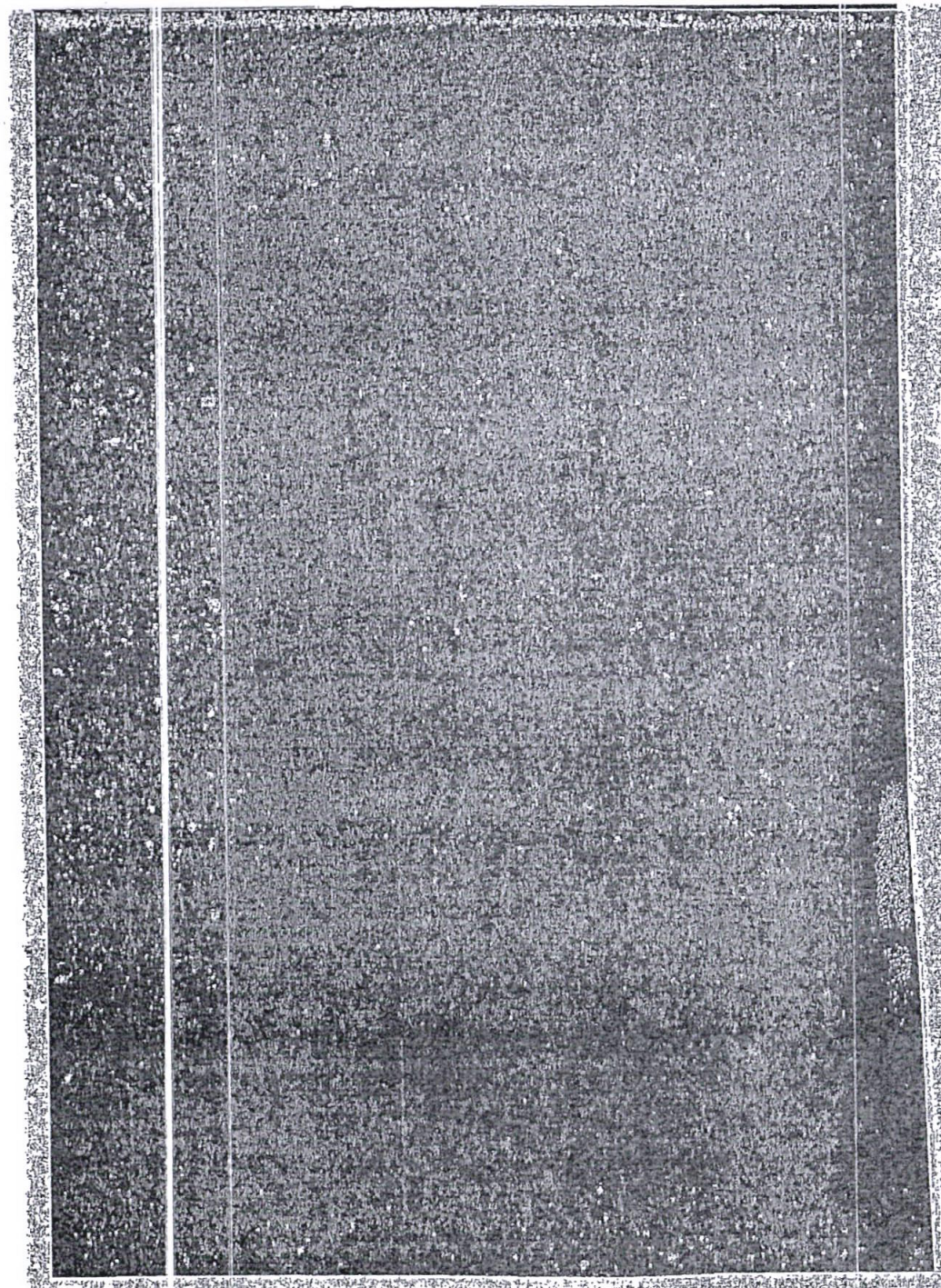
NOTING that the Convention requires that a compulsory insurance certificate attesting that insurance or other financial security is in force on the same basis as previously established IMO liability and compensation conventions,

MINDFUL that all existing liability and compensation conventions require that a compulsory insurance certificate attesting that insurance or other financial security is in force, shall be issued in the form of the model set out in the specific annexes to these conventions,

RECOGNIZING the reduction of administrative costs and further facilitation as regards the issuing of all relevant compulsory insurance certificates by appropriate authorities in States Parties, if in future each and every ship could be provided with a single compulsory insurance certificate,

NOTING FURTHER the urgent priority to implement all the existing liability and compensation conventions,

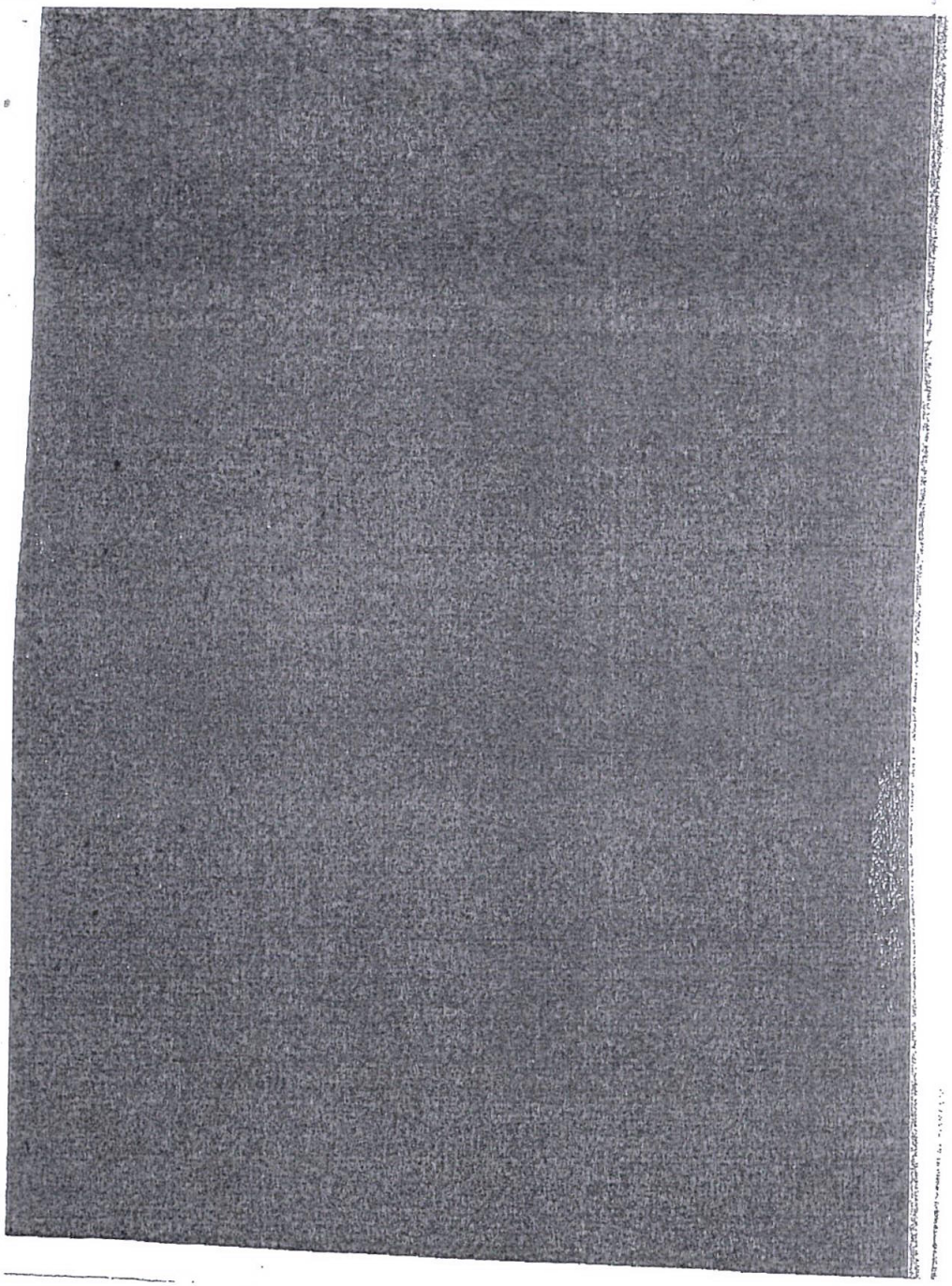
1. URGES States to ensure, as a matter of priority, the entry into force of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, and the Protocol to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 2002;



Resolution 2

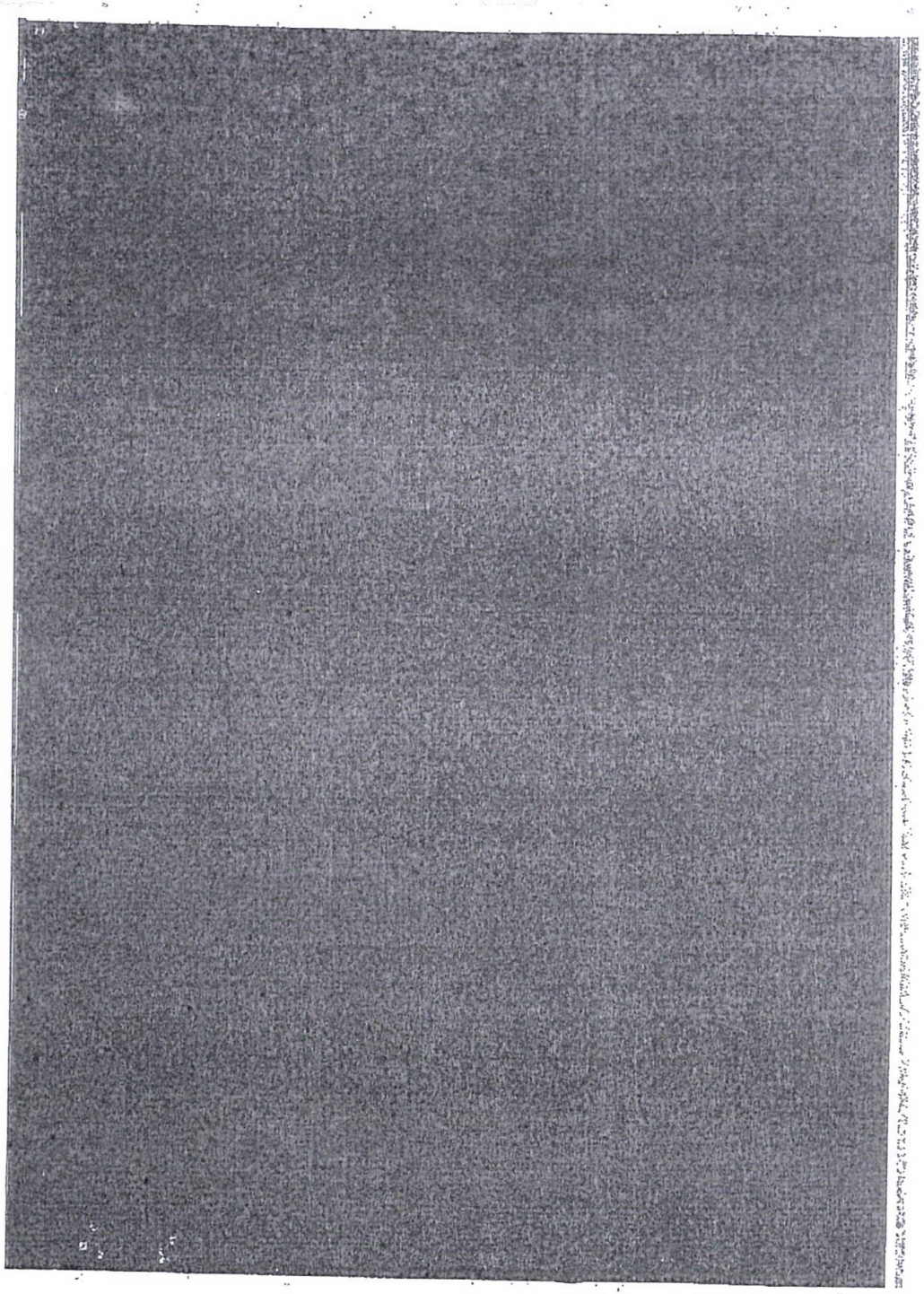
2 INVITES the International Maritime Organization (I
particular the Legal Committee to develop a model for a sin
certificate which may be issued by States Parties in respect
every ship under the relevant IMO liability and compensat
tions including the Convention

3 INVITES FURTHER IMO to follow the same proce
adopted in relation to the reciprocal recognition of certifica
Parties to the 1969 and 1992 International Conventions on
for Oil Pollution Damage



2. INVITES the International Maritime Organization (IMO) and in particular the Legal Committee to develop a model for a single insurance certificate which may be issued by States Parties in respect of each and every ship under the relevant IMO liability and compensation conventions, including the Convention;

3. INVITES FURTHER IMO to follow the same procedure as that adopted in relation to the reciprocal recognition of certificates by States Parties to the 1969 and 1992 International Conventions on Civil Liability for Oil Pollution Damage.



Resolution 3

PROMOTION OF TECHNICAL CO-OPERATION AND ASSISTANCE

THE CONFERENCE,

HAVING ADOPTED the Nairobi International Convention on the Removal of Wrecks, 2007 (hereinafter referred to as "the Convention"), concerning uniform international rules and procedures to ensure the prompt and effective removal of wrecks and payment of compensation for the costs therein involved,

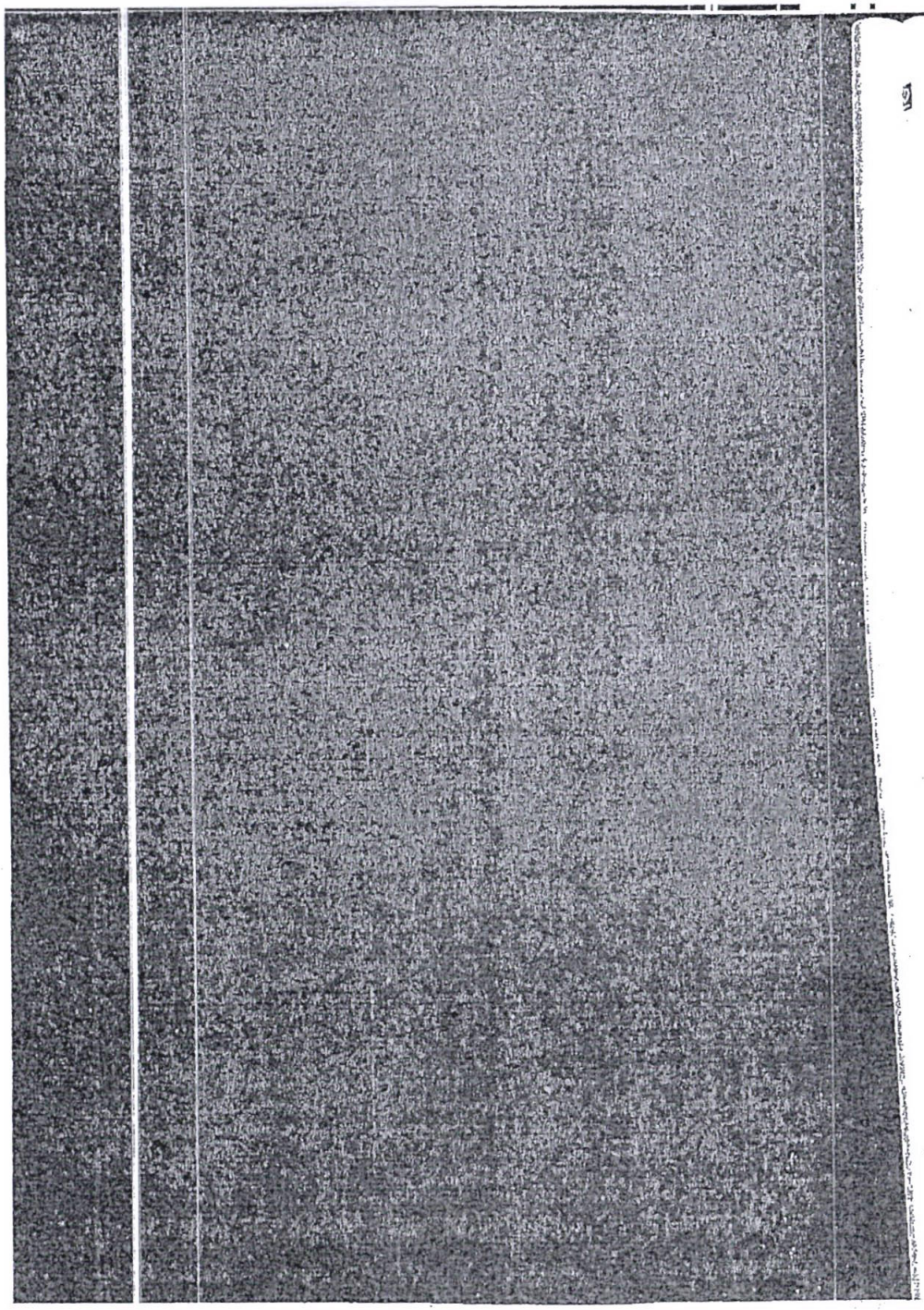
RECOGNIZING the need for the development of appropriate legislation and the putting in place of appropriate infrastructure for the removal of wrecks which may pose a danger or impediment to navigation, or may reasonably be expected to result in major harmful consequences to the marine environment, or damage to the coastline or related interests of one or more States,

RECOGNIZING FURTHER that there may be limited infrastructure, facilities and training programmes for obtaining the experience required in assessing the hazard which a wreck may pose, particularly in developing countries,

BELIEVING that the promotion of technical co-operation at the international level will assist those States not yet having adequate expertise or facilities for providing training and experience to assess, put in place or enhance appropriate infrastructure and, in general, implement the measures required by the Convention,

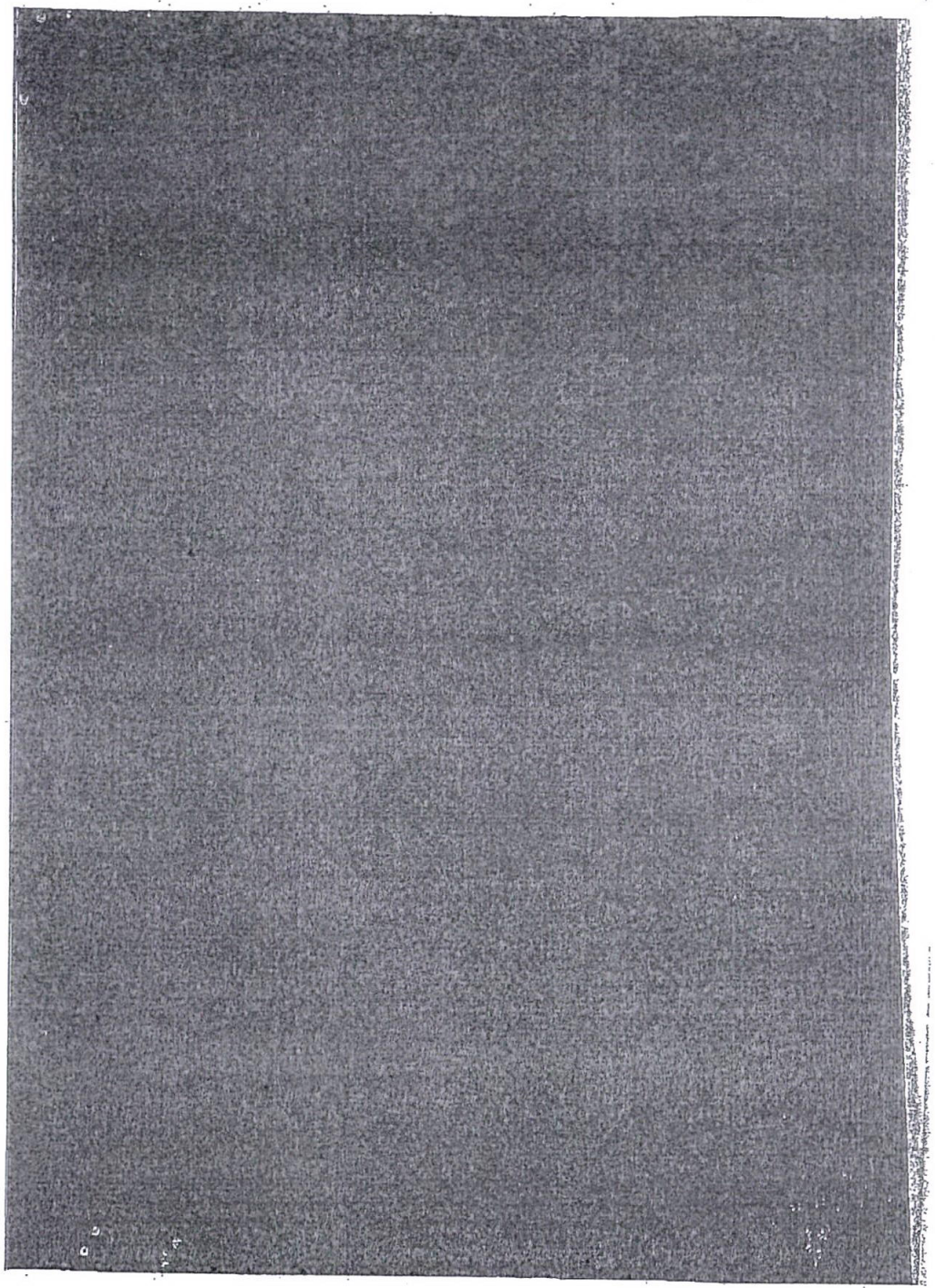
EMPHASIZING, in this regard, the grave threat a wreck can pose to the safety of navigation and to the marine environment, or both, if not removed promptly and effectively,

1. URGES States Parties to the Convention, Member States of the International Maritime Organization (IMO), other appropriate organizations and the maritime industry to provide assistance, either directly or through IMO, to those States which require support in the consideration of adoption and in the implementation of the Convention;



2. INVITES the Secretary-General of IMO to make adequat provision in its Integrated Technical Co-operation Programme (ITCP) f r advisory services related to the adoption and effective implementat on of the Convention and, in particular, to address requests for assistance n assessing the safety and environmental hazards of wrecks and in developing appropriate national legislation;

3. INVITES States Parties to the Convention, Member Stat s of IMO, other appropriate organizations and the maritime industry to provide financial and in-kind support to IMO for technical assistan e activities related to the adoption and effective implementation of the C onvention.



NAIROBI INTERNATIONAL CONVENTION ON THE REMOVAL OF WRECKS, 2007

THE STATES PARTIES TO THE PRESENT CONVENTION,

CONSCIOUS of the fact that wrecks, if not removed, may pose a hazard to navigation or the marine environment,

CONVINCED of the need to adopt uniform international rules and procedures to ensure the prompt and effective removal of wrecks and payment of compensation for the costs therein involved,

NOTING that many wrecks may be located in States' territory, including the territorial sea,

RECOGNIZING the benefits to be gained through uniformity in legal regimes governing responsibility and liability for removal of hazardous wrecks,

BEARING IN MIND the importance of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, and of the customary international law of the sea, and the consequent need to implement the present Convention in accordance with such provisions,

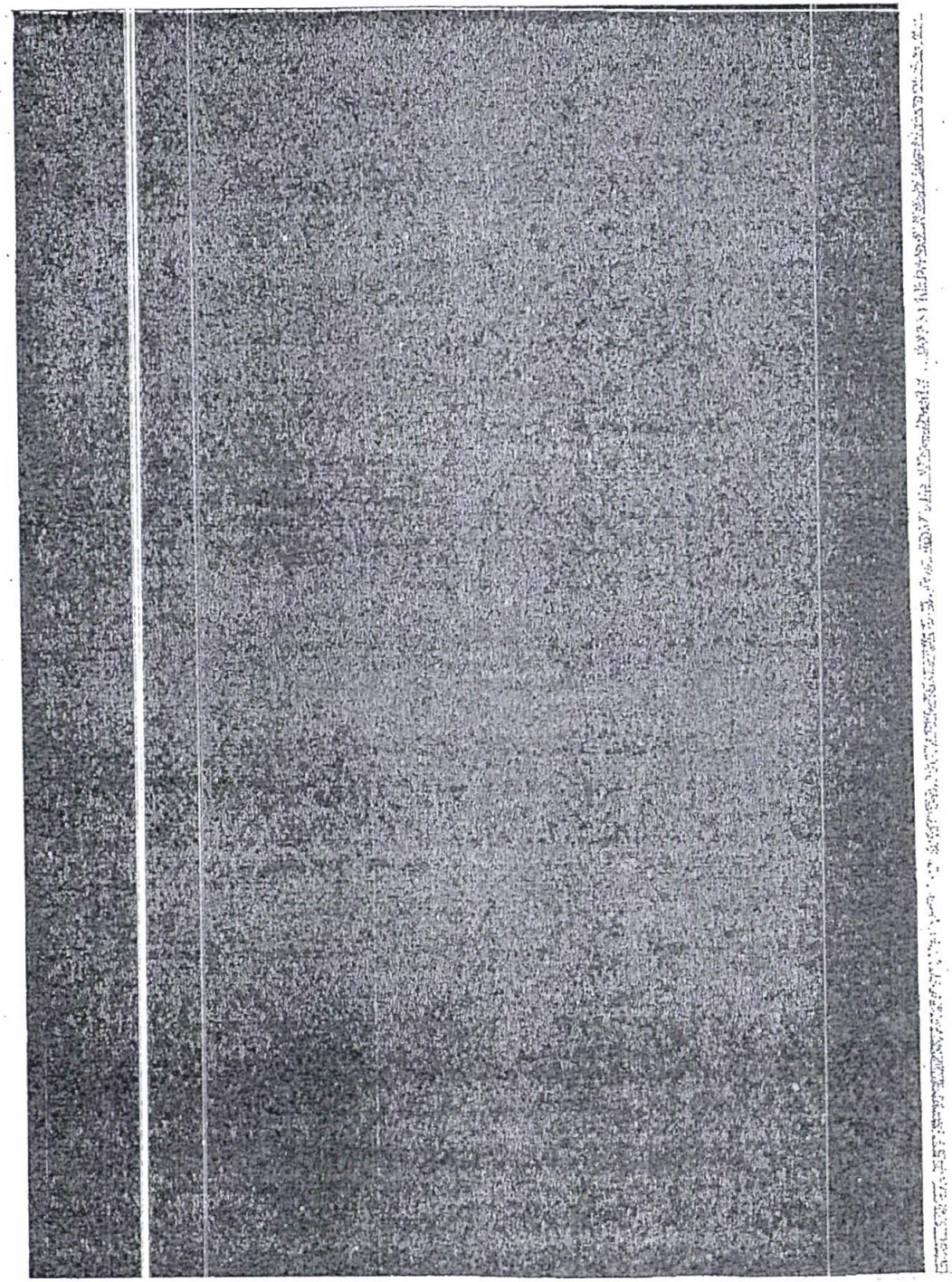
HAVE AGREED as follows:

Article 1
Definitions

For the purposes of this Convention:

1 *Convention area* means the exclusive economic zone of a State Party, established in accordance with international law or, if a State Party has not established such a zone, an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured.

2 *Ship* means a seagoing vessel of any type whatsoever and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and



floating platforms, except when such platforms are on location enga ed in the exploration, exploitation or production of sea-bed mineral reso ırces.

3 *Maritime casualty* means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or exte ıal to it, resulting in material damage or imminent threat of material dama e to a ship or its cargo.

4 *Wreck*, following upon a maritime casualty, means:

(a) a sunken or stranded ship; or

(b) any part of a sunken or stranded ship, including any obje t that is or has been on board such a ship; or

(c) any object that is lost at sea from a ship and that is str nded, sunken or adrift at sea; or

(d) a ship that is about, or may reasonably be expected, to s nk or to strand, where effective measures to assist the ship r any property in danger are not already being taken.

5 *Hazard* means any condition or threat that:

(a) poses a danger or impediment to navigation; or

(b) may reasonably be expected to result in major h rmful consequences to the marine environment, or damage to the co stline or related interests of one or more States.

6 *Related interests* means the interests of a coastal State directly a fected or threatened by a wreck, such as:

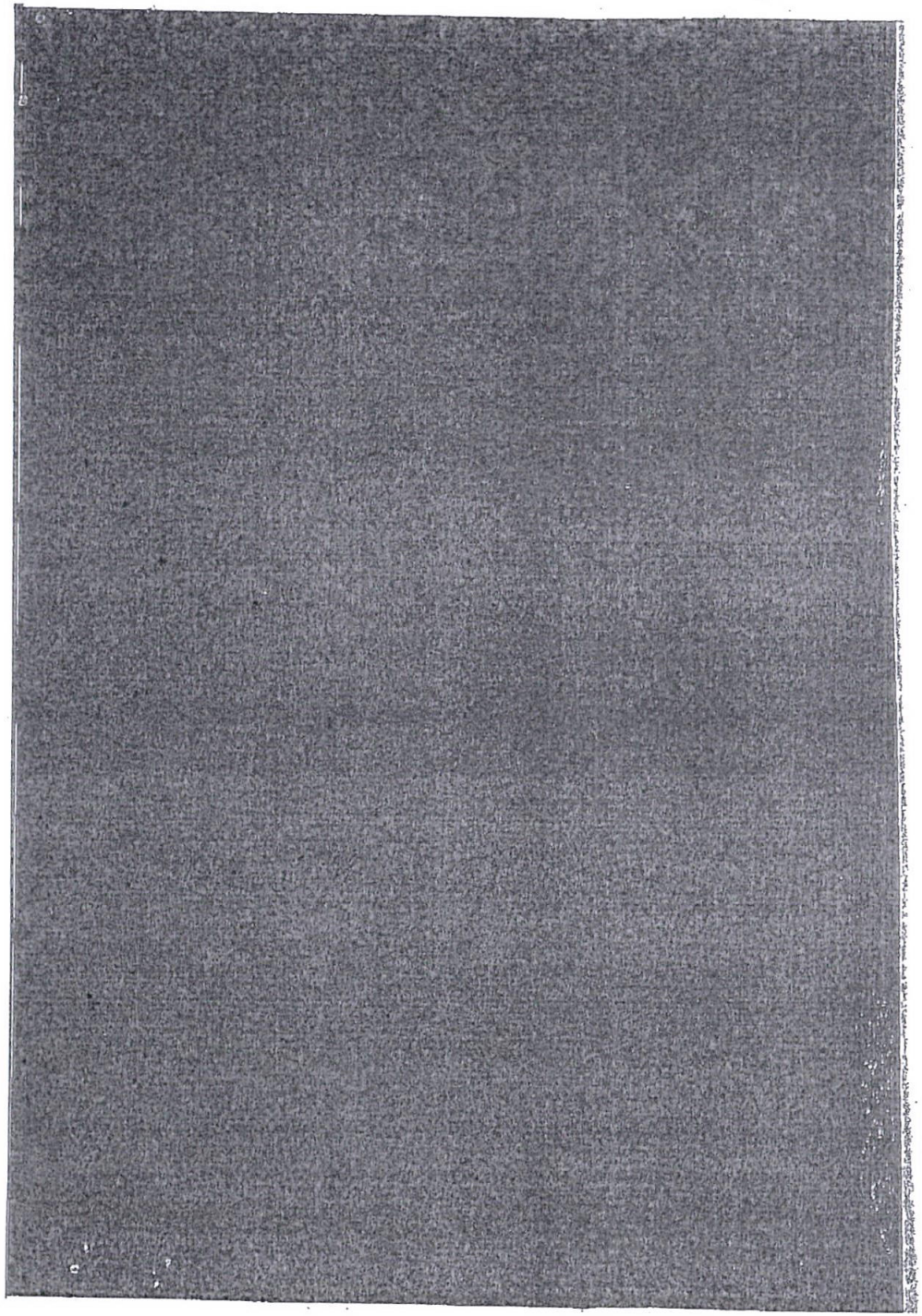
(a) maritime coastal, port and estuarine activities, inc uding fisheries activities, constituting an essential means of live ihood of the persons concerned;

(b) tourist attractions and other economic interests of th : area concerned;

(c) the health of the coastal population and the wellbeing of the area concerned, including conservation of marine living resources and of wildlife; and

(d) offshore and underwater infrastructure.

7 *Removal* means any form of prevention, mitigation or elimina ion of the hazard created by a wreck. *Remove*, *removed* and *removing* sl all be construed accordingly.



8 *Registered owner* means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship at the time of the maritime casualty. However, in the case of a ship owned by a State and operated by a company which in that State is registered as the operator of the ship, *registered owner* shall mean such company.

9 *Operator of the ship* means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who, on assuming such responsibility, has agreed to take over all duties and responsibilities established under the International Safety Management Code, as amended.

10 *Affected State* means the State in whose Convention area the wreck is located.

11 *State of the ship's registry* means, in relation to a registered ship, the State of registration of the ship and, in relation to an unregistered ship, the State whose flag the ship is entitled to fly.

12 *Organization* means the International Maritime Organization.

13 *Secretary-General* means the Secretary-General of the Organization.

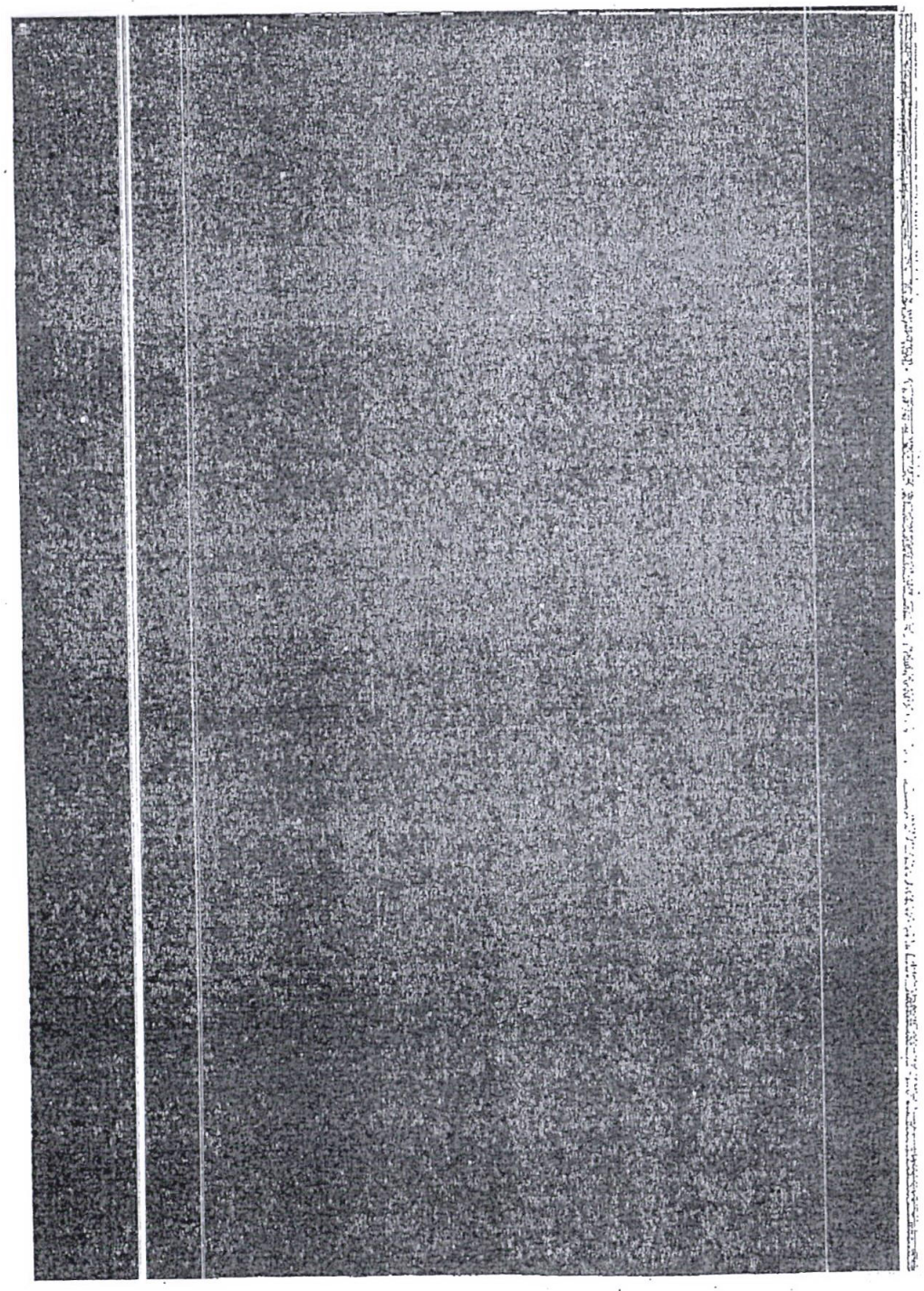
Article 2
Objectives and general principles

1 A State Party may take measures in accordance with this Convention in relation to the removal of a wreck which poses a hazard in the Convention area.

2 Measures taken by the Affected State in accordance with paragraph 1 shall be proportionate to the hazard.

3 Such measures shall not go beyond what is reasonably necessary to remove a wreck which poses a hazard and shall cease as soon as the wreck has been removed; they shall not unnecessarily interfere with the rights and interests of other States including the State of the ship's registry, and of any person, physical or corporate, concerned.

4 The application of this Convention within the Convention area shall not entitle a State Party to claim or exercise sovereignty or sovereign rights over any part of the high seas.



5 States Parties shall endeavour to co-operate when the effect of a maritime casualty resulting in a wreck involve a State other than the Affected State.

Article 3
Scope of application

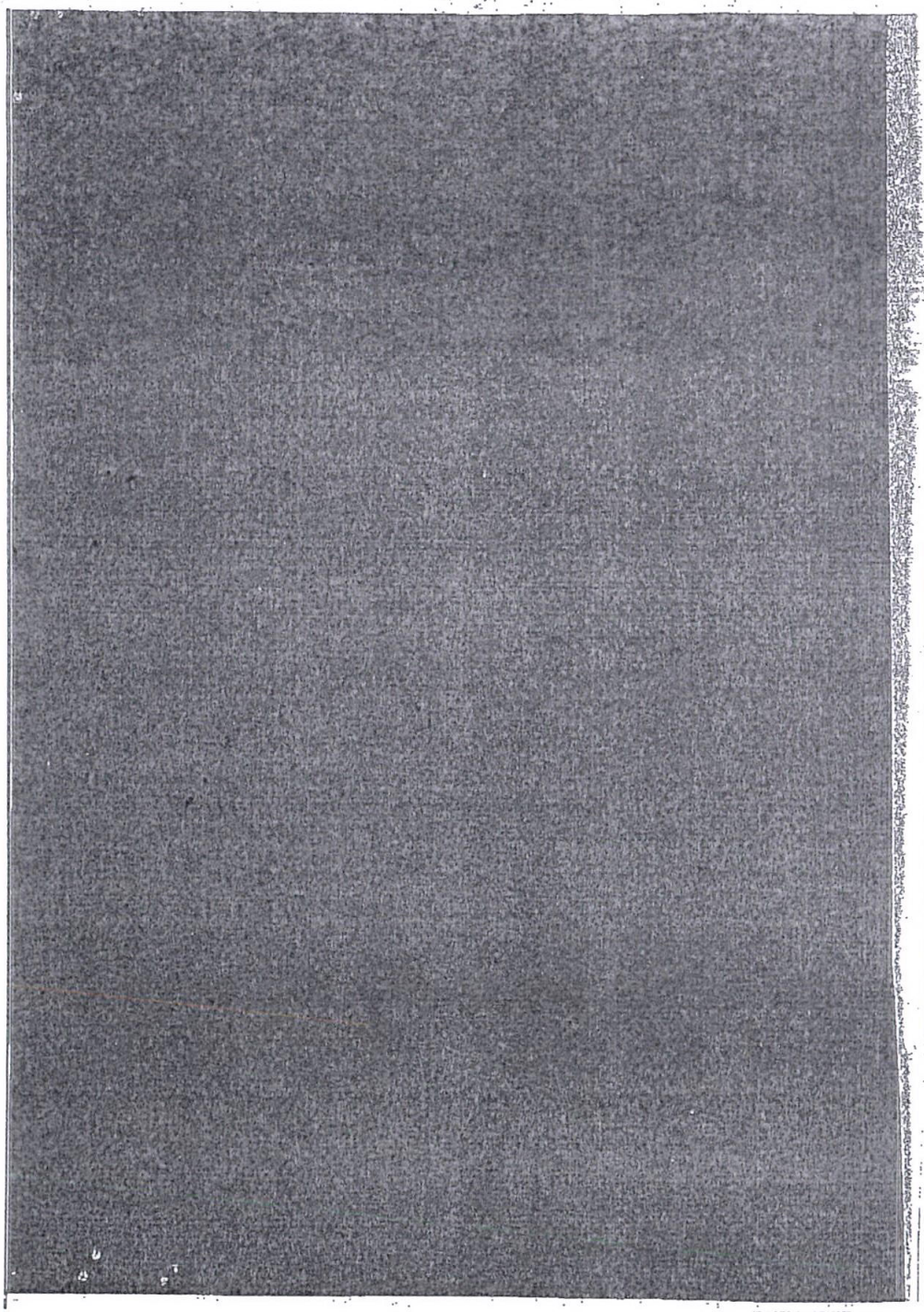
1 Except as otherwise provided in this Convention, this Convention shall apply to wrecks in the Convention area.

2 A State Party may extend the application of this Convention to wrecks located within its territory, including the territorial sea, subject to article 4, paragraph 4. In that case, it shall notify the Secretary-General accordingly, at the time of expressing its consent to be bound by this Convention or at any time thereafter. When a State Party has made a notification to apply this Convention to wrecks located within its territory, including the territorial sea, this is without prejudice to the rights and obligations of that State to take measures in relation to wrecks located in its territory, including the territorial sea, other than locating, marking and removing them in accordance with this Convention. The provisions of articles 10, 11 and 12 of this Convention shall not apply to any measures so taken other than those referred to in articles 7, 8 and 9 of this Convention.

3 When a State Party has made a notification under paragraph 2, the Convention area of the Affected State shall include the territory, including the territorial sea, of that State Party.

4 A notification made under paragraph 2 above shall take effect for that State Party, if made before entry into force of this Convention for that State Party, upon entry into force. If notification is made after entry into force of this Convention for that State Party, it shall take effect six months after its receipt by the Secretary-General.

5 A State Party that has made a notification under paragraph 2 may withdraw it at any time by means of a notification of withdrawal to the Secretary-General. Such notification of withdrawal shall take effect six months after its receipt by the Secretary-General, unless the notification specifies a later date.



Article 4
Exclusions

1 This Convention shall not apply to measures taken under the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, as amended, or the Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973, as amended.

2 This Convention shall not apply to any warship or other ship owned or operated by a State and used, for the time being, only on Government non-commercial service, unless that State decides otherwise.

3 Where a State Party decides to apply this Convention to its warships or other ships as described in paragraph 2, it shall notify the Secretary-General, thereof, specifying the terms and conditions of such application.

4 (a) When a State Party has made a notification under article 3, paragraph 2, the following provisions of this Convention shall not apply in its territory, including the territorial sea:

(i) Article 2, paragraph 4;

(ii) Article 9, paragraphs 1, 5, 7, 8, 9 and 10; and

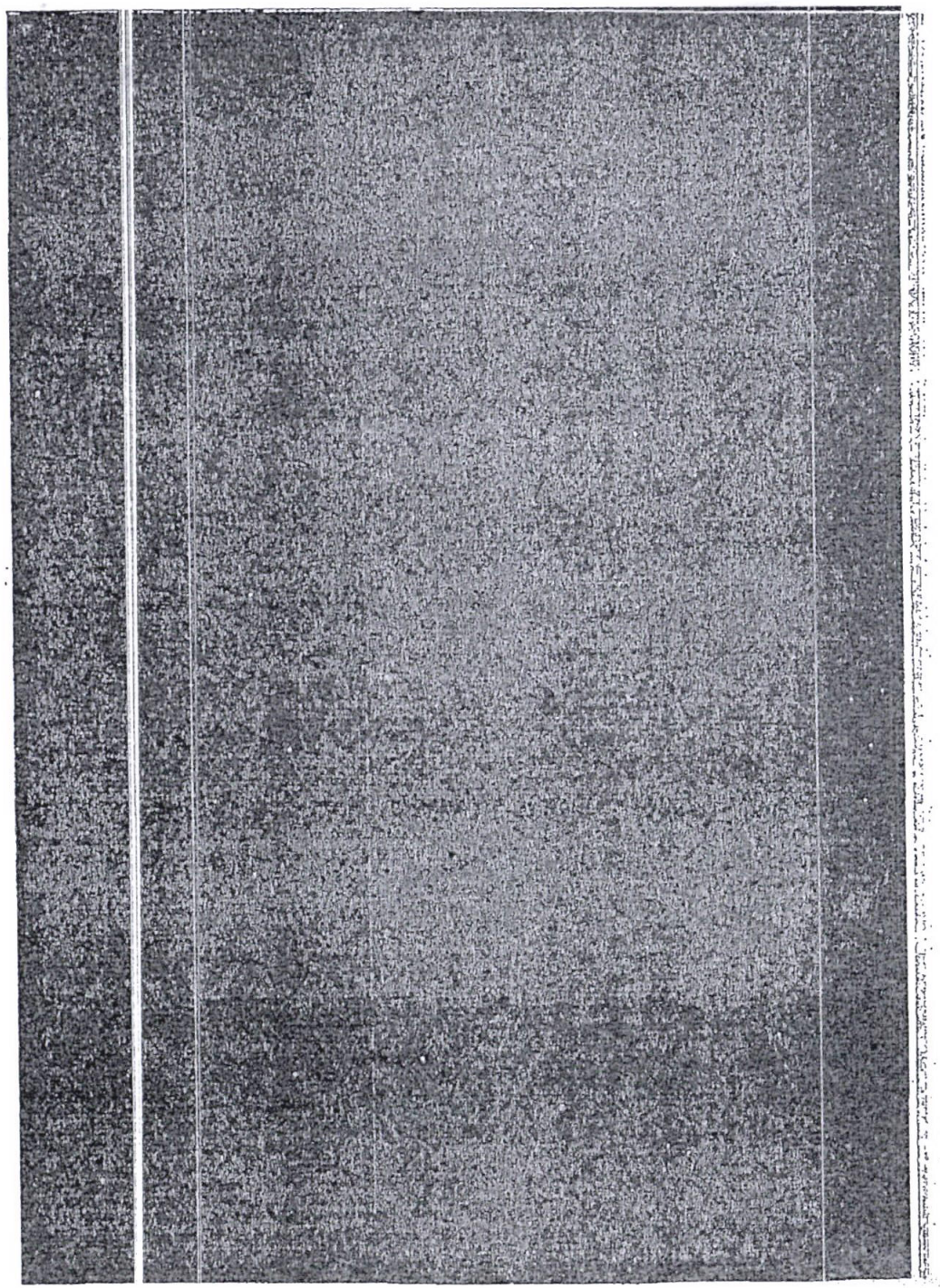
(iii) Article 15.

(b) Article 9, paragraph 4, insofar as it applies to the territory, including the territorial sea of a State Party, shall read:

Subject to the national law of the Affected State, the registered owner may contract with any salvor or other person to remove the wreck determined to constitute a hazard on behalf of the owner. Before such removal commences, the Affected State may lay down conditions for such removal only to the extent necessary to ensure that the removal proceeds in a manner that is consistent with considerations of safety and protection of the marine environment.

Article 5
Reporting wrecks

1 A State Party shall require the master and the operator of a ship flying its flag to report to the Affected State without delay when that ship has been involved in a maritime casualty resulting in a wreck. To the extent that the reporting obligation under this article has been fulfilled either by



the master or the operator of the ship, the other shall not be obl ged to report.

2 Such reports shall provide the name and the principal p ace of business of the registered owner and all the relevant information n essary for the Affected State to determine whether the wreck poses a ha ard in accordance with article 6, including:

(a) the precise location of the wreck;

(b) the type, size and construction of the wreck;

(c) the nature of the damage to, and the condition of, the vreck;

(d) the nature and quantity of the cargo, in particu r any hazardous and noxious substances; and

(e) the amount and types of oil, including bunker o l and lubricating oil, on board.

Article 6
Determination of hazard

When determining whether a wreck poses a hazard, the following criteria should be taken into account by the Affected State:

(a) the type, size and construction of the wreck;

(b) depth of the water in the area;

(c) tidal range and currents in the area;

(d) particularly sensitive sea areas identified and, as appr priate, designated in accordance with guidelines adoped by the Organization, or a clearly defined area of the e clusive economic zone where special mandatory measures ha e been adopted pursuant to article 211, paragraph 6, of the United Nations Convention on the Law of the Sea, 1982;

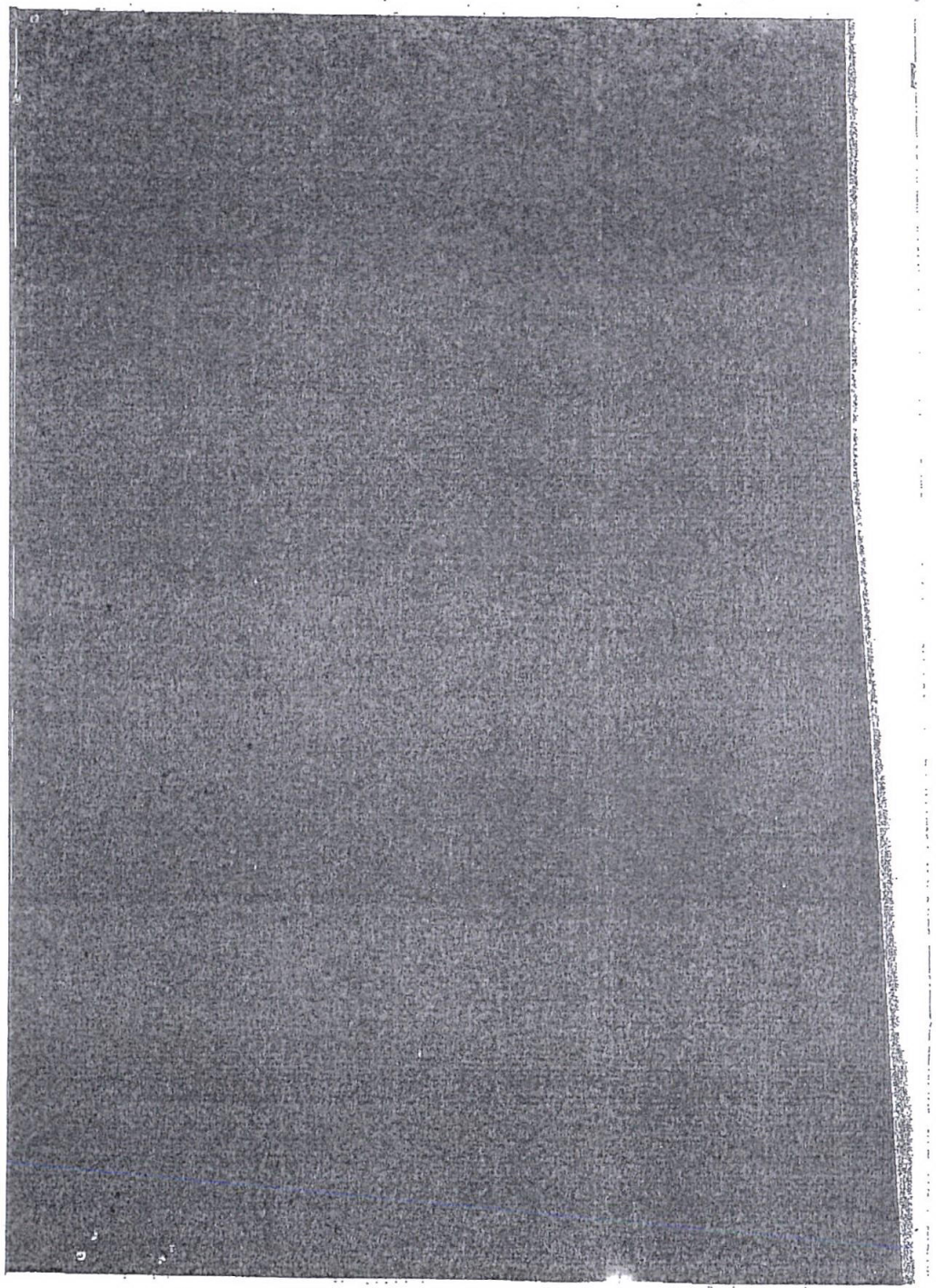
(e) proximity of shipping routes or established traffic lane ;

(f) traffic density and frequency;

(g) type of traffic;

(h) nature and quantity of the wreck's cargo, the amount a d types of oil (such as bunker oil and lubricating oil) on bo rd the wreck and, in particular, the damage likely to result sh uld the cargo or oil be released into the marine environment;

(i) vulnerability of port facilities;



(j) prevailing meteorological and hydrographical conditions;

(k) submarine topography of the area;

(l) height of the wreck above or below the surface of the water at lowest astronomical tide;

(m) acoustic and magnetic profiles of the wreck;

(n) proximity of offshore installations, pipelines, telecommunications cables and similar structures; and

(o) any other circumstances that might necessitate the removal of the wreck.

Article 7
Locating wrecks

1 Upon becoming aware of a wreck, the Affected State shall use all practicable means, including the good offices of States and organizations, to warn mariners and the States concerned of the nature and location of the wreck as a matter of urgency.

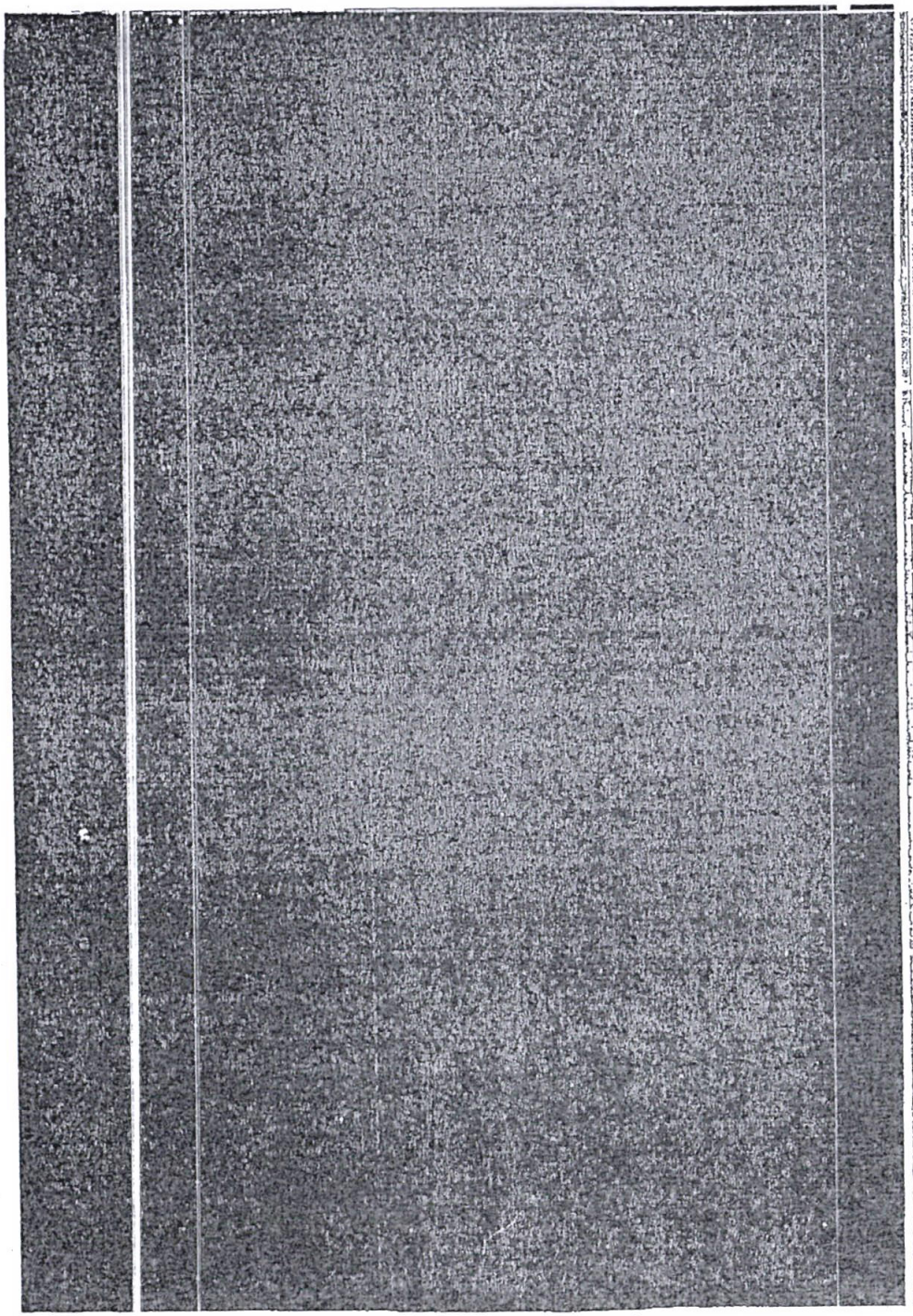
2 If the Affected State has reason to believe that a wreck poses a hazard, it shall ensure that all practicable steps are taken to establish the precise location of the wreck.

Article 8
Marking of wrecks

1 If the Affected State determines that a wreck constitutes a hazard, that State shall ensure that all reasonable steps are taken to mark the wreck.

2 In marking the wreck, all practicable steps shall be taken to ensure that the markings conform to the internationally accepted system of buoyage in use in the area where the wreck is located.

3 The Affected State shall promulgate the particulars of the marking of the wreck by use of all appropriate means, including the appropriate nautical publications.



Article 9

Measures to facilitate the removal of wrecks

1 If the Affected State determines that a wreck constitutes a haz rd, that State shall immediately:

(a) inform the State of the ship's registry and the registered ow er; and

(b) proceed to consult the State of the ship's registry and o ıer States affected by the wreck regarding measures to be take in relation to the wreck.

2 The registered owner shall remove a wreck determined to consti ute a hazard.

3 When a wreck has been determined to constitute a hazard, the registered owner, or other interested party, shall provide the compe ent authority of the Affected State with evidence of insurance or o her financial security as required by article 12.

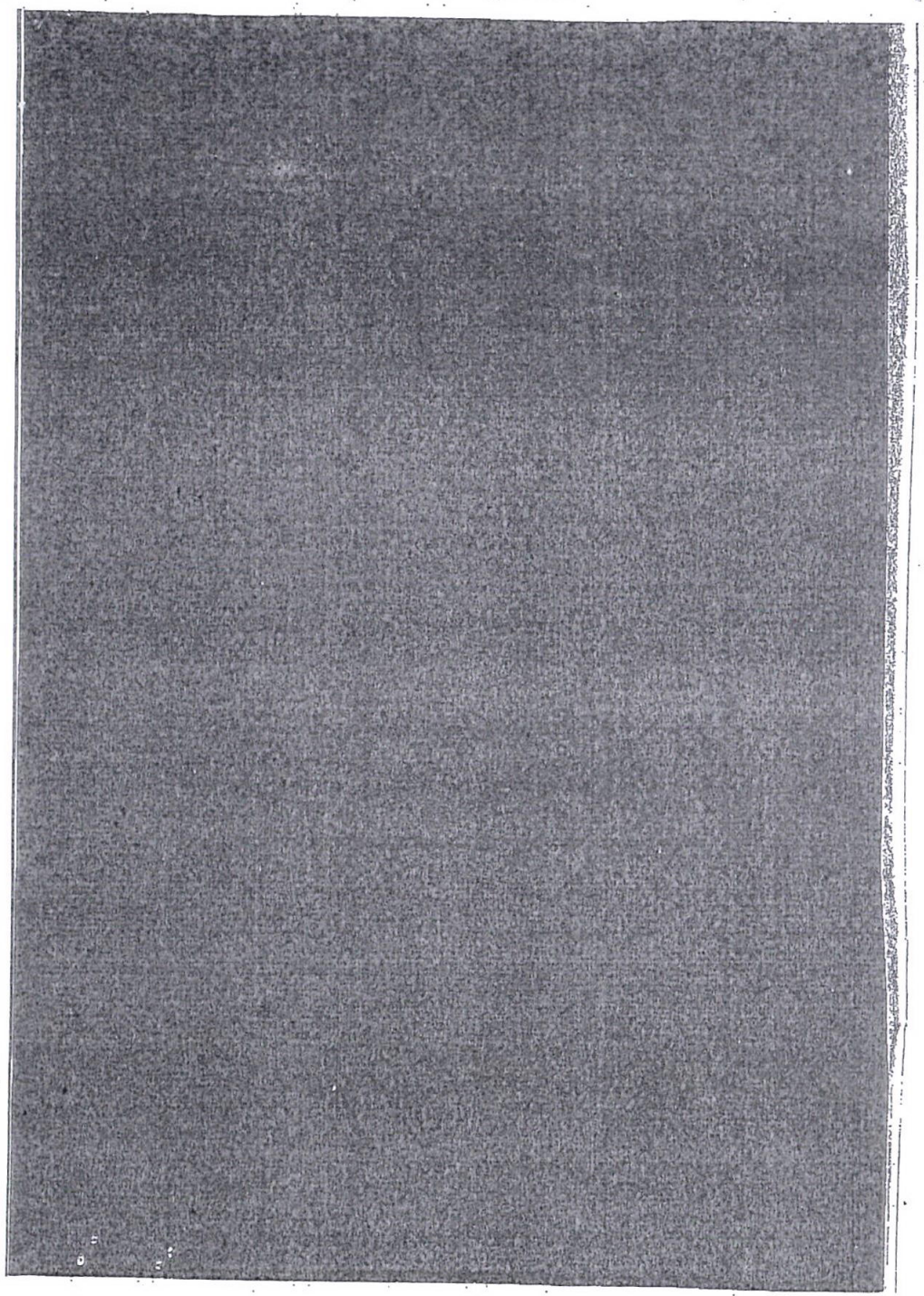
4 The registered owner may contract with any salvor or other pe son to remove the wreck determined to constitute a hazard on behalf of the owner. Before such removal commences, the Affected State may lay d wn conditions for such removal only to the extent necessary to ensure tha the removal proceeds in a manner that is consistent with consideratior s of safety and protection of the marine environment.

5 When the removal referred to in paragraphs 2 and 4 has commen ed, the Affected State may intervene in the removal only to the e) ent necessary to ensure that the removal proceeds effectively in a manner that is consistent with considerations of safety and protection of the. m: rine environment.

6 The Affected State shall:

(a) set a reasonable deadline within which the registered o ner must remove the wreck, taking into account the nature o the hazard determined in accordance with article 6;

(b) inform the registered owner in writing of the deadline it h: s set and specify that, if the registered owner does not remov the wreck within that deadline, it may remove the wreck a the registered owner's expense; and



(c) inform the registered owner in writing that it intends to intervene immediately in circumstances where the hazard becomes particularly severe.

7 If the registered owner does not remove the wreck within the deadline set in accordance with paragraph 6(a), or the registered owner cannot be contacted, the Affected State may remove the wreck by the most practical and expeditious means available, consistent with considerations of safety and protection of the marine environment.

8 In circumstances where immediate action is required and the Affected State has informed the State of the ship's registry and the registered owner accordingly, it may remove the wreck by the most practical and expeditious means available, consistent with considerations of safety and protection of the marine environment.

9 States Parties shall take appropriate measures under their national law to ensure that their registered owners comply with paragraphs 2 and 3.

10 States Parties give their consent to the Affected State to act under paragraphs 4 to 8, where required.

11 The information referred to in this article shall be provided by the Affected State to the registered owner identified in the reports referred to in article 5, paragraph 2.

Article 10

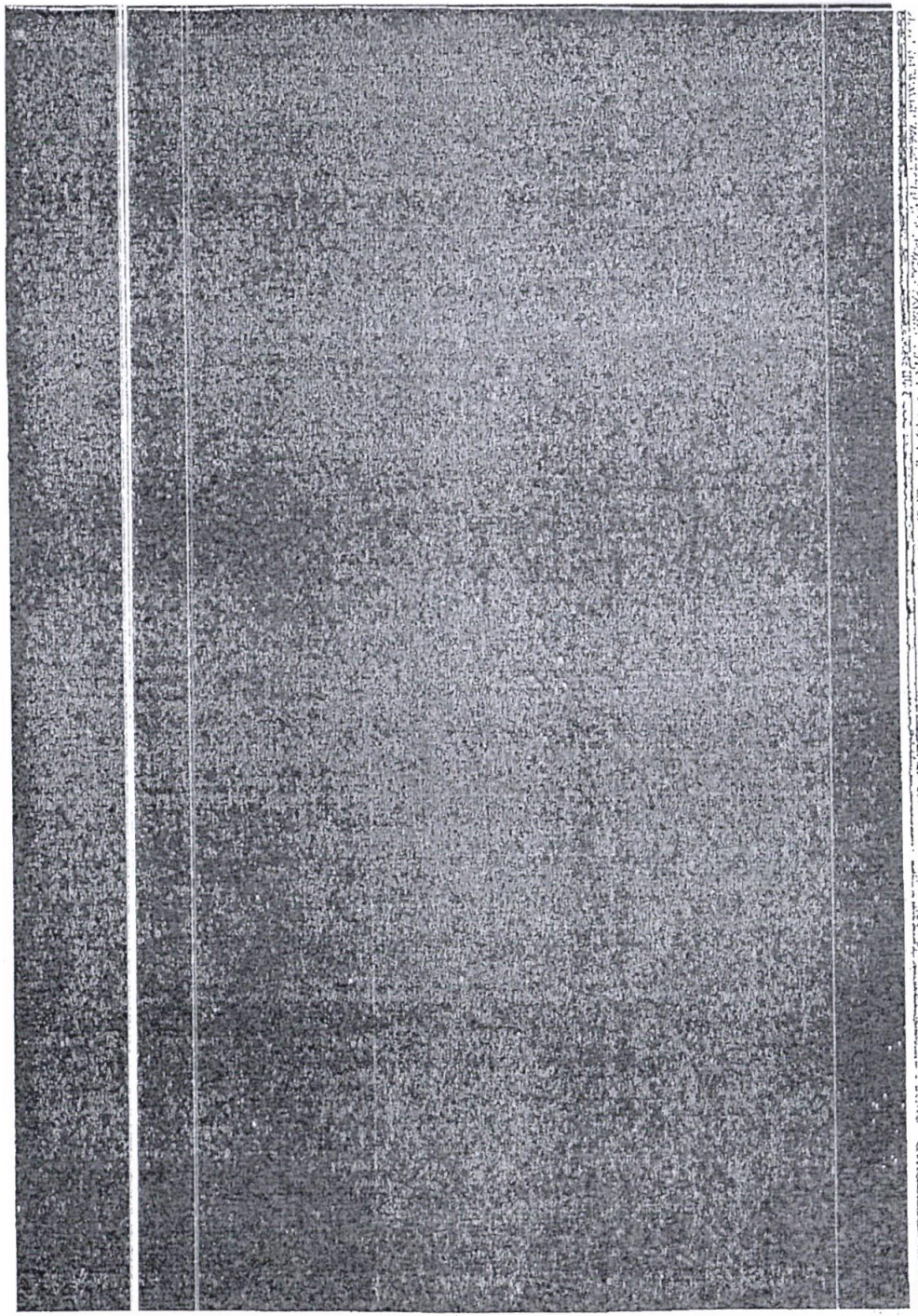
Liability of the owner

1 Subject to article 11, the registered owner shall be liable for the costs of locating, marking and removing the wreck under articles 7, 8 and 9, respectively, unless the registered owner proves that the maritime casualty that caused the wreck:

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

(b) was wholly caused by an act or omission done with intent to cause damage by a third party; or

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



2 Nothing in this Convention shall affect the right of the regist red owner to limit liability under any applicable national or internati nal regime, such as the Convention on Limitation of Liability for Mari me Claims, 1976, as amended.

3 No claim for the costs referred to in paragraph 1 may be r ade against the registered owner otherwise than in accordance with the provisions of this Convention. This is without prejudice to the rights and obligations of a State Party that has made a notification under artic : 3, paragraph 2, in relation to wrecks located in its territory, including the territorial sea, other than locating, marking and removing in accord nce with this Convention.

4 Nothing in this article shall prejudice any right of recourse ag inst third parties.

Article 11

Exceptions to liability

1 The registered owner shall not be liable under this Conventio for the costs mentioned in article 10, paragraph 1 if, and to the extent hat, liability for such costs would be in conflict with:

(a) the International Convention on Civil Liability for Oil Pollution Damage, 1969, as amended;

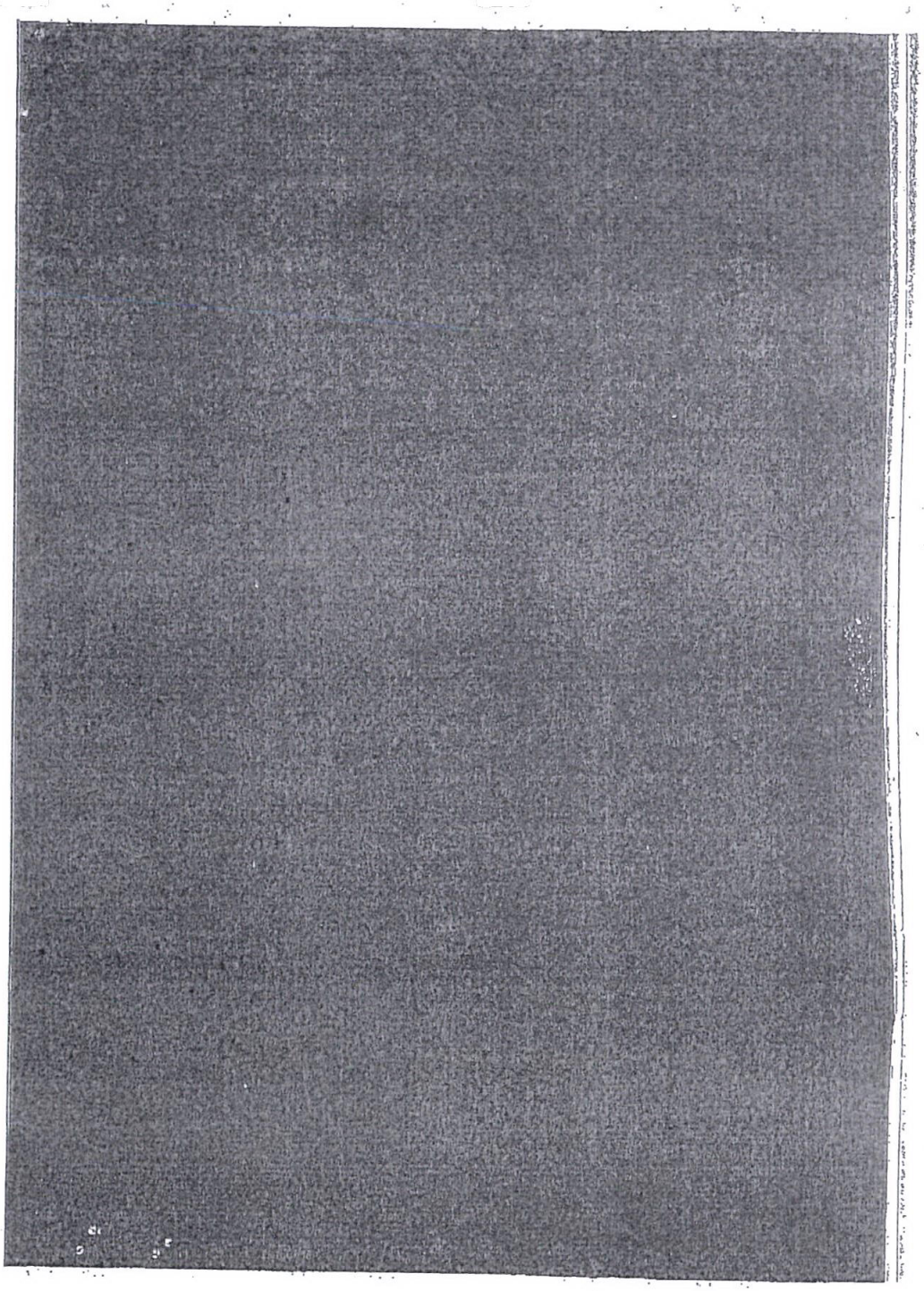
(b) the International Convention on Liability and Compens tion for Damage in Connection with the Carriage of Hazar lous and Noxious Substances by Sea, 1996, as amended;

(c) the Convention on Third Party Liability in the Fiel l of Nuclear Energy, 1960, as amended, or the Vienna Conve tion on Civil Liability for Nuclear Damage, 1963, as amende l; or national law governing or prohibiting limitation of liabili for nuclear damage; or

(d) the International Convention on Civil Liability for Bunke Oil Pollution Damage, 2001, as amended;

provided that the relevant convention is applicable and in force.

2 To the extent that measures under this Convention are consi ered to be salvage under applicable national law or an international conve tion, such law or convention shall apply to questions of the remunerati n or compensation payable to salvors to the exclusion of the rules of this Convention.



Article 12
Compulsory insurance or other financial security

1 The registered owner of a ship of 300 gross tonnage and above and flying the flag of a State Party shall be required to maintain insurance or other financial security, such as a guarantee of a bank or similar institution, to cover liability under this Convention in an amount equal to the limits of liability under the applicable national or international limitation regime, but in all cases not exceeding an amount calculated in accordance with article 6(1)(b) of the Convention on Limitation of Liability for Maritime Claims, 1976, as amended.

2 A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship of 300 gross tonnage and above by the appropriate authority of the State of the ship's registry after determining that the requirements of paragraph 1 have been complied with. With respect to a ship registered in a State Party, such certificate shall be issued or certified by the appropriate authority of the State of the ship's registry; with respect to a ship not registered in a State Party it may be issued or certified by the appropriate authority of any State Party. This compulsory insurance certificate shall be in the form of the model set out in the annex to this Convention, and shall contain the following particulars:

(a) name of the ship, distinctive number or letters and port of registry;

(b) gross tonnage of the ship;

(c) name and principal place of business of the registered owner;

(d) IMO ship identification number;

(e) type and duration of security;

(f) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established; and

(g) period of validity of the certificate, which shall not be longer than the period of validity of the insurance or other security.

3 (a) A State Party may authorize either an institution or an organization recognized by it to issue the certificate referred to in paragraph 2. Such institution or organization shall inform that State of the issue of each certificate. In all cases, the State Party shall fully guarantee the completeness and accuracy of the

certificate so issued and shall undertake to ensure the nece arrangements to satisfy this obligation.

(b) A State Party shall notify the Secretary-General of:

(i) the specific responsibilities and conditions of authority delegated to an institution or organiza recognized by it;

(ii) the withdrawal of such authority; and

(iii) the date from which such authority or withdrawa such authority takes effect.

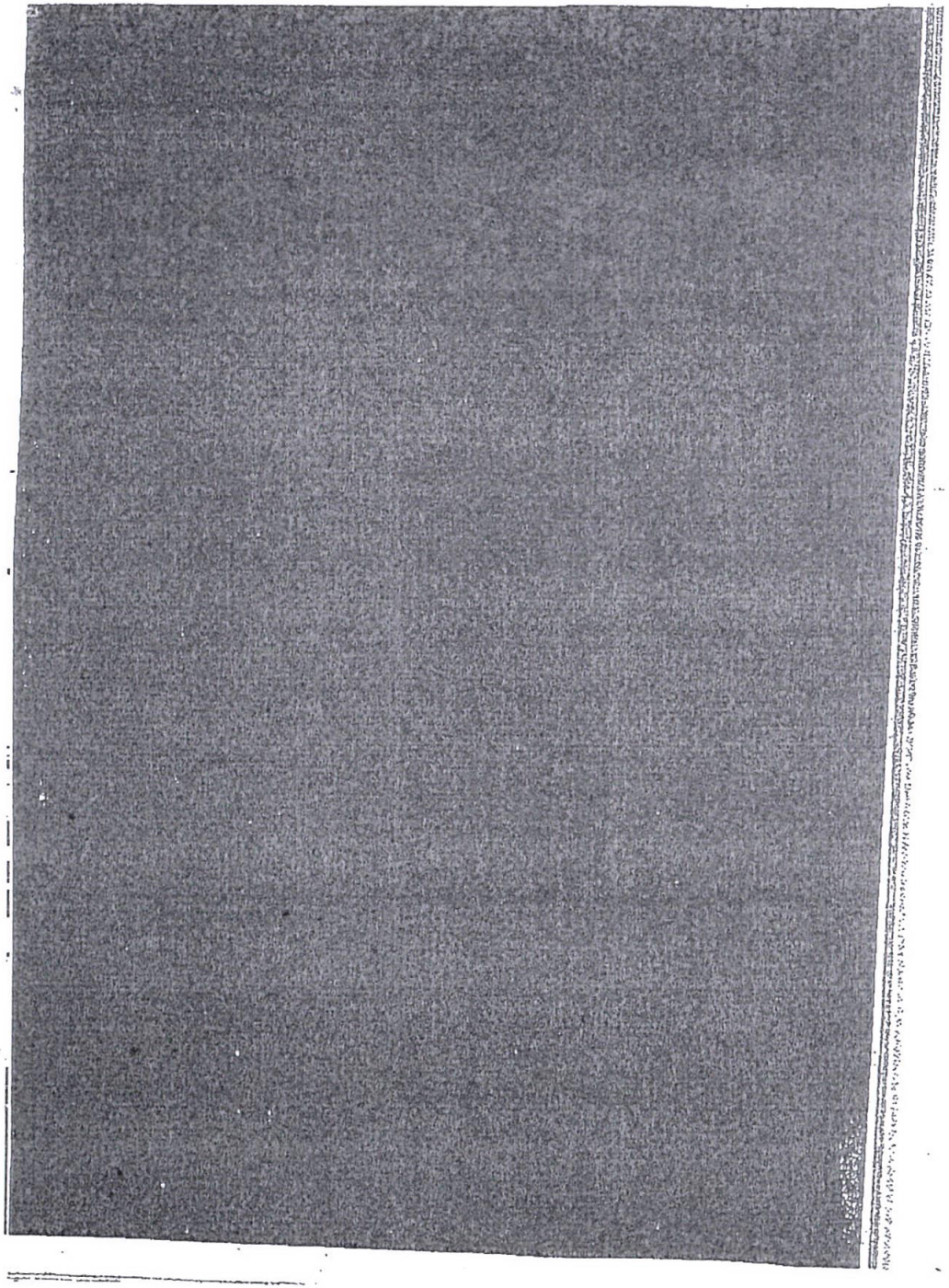
An authority delegated shall not take effect prior to tl months from the date on which notification to that effect given to the Secretary-General.

(c) The institution or organization authorized to issue certific in accordance with this paragraph shall, as a minimum, authorized to withdraw these certificates if the conditi under which they have been issued are not maintained. If cases the institution or organization shall report such w drawal to the State on whose behalf the certificate was issu

4 The certificate shall be in the official language or languages of issuing State. If the language used is not English, French or Spanish, text shall include a translation into one of these languages and, where State so decides, the official language(s) of the State may be omitted.

5 The certificate shall be carried on board the ship and a copy shal deposited with the authorities who keep the record of the ship's regi or, if the ship is not registered in a State Party, with the authorities issu or certifying the certificate.

6 An insurance or other financial security shall not satisfy requirements of this article if it can cease for reasons other than expiry of the period of validity of the insurance or security specified in certificate under paragraph 2 before three months have elapsed from date on which notice of its termination is given to the authorities refer to in paragraph 5, unless the certificate has been surrendered to th authorities or a new certificate has been issued within the said period. foregoing provisions shall similarly apply to any modification wh results in the insurance or security no longer satisfying the requirement this article.



certificate so issued and shall undertake to ensure the necessary arrangements to satisfy this obligation.

(b) A State Party shall notify the Secretary-General of:

(i) the specific responsibilities and conditions of the authority delegated to an institution or organization recognized by it;

(ii) the withdrawal of such authority; and

(iii) the date from which such authority or withdrawal of such authority takes effect.

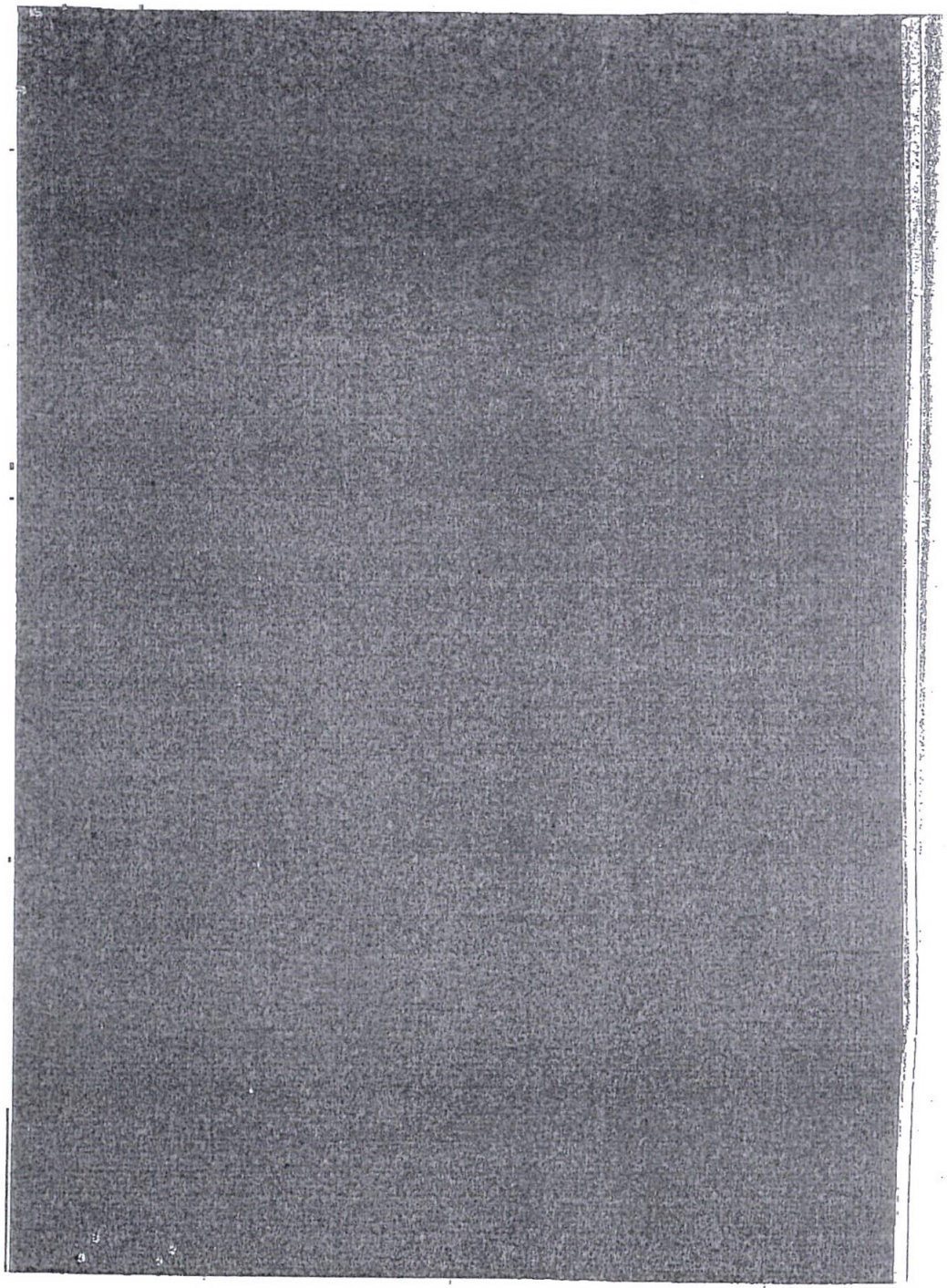
An authority delegated shall not take effect prior to three months from the date on which notification to that effect was given to the Secretary-General.

(c) The institution or organization authorized to issue certificates in accordance with this paragraph shall, as a minimum, be authorized to withdraw these certificates if the conditions under which they have been issued are not maintained. In all cases the institution or organization shall report such withdrawal to the State on whose behalf the certificate was issued.

4 The certificate shall be in the official language or languages of the issuing State. If the language used is not English, French or Spanish, the text shall include a translation into one of these languages and, where the State so decides, the official language(s) of the State may be omitted.

5 The certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry or, if the ship is not registered in a State Party, with the authorities issuing or certifying the certificate.

6 An insurance or other financial security shall not satisfy the requirements of this article if it can cease for reasons other than the expiry of the period of validity of the insurance or security specified in the certificate under paragraph 2 before three months have elapsed from the date on which notice of its termination is given to the authorities referred to in paragraph 5 unless the certificate has been surrendered to these authorities or a new certificate has been issued within the said period. The foregoing provisions shall similarly apply to any modification, which results in the insurance or security no longer satisfying the requirements of this article.



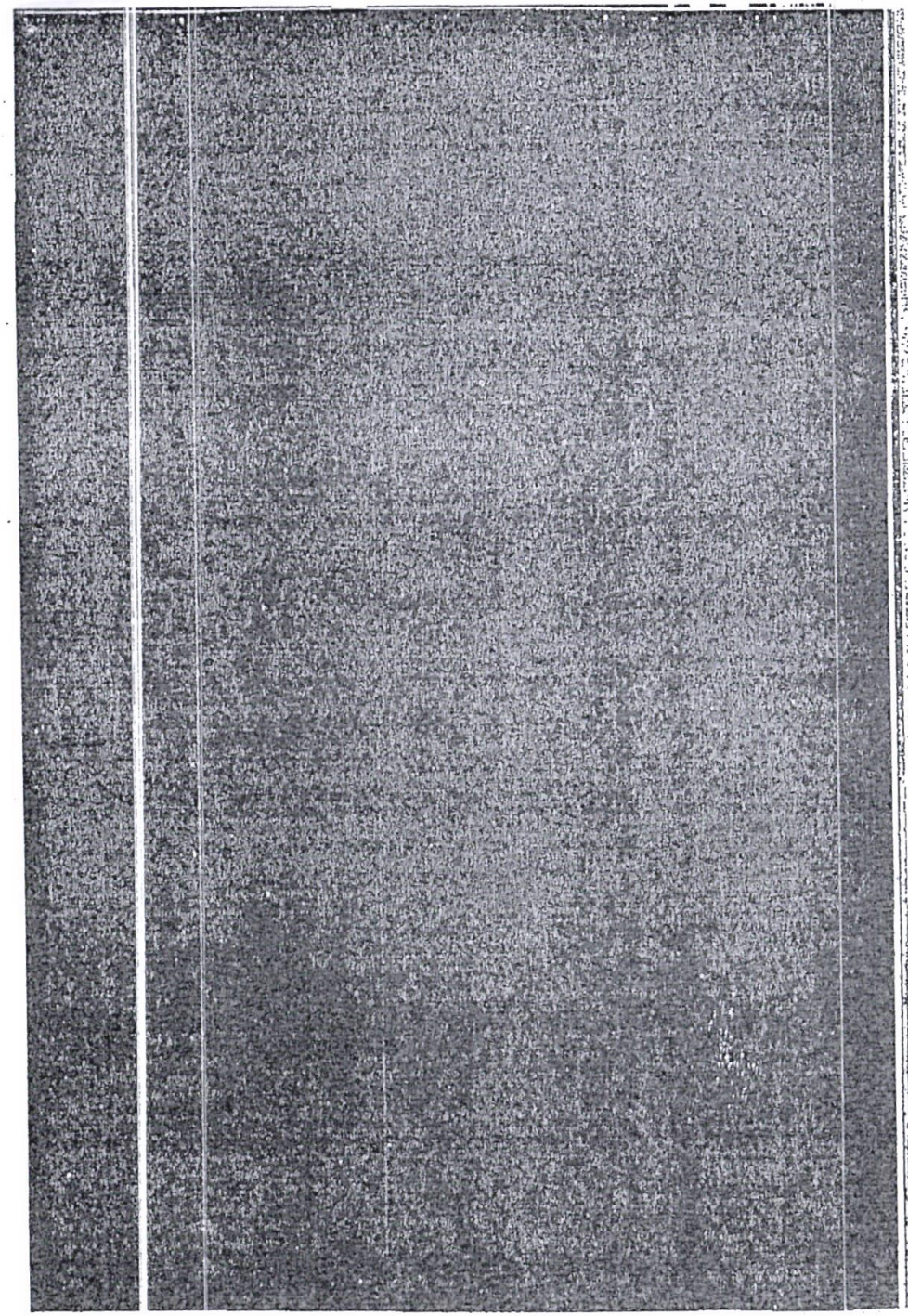
7 The State of the ship's registry shall, subject to the provisions of this article and having regard to any guidelines adopted by the Organization on the financial responsibility of the registered owners, determine the conditions of issue and validity of the certificate.

8. Nothing in this Convention shall be construed as preventing a State Party from relying on information obtained from other States or the Organization or other international organizations relating to the financial standing of providers of insurance or financial security for the purposes of this Convention. In such cases, the State Party relying on such information is not relieved of its responsibility as a State issuing the certificate required by paragraph 2.

9 Certificates issued and certified under the authority of a State Party shall be accepted by other States Parties for the purposes of this Convention and shall be regarded by other States Parties as having the same force as certificates issued or certified by them, even if issued or certified in respect of a ship not registered in a State Party. A State Party may at any time request consultation with the issuing or certifying State should it believe that the insurer or guarantor named in the certificate is not financially capable of meeting the obligations imposed by this Convention.

10 Any claim for costs arising under this Convention may be brought directly against the insurer or other person providing financial security for the registered owner's liability. In such a case the defendant may invoke the defences (other than the bankruptcy or winding up of the registered owner) that the registered owner would have been entitled to invoke, including limitation of liability under any applicable national or international regime. Furthermore, even if the registered owner is not entitled to limit liability, the defendant may limit liability to an amount equal to the amount of the insurance or other financial security required to be maintained in accordance with paragraph 1. Moreover, the defendant may invoke the defence that the maritime casualty was caused by the wilful misconduct of the registered owner, but the defendant shall not invoke any other defence which the defendant might have been entitled to invoke in proceedings brought by the registered owner against the defendant. The defendant shall in any event have the right to require the registered owner to be joined in the proceedings.

11 A State Party shall not permit any ship entitled to fly its flag to which this article applies to operate at any time unless a certificate has been issued under paragraphs 2 or 14.



12 Subject to the provisions of this article, each State Party shall ensu :, under its national law, that insurance or other security to the exte it required by paragraph 1 is in force in respect of any ship of 300 gr s tonnage and above, wherever registered, entering or leaving a port in s territory, or arriving at or leaving from an offshore facility in its territor l sea.

13 Notwithstanding the provisions of paragraph 5, a State Party m y notify the Secretary-General that, for the purposes of paragraph 12, sh s are not required to carry on board or to produce the certificate required y paragraph 2, when entering or leaving a port in its territory, or arriving t or leaving from an offshore facility in its territorial sea, provided that t e State Party which issues the certificate required by paragraph 2 has notifi d the Secretary-General that it maintains records in an electronic form t, accessible to all States Parties, attesting the existence of the certificate a d enabling States Parties to discharge their obligations under paragraph 1 .

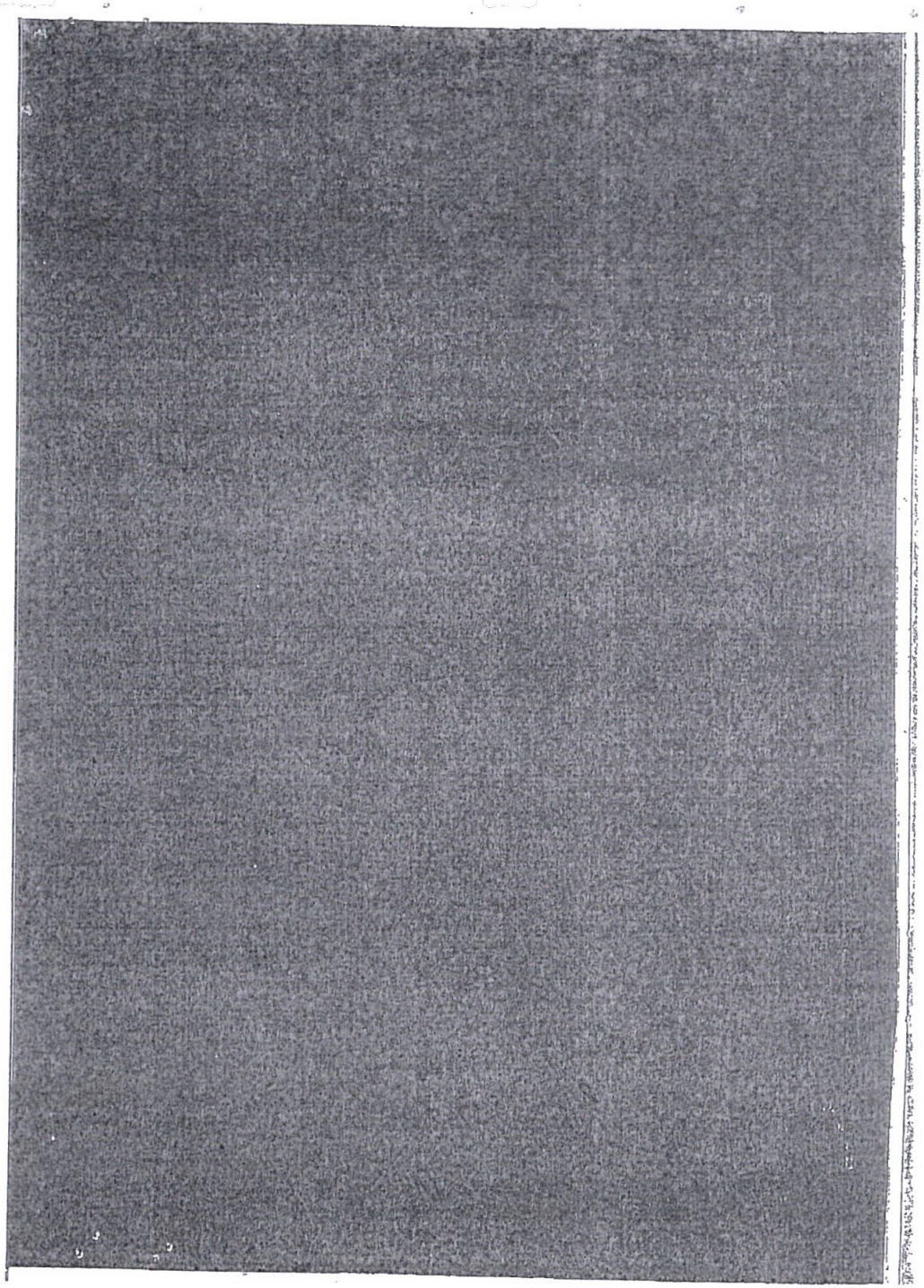
14 If insurance or other financial security is not maintained in respect of a ship owned by a State Party, the provisions of this article relating there o shall not be applicable to such ship, but the ship shall carry a certific te issued by the appropriate authority of the State of registry, stating that i is owned by that State and that the ship's liability is covered within the lim ts prescribed in paragraph 1. Such a certificate shall follow as closely as possible the model prescribed by paragraph 2.

Article 13
Time limits

Rights to recover costs under this Convention shall be extinguished unl ss an action is brought hereunder within three years from the date when t ne hazard has been determined in accordance with this Conventi n. However, in no case shall an action be brought after six years from t ne date of the maritime casualty that resulted in the wreck. Where t ne maritime casualty consists of a series of occurrences, the six-year per od shall run from the date of the first occurrence.

Article 14
Amendment provisions

1 At the request of not less than one-third of States Parties a conference shall be convened by the Organization for the purpose of revising or amending this Convention.



2 Any consent to be bound by this Convention, expressed after the date of entry into force of an amendment to this Convention, shall be deemed to apply to this Convention, as amended.

Article 15
Settlement of disputes

1 Where a dispute arises between two or more States Parties regarding the interpretation or application of this Convention, they shall seek to resolve their dispute, in the first instance, through negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice.

2 If no settlement is possible within a reasonable period of time not exceeding twelve months after one State Party has notified another that a dispute exists between them, the provisions relating to the settlement of disputes set out in Part XV of the United Nations Convention on the Law of the Sea, 1982, shall apply *mutatis mutandis*, whether or not the States party to the dispute are also States Parties to the United Nations Convention on the Law of the Sea, 1982.

3 Any procedure chosen by a State Party to this Convention and to the United Nations Convention on the Law of the Sea, 1982, pursuant to Article 287 of the latter, shall apply to the settlement of disputes under this article, unless that State Party, when ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, chooses another procedure pursuant to Article 287 for the purpose of the settlement of disputes arising out of this Convention.

4 A State Party to this Convention which is not a Party to the United Nations Convention on the Law of the Sea, 1982, when ratifying, accepting, approving or acceding to this Convention or at any time thereafter shall be free to choose, by means of a written declaration, one or more of the means set out in Article 287, paragraph 1, of the United Nations Convention on the Law of the Sea, 1982, for the purpose of settlement of disputes under this Article. Article 287 shall apply to such a declaration, as well as to any dispute to which such State is party, which is not covered by a declaration in force. For the purpose of conciliation and arbitration, in accordance with Annexes V and VII of the United Nations Convention on the Law of the Sea, 1982, such State shall be entitled to nominate conciliators and arbitrators to be included in the lists referred to in Annex V, Article 2, and Annex VII, Article 2, for the settlement of disputes arising out of this Convention.

5 A declaration made under paragraphs 3 and 4 shall be deposited with the Secretary-General, who shall transmit copies thereof to the States Parties.

Article 16
Relationship to other conventions and international agreements

Nothing in this Convention shall prejudice the rights and obligations of any State under the United Nations Convention on the Law of the Sea, 1982, and under the customary international law of the sea.

Article 17
Signature, ratification, acceptance, approval and accession

1 This Convention shall be open for signature at the Headquarters of the Organization from 19 November 2007 until 18 November 2008 and shall thereafter remain open for accession.

(a) States may express their consent to be bound by this Convention by:

(i) signature without reservation as to ratification, acceptance or approval; or

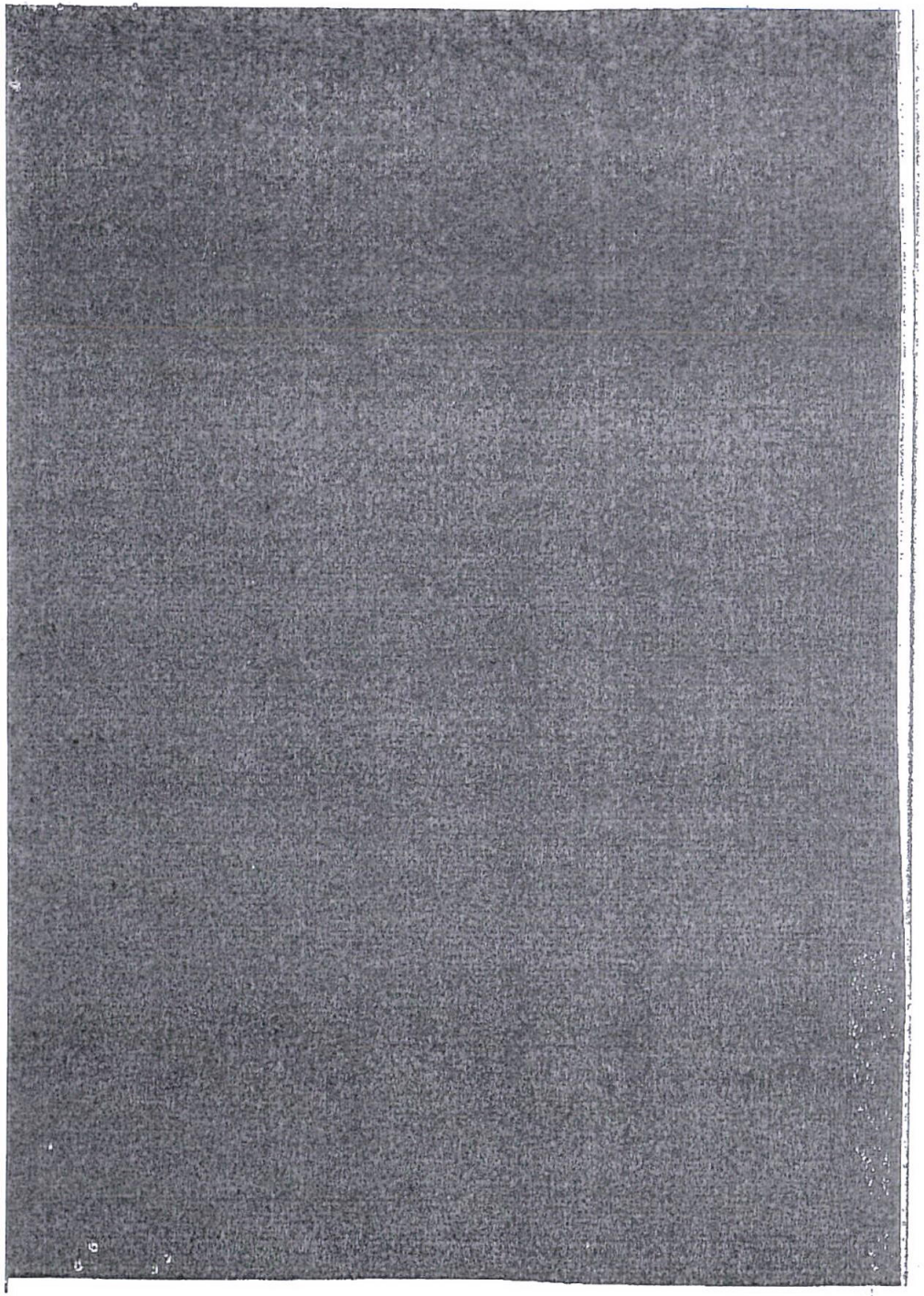
(ii) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

(iii) accession.

(b) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

Article 18
Entry into force

1 This Convention shall enter into force twelve months following the date on which ten States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General.



2 For any State which ratifies, accepts, approves or accedes to this Convention after the conditions in paragraph 1 for entry into force have been met, this Convention shall enter into force three months following the date of deposit by such State of the appropriate instrument, but not before this Convention has entered into force in accordance with paragraph 1.

Article 19
Denunciation

1 This Convention may be denounced by a State Party at any time after the expiry of one year following the date on which this Convention comes into force for that State.

2 Denunciation shall be effected by the deposit of an instrument to that effect with the Secretary-General.

3 A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, following its receipt by the Secretary-General.

Article 20
Depositary

1 This Convention shall be deposited with the Secretary General.

2 The Secretary-General shall:

(a) inform all States which have signed or acceded to this Convention of:

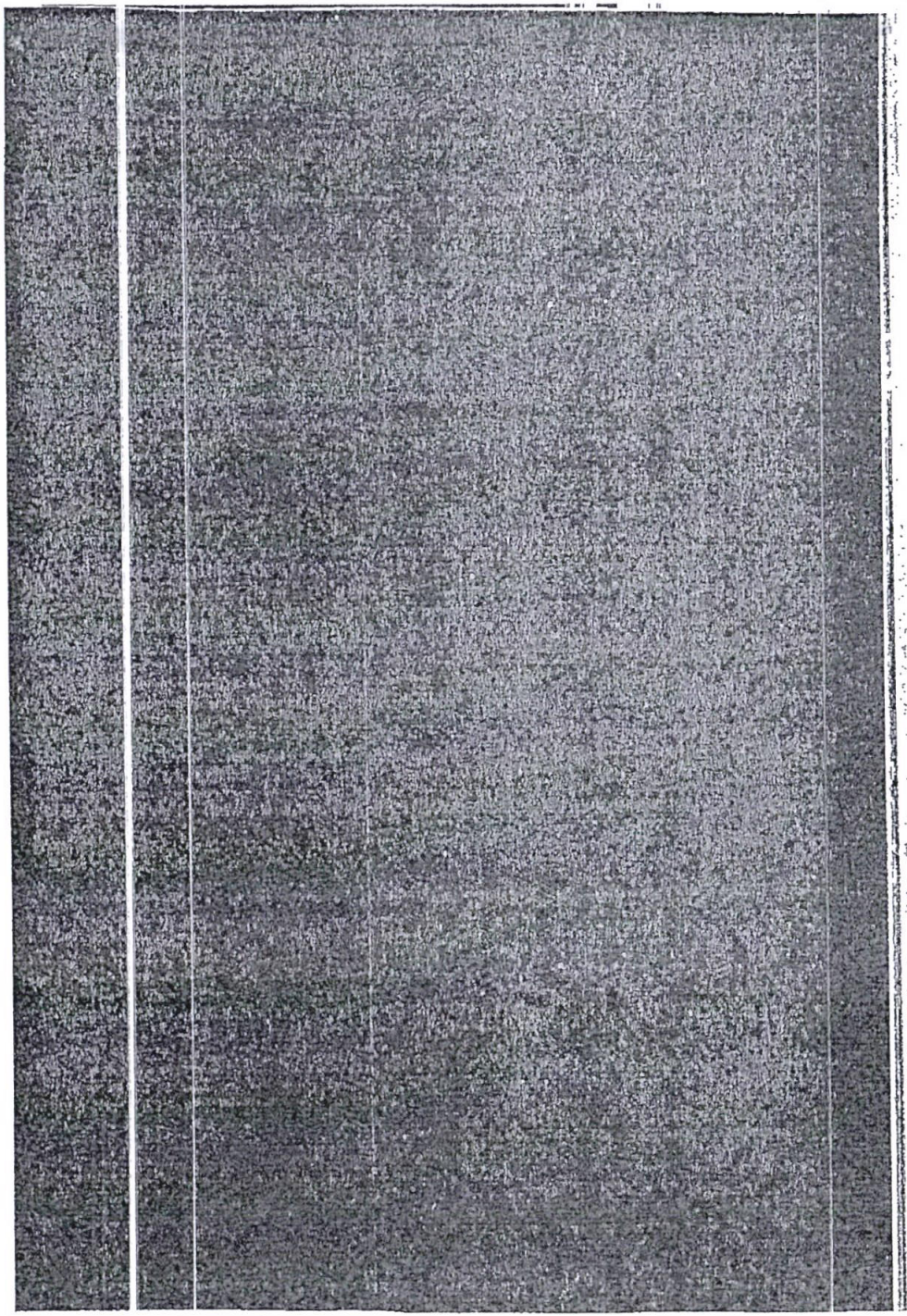
(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

(ii) the date of entry into force of this Convention;

(iii) the deposit of any instrument of denunciation of this Convention, together with the date of the deposit and the date on which the denunciation takes effect; and

(iv) other declarations and notifications received pursuant to this Convention;

(b) transmit certified true copies of this Convention to all States that have signed or acceded to this Convention.



3 As soon as this Convention enters into force, a certified true copy of the text shall be transmitted by the Secretary-General to the Secretary-General of the United Nations, for registration and publication in accordance with Article 102 of the Charter of the United Nations.

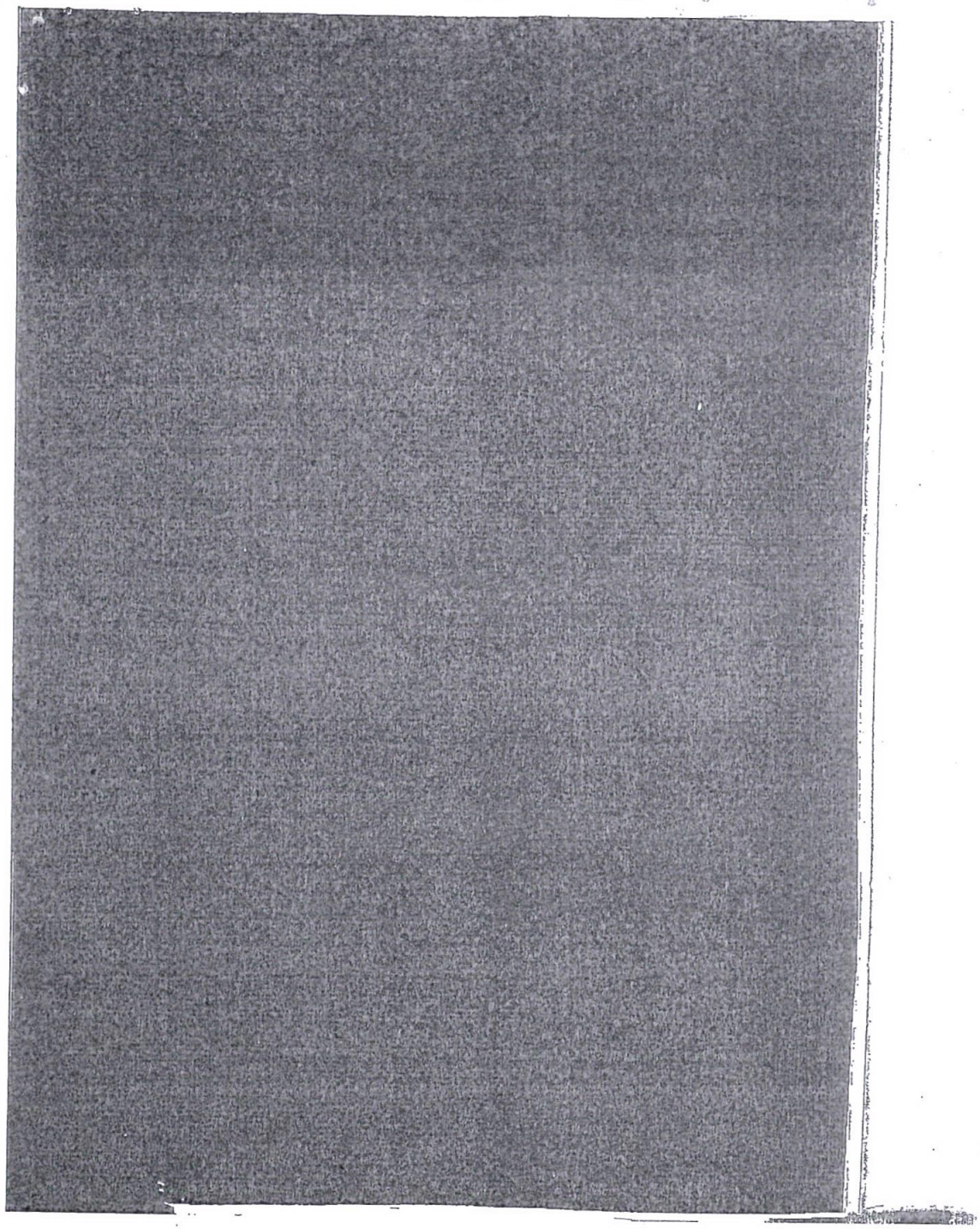
Article 21
Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned*, being duly authorized by their respective Governments for that purpose, have signed this Convention.

DONE IN NAIROBI this eighteenth day of May two thousand and seven.

* Signatures omitted.



Annex

Certificate of insurance or other financial security in respect of liability for the removal of wrecks

Issued in accordance with the provisions of article 12
of the Nairobi International Convention
on the Removal of Wrecks, 2007

Name of ship	Gross tonnage	Distinctive number or letters	IMO ship identifi-cation number	Port of registry	Name and full address of the principal place of business of the registered owner

This is to certify that there is in force, in respect of the above-named ship, a policy of insurance or other financial security satisfying the requirements of article 12 of the Nairobi International Convention on the Removal of Wrecks, 2007.

Type of security . . . . . .

Duration of security . . . . . .

Name and address of the insurer(s) and/or guarantor(s)

Name . . . . . .

Address . . . . . .

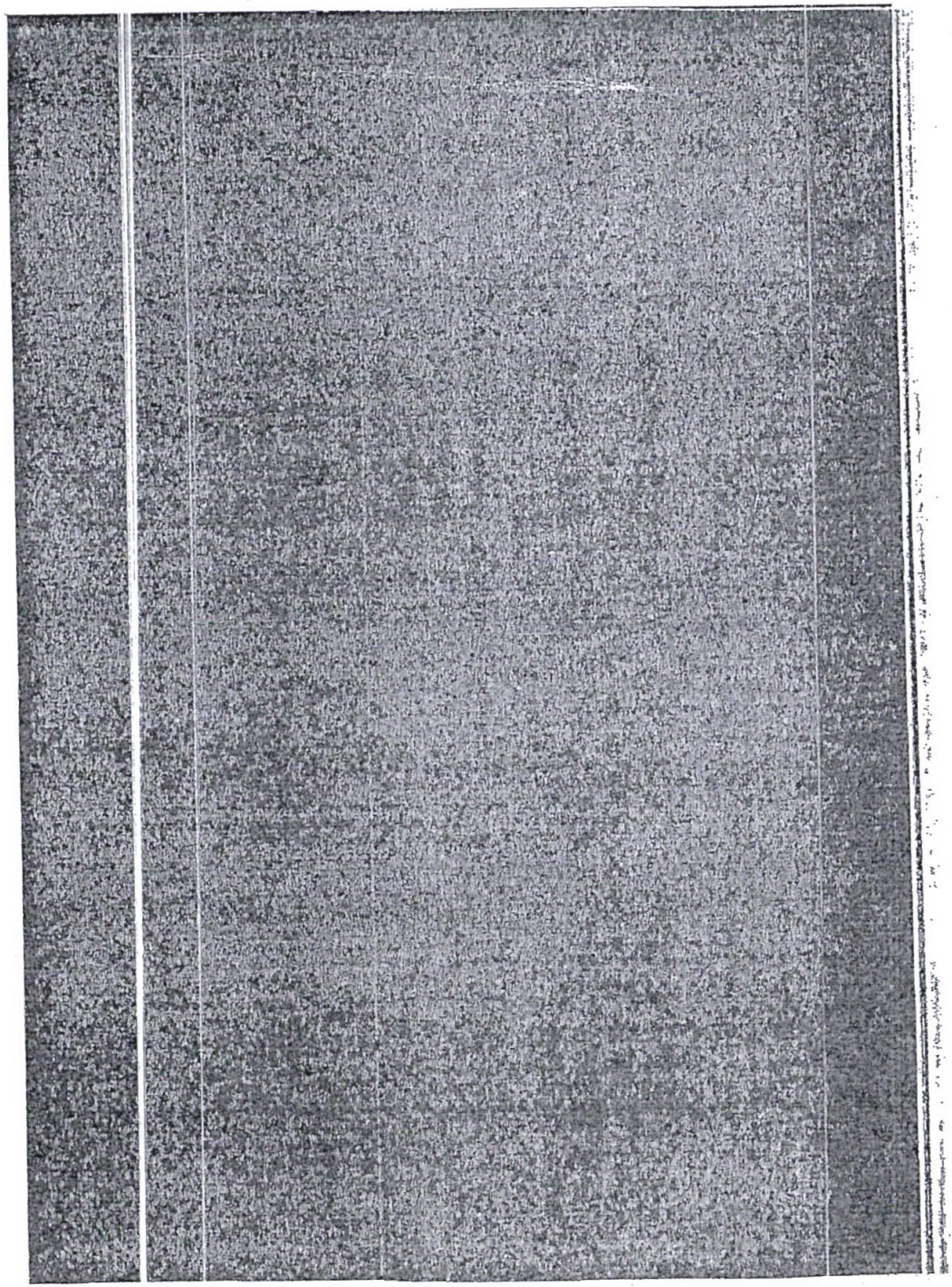
. . . . . .

This certificate is valid until . . . . . .

Issued or certified by the Government of . . . . . .

. . . . . .

(Full designation of the State)



OR

The following text should be used when a State Party avails itself of Article 12, paragraph 3:

The present certificate is issued under the authority of the Government of

.....

(full designation of the State)

by .....

(name of institution or organization)

at ..... on .....

(place) *(date)*

.....

(Signature and title of issuing or certifying official)

Explanatory notes:

1 If desired, the designation of the State may include a reference to the competent public authority of the country where the Certificate is issued.

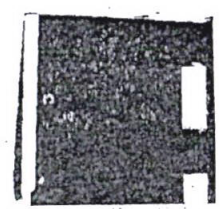
2 If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.

3 If security is furnished in several forms, these should be enumerated.

4 The entry "Duration of Security" must stipulate the date on which such security takes effect.

5 The entry "Address" of the insurer(s) and/or guarantor(s) must indicate the principal place of business of the insurer(s) and/or guarantor(s). If appropriate, the place of business where the insurance or other security is established shall be indicated.

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KENYA MARITIME AUTHORITY



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Anti-Fouling Systems

International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (AFS 2001)

and

Guidelines for survey and certification of anti-fouling systems on ships (resolution MEPC.102(48)), Guidelines for brief sampling of anti-fouling systems on ships (resolution MEPC.104(49)), and Guidelines for inspection of anti-fouling systems on ships (resolution MEPC.105(49)).

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Foreword

The harmful effects of anti-fouling systems were considered by the International Maritime Organization's Marine Environment Protection Committee (MEPC) for the first time in 1988, when the Paris Commission requested the MEPC to consider the need for measures to restrict the use of tributyltin (TBT) compounds on seagoing vessels. As a first step, the Committee at its thirtieth session in 1990 adopted resolution MEPC.46(30) on "Measures to control potential adverse impacts associated with the use of tributyltin compounds in anti-fouling paints", which recommends that IMO Member Governments adopt measures to eliminate the use of anti-fouling paint containing TBT on non-aluminium-hulled vessels of less than 25 m in length and eliminate the use of TBT-based anti-fouling paints with an average leaching rate of more than four micrograms of organotin per square centimetre per day. These recommendations were intended to be interim measures until IMO could consider a possible total prohibition of TBT compounds in anti-fouling systems. From 1990 onwards, MEPC was presented with TBT monitoring results which reconfirmed the toxicity of TBT compounds, as well as with information on existing alternatives, including their effectiveness and the risk posed to the marine environment by these systems.

The twenty-first session of the IMO Assembly in 1999 adopted resolution A.895(21) urging MEPC to work towards the expeditious development of a global legally binding instrument to address the harmful effects of anti-fouling systems used on ships. The resolution states that the global instrument, to be developed by MEPC, should ensure a global prohibition of the application of organotin compounds which act as biocides in anti-fouling systems on ships by 1 January 2003 and a complete prohibition on the presence of organotin compounds which act as biocides in anti-fouling systems on ships by 1 January 2008. A working group was established at MEPC, which took on the task of developing such a draft instrument.

In accordance with Article 2(b) of the Convention on the International Maritime Organization, the MEPC at its forty-third session recommended, and the twentieth extraordinary session of the Council decided, to convene a diplomatic conference to consider the adoption of a legal instrument on the control of harmful anti-fouling systems on ships.

In accordance with the decision of the Council, the International Conference on the Control of Harmful Anti-Fouling Systems for Ships, 2001, was convened by IMO and held in London at its Headquarters from 1 to 5 October 2001. The Conference adopted the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (the AFS Convention), together with four Conference resolutions, relating to the

early and effective application of the AFS Convention, future work by the Organization pertaining to the AFS Convention, approval and test methodologies for anti-fouling systems on ships and the promotion of technical co-operation.

Article 11(1)(b) and (2) and regulation 1(4)(a) of annex 4 of the AFS Convention refer to the following guidelines to be developed by the Organization:

.1 Guidelines for survey and certification of anti-fouling systems on ships;

.2 Guidelines for brief sampling of anti-fouling systems on ships; and

.3 Guidelines for inspection of ships anti-fouling systems on ships.

Conference resolution 2 urges the Organization to develop the above-mentioned guidelines as a matter of urgency for them to be adopted before the entry into force of the AFS Convention, with a view to facilitating global and uniform implementation of the AFS Convention.

This 2005 edition, reproduces the texts of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, the four Conference resolutions, and the Guidelines developed and adopted by the Organization.

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INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS, 2001

THE PARTIES TO THIS CONVENTION,

NOTING that scientific studies and investigations by Governments and competent international organizations have shown that certain anti-fouling systems used on ships pose a substantial risk of toxicity and other chronic impacts to ecologically and economically important marine organisms and also that human health may be harmed as a result of the consumption of affected seafood,

NOTING IN PARTICULAR the serious concern regarding anti-fouling systems that use organotin compounds as biocides and being convinced that the introduction of such organotins into the environment must be phased-out,

RECALLING that Chapter 17 of Agenda 21 adopted by the United Nations Conference on Environment and Development, 1992, calls upon States to take measures to reduce pollution caused by organotin compounds used in anti-fouling systems,

RECALLING ALSO that resolution A.895(21), adopted by the Assembly of the International Maritime Organization on 25 November 1999, urges the Organization's Marine Environment Protection Committee (MEPC) to work towards the expeditious development of a global legally binding instrument to address the harmful effects of anti-fouling systems as a matter of urgency,

MINDFUL OF the precautionary approach set out in Principle 15 of the Rio Declaration on Environment and Development and referred to in resolution MEPC.67(37) adopted by MEPC on 15 September 1995,

RECOGNIZING the importance of protecting the marine environment and human health from adverse effects of anti-fouling systems,

RECOGNIZING ALSO that the use of anti-fouling systems to prevent the build-up of organisms on the surface of ships is of critical importance to efficient commerce, shipping and impeding the spread of harmful aquatic organisms and pathogens,

RECOGNIZING FURTHER the need to continue to develop anti-fouling systems which are effective and environmentally safe and to promote the substitution of harmful systems by less harmful systems or preferably harmless systems,

HAVE AGREED as follows:

Article 1
General obligations

(1) Each Party to this Convention undertakes to give full and complete effect to its provisions in order to reduce or eliminate adverse effects on the marine environment and human health caused by anti-fouling systems.

(2) The annexes form an integral part of this Convention. Unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to its annexes.

(3) No provision of this Convention shall be interpreted as preventing a State from taking, individually or jointly, more stringent measures with respect to the reduction or elimination of adverse effects of anti-fouling systems on the environment, consistent with international law.

(4) Parties shall endeavour to co-operate for the purpose of effective implementation, compliance and enforcement of this Convention.

(5) The Parties undertake to encourage the continued development of anti-fouling systems that are effective and environmentally safe.

Article 2
Definitions

For the purposes of this Convention, unless expressly provided otherwise:

(1) *Administration* means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of a State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

(2) *Anti-fouling system* means a coating, paint, surface treatment, surface, or device that is used on a ship to control or prevent attachment of unwanted organisms.

(3) *Committee* means the Marine Environment Protection Committee of the Organization.

(4) *Gross tonnage* means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in annex 1 to the International Convention on Tonnage Measurement of Ships, 1969, or any successor Convention.

(5) *International voyage* means a voyage by a ship entitled to fly the flag of one State to or from a port, shipyard, or offshore terminal under the jurisdiction of another State.

(6) *Length* means the length as defined in the International Convention on Load Lines, 1966, as modified by the Protocol of 1988 relating thereto, or any successor Convention.

(7) *Organization* means the International Maritime Organization.

(8) *Secretary-General* means the Secretary-General of the Organization.

(9) *Ship* means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, fixed or floating platforms, floating storage units (FSUs) and floating production storage and off-loading units (FPSOs).

(10) *Technical Group* is a body comprised of representatives of the Parties, Members of the Organization, the United Nations and its Specialized Agencies, intergovernmental organizations having agreements with the Organization, and non-governmental organizations in consultative status with the Organization, which should preferably include representatives of institutions and laboratories that engage in anti-fouling system analysis. These representatives shall have expertise in environmental fate and effects, toxicological effects, marine biology, human health, economic analysis, risk management, international shipping, anti-fouling systems coating technology, or other fields of expertise necessary to objectively review the technical merits of a comprehensive proposal.

Article 3
Application

(1) Unless otherwise specified in this Convention, this Convention shall apply to:

(a) ships entitled to fly the flag of a Party;

(b) ships not entitled to fly the flag of a Party, but which operate under the authority of a Party; and

(c) ships that enter a port, shipyard, or offshore terminal of a Party, but do not fall within subparagraph (a) or (b).

(2) This Convention shall not apply to any warships, naval auxiliary, or other ships owned or operated by a Party and used, for the time being, only on government non-commercial service. However, each Party shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Convention.

(3) With respect to the ships of non-Parties to this Convention, Parties shall apply the requirements of this Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

Article 4
Controls on anti-fouling systems

(1) In accordance with the requirements specified in annex 1, each Party shall prohibit and/or restrict:

(a) the application, re-application, installation, or use of harmful anti-fouling systems on ships referred to in article 3(1)(a) or (b); and

(b) the application, re-application, installation or use of such systems, whilst in a Party's port, shipyard, or offshore terminal, on ships referred to in article 3(1)(c),

and shall take effective measures to ensure that such ships comply with those requirements.

(2) Ships bearing an anti-fouling system which is controlled through an amendment to annex 1 following entry into force of this Convention may retain that system until the next scheduled renewal of that system, but in no event for a period exceeding 60 months following application, unless the Committee decides that exceptional circumstances exist to warrant earlier implementation of the control.

Article 5
Controls of annex 1 waste materials

Taking into account international rules, standards and requirements, a Party shall take appropriate measures in its territory to require that wastes from the application or removal of an anti-fouling system controlled in annex 1 are collected, handled, treated and disposed of in a safe and environmentally sound manner to protect human health and the environment.

Article 6
Process for proposing amendments to controls on anti-fouling systems

(1) Any Party may propose an amendment to annex 1 in accordance with this article.

(2) An initial proposal shall contain the information required in annex 2, and shall be submitted to the Organization. When the Organization receives a proposal, it shall bring the proposal to the attention of the Parties, Members of the Organization, the United Nations and its Specialized Agencies, intergovernmental organizations having agreements with the Organization and non-governmental organizations in consultative status with the Organization and shall make it available to them.

(3) The Committee shall decide whether the anti-fouling system in question warrants a more in-depth review based on the initial proposal. If the Committee decides that further review is warranted, it shall require the proposing Party to submit to the Committee a comprehensive proposal containing the information required in annex 3, except where the initial proposal also includes all the information required in annex 3. Where the Committee is of the view that there is a threat of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason to prevent a decision to proceed with the evaluation of the proposal. The Committee shall establish a technical group in accordance with article 7.

(4) The technical group shall review the comprehensive proposal along with any additional data submitted by any interested entity and shall evaluate and report to the Committee whether the proposal has demonstrated a

potential for unreasonable risk of adverse effects on non-target organisms or human health such that the amendment of annex 1 is warranted. In this regard:

(a) The technical group's review shall include:

(i) an evaluation of the association between the anti-fouling system in question and the related adverse effects observed either in the environment or on human health, including, but not limited to, the consumption of affected seafood, or through controlled studies based on the data described in annex 3 and any other relevant data which come to light;

(ii) an evaluation of the potential risk reduction attributable to the proposed control measures and any other control measures that may be considered by the technical group;

(iii) consideration of available information on the technical feasibility of control measures and the cost-effectiveness of the proposal;

(iv) consideration of available information on other effects from the introduction of such control measures relating to:

- the environment (including, but not limited to, the cost of inaction and the impact on air quality);
- shipyard health and safety concerns (i.e. effects on shipyard workers);
- the cost to international shipping and other relevant sectors; and

(v) consideration of the availability of suitable alternatives, including a consideration of the potential risks of alternatives.

(b) The technical group's report shall be in writing and shall take into account each of the evaluations and considerations referred to in subparagraph (a), except that the technical group may decide not to proceed with the evaluations and considerations described in subparagraph (a)(ii) through (a)(v) if it determines after the evaluation in subparagraph (a)(i) that the proposal does not warrant further consideration.

(c) The technical group's report shall include, *inter alia*, a recommendation on whether international controls pursuant to this Convention are warranted on the anti-fouling system in question, on the suitability of the specific control measures suggested in the comprehensive proposal, or on other control measures which it believes to be more suitable.

(5) The technical group's report shall be circulated to the Parties, Members of the Organization, the United Nations and its Specialized Agencies, intergovernmental organizations having agreements with the Organization and non-governmental organizations in consultative status with the Organization, prior to its consideration by the Committee. The Committee shall decide whether to approve any proposal to amend annex 1, and any modifications thereto, if appropriate, taking into account the technical group's report. If the report finds a threat of serious or irreversible damage, lack of full scientific certainty shall not, itself, be used as a reason to

prevent a decision from being taken to list an anti-fouling system in annex 1. The proposed amendments to annex 1, if approved by the Committee, shall be circulated in accordance with article 16(2)(a). A decision not to approve the proposal shall not preclude future submission of a new proposal with respect to a particular anti-fouling system if new information comes to light.

(6) Only Parties may participate in decisions taken by the Committee described in paragraphs (3) and (5).

Article 7
Technical groups

(1) The Committee shall establish a technical group pursuant to article 6 when a comprehensive proposal is received. In circumstances where several proposals are received concurrently or sequentially, the Committee may establish one or more technical groups as needed.

(2) Any Party may participate in the deliberations of a technical group, and should draw on the relevant expertise available to that Party.

(3) The Committee shall decide on the terms of reference, organization and operation of the technical groups. Such terms shall provide for protection of any confidential information that may be submitted. Technical groups may hold such meetings as required, but shall endeavour to conduct their work through written or electronic correspondence or other media as appropriate.

(4) Only the representatives of Parties may participate in formulating any recommendation to the Committee pursuant to article 6. A technical group shall endeavour to achieve unanimity among the representatives of the Parties. If unanimity is not possible, the technical group shall communicate any minority views of such representatives.

Article 8
Scientific and technical research and monitoring

(1) The Parties shall take appropriate measures to promote and facilitate scientific and technical research on the effects of anti-fouling systems as well as monitoring of such effects. In particular, such research should include observation, measurement, sampling, evaluation and analysis of the effects of anti-fouling systems.

(2) Each Party shall, to further the objectives of this Convention, promote the availability of relevant information to other Parties who request it on:

(a) scientific and technical activities undertaken in accordance with this Convention;

(b) marine scientific and technological programmes and their objectives; and

(c) the effects observed from any monitoring and assessment programmes relating to anti-fouling systems.

Article 9
Communication and exchange of information

(1) Each Party undertakes to communicate to the Organization:

(a) a list of the nominated surveyors or recognized organizations which are authorized to act on behalf of that Party in the administration of matters relating to the control of anti-fouling systems in accordance with this Convention for circulation to the Parties for the information of their officers. The Administration shall therefore notify the Organization of the specific responsibilities and conditions of the authority delegated to nominated surveyors or recognized organizations; and

(b) on an annual basis, information regarding any anti-fouling systems approved, restricted, or prohibited under its domestic law.

(2) The Organization shall make available, through any appropriate means, information communicated to it under paragraph (1).

(3) For those anti-fouling systems approved, registered or licensed by a Party, such Party shall either provide, or require the manufacturers of such anti-fouling systems to provide, to those Parties which request it, relevant information on which its decision was based, including information provided for in annex 3, or other information suitable for making an appropriate evaluation of the anti-fouling system. No information shall be provided that is protected by law.

Article 10
Survey and certification

A Party shall ensure that ships entitled to fly its flag or operating under its authority are surveyed and certified in accordance with the regulations in annex 4.

Article 11
Inspections of ships and detection of violations

(1) A ship to which this Convention applies may, in any port, shipyard, or offshore terminal of a Party, be inspected by officers authorized by that Party for the purpose of determining whether the ship is in compliance with this Convention. Unless there are clear grounds for believing that a ship is in violation of this Convention, any such inspection shall be limited to:

(a) verifying that, where required, there is on board a valid International Anti-Fouling System Certificate or a Declaration on Anti-Fouling System; and/or

(b) a brief sampling of the ship's anti-fouling system that does not affect the integrity, structure, or operation of the anti-fouling system taking into account guidelines developed by the Organization.*

* Refer to the Guidelines for brief sampling of anti-fouling systems on ships adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.104(49) and attached on page 41 of this publication.

However, the time required to process the results of such sampling shall not be used as a basis for preventing the movement and departure of the ship.

(2) If there are clear grounds to believe that the ship is in violation of this Convention, a thorough inspection may be carried out taking into account guidelines developed by the Organization.*

(3) If the ship is detected to be in violation of this Convention, the Party carrying out the inspection may take steps to warn, detain, dismiss, or exclude the ship from its ports. A Party taking such action against a ship for the reason that the ship does not comply with this Convention shall immediately inform the Administration of the ship concerned.

(4) Parties shall co-operate in the detection of violations and the enforcement of this Convention. A Party may also inspect a ship when it enters the ports, shipyards, or offshore terminals under its jurisdiction, if a request for an investigation is received from any Party, together with sufficient evidence that a ship is operating or has operated in violation of this Convention. The report of such investigation shall be sent to the Party requesting it and to the competent authority of the Administration of the ship concerned so that the appropriate action may be taken under this Convention.

Article 12
Violations

(1) Any violation of this Convention shall be prohibited and sanctions shall be established therefor under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation, it shall investigate the matter and may request the reporting Party to furnish additional evidence of the alleged violation. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its laws. The Administration shall promptly inform the Party that reported the alleged violation, as well as the Organization, of any action taken. If the Administration has not taken any action within one year after receiving the information, it shall so inform the Party which reported the alleged violation.

(2) Any violation of this Convention within the jurisdiction of any Party shall be prohibited and sanctions shall be established therefor under the law of that Party. Whenever such a violation occurs, that Party shall either:

(a) cause proceedings to be taken in accordance with its law; or

(b) furnish to the Administration of the ship concerned such information and evidence as may be in its possession that a violation has occurred.

* Refer to the Guidelines for inspection of anti-fouling systems on ships adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.105(49) and attached on page 63 of this publication.

(3) The sanctions established under the laws of a Party pursuant to this article shall be adequate in severity to discourage violations of this Convention wherever they occur.

Article 13
Undue delay or detention of ships

(1) All possible efforts shall be made to avoid a ship being unduly detained or delayed under article 11 or 12.

(2) When a ship is unduly detained or delayed under article 11 or 12, it shall be entitled to compensation for any loss or damage suffered.

Article 14
Dispute settlement

Parties shall settle any dispute between them concerning the interpretation or application of this Convention by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

Article 15
Relationship to international law of the sea

Nothing in this Convention shall prejudice the rights and obligations of any State under customary international law as reflected in the United Nations Convention on the Law of the Sea.

Article 16
Amendments

(1) This Convention may be amended by either of the procedures specified in the following paragraphs.

(2) Amendments after consideration within the Organization:

(a) Any Party may propose an amendment to this Convention. A proposed amendment shall be submitted to the Secretary-General, who shall then circulate it to the Parties and Members of the Organization at least six months prior to its consideration. In the case of a proposal to amend annex 1, it shall be processed in accordance with article 6, prior to its consideration under this article.

(b) An amendment proposed and circulated as above shall be referred to the Committee for consideration. Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Committee for consideration and adoption of the amendment.

(c) Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Committee, on condition that at least one third of the Parties shall be present at the time of voting.

(d) Amendments adopted in accordance with subparagraph (c) shall be communicated by the Secretary-General to the Parties for acceptance.

(e) An amendment shall be deemed to have been accepted in the following circumstances:

(i) An amendment to an article of this Convention shall be deemed to have been accepted on the date on which two thirds of the Parties have notified the Secretary-General of their acceptance of it.

(ii) An amendment to an annex shall be deemed to have been accepted at the end of twelve months after the date of adoption or such other date as determined by the Committee. However, if by that date more than one third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.

(f) An amendment shall enter into force under the following conditions:

(i) An amendment to an article of this Convention shall enter into force for those Parties that have declared that they have accepted it six months after the date on which it is deemed to have been accepted in accordance with subparagraph (e)(i).

(ii) An amendment to annex 1 shall enter into force with respect to all Parties six months after the date on which it is deemed to have been accepted, except for any Party that has:

(1) notified its objection to the amendment in accordance with subparagraph (e)(ii) and that has not withdrawn such objection;

(2) notified the Secretary-General, prior to the entry into force of such amendment, that the amendment shall enter into force for it only after a subsequent notification of its acceptance; or

(3) made a declaration at the time it deposits its instrument of ratification, acceptance or approval of, or accession to, this Convention that amendments to annex 1 shall enter into force for it only after the notification to the Secretary-General of its acceptance with respect to such amendments.

(iii) An amendment to an annex other than annex 1 shall enter into force with respect to all Parties six months after the date on which it is deemed to have been accepted, except for those Parties that have notified their objection to the amendment in accordance with subparagraph (e)(ii) and that have not withdrawn such objection.

(g) (i) A Party that has notified an objection under subparagraph (f)(ii)(1) or (iii) may subsequently notify the Secretary-General that it accepts the amendment. Such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.

(ii) If a Party that has made a notification or declaration referred to in subparagraph (f)(ii)(2) or (3), respectively, notifies the Secretary-General of its acceptance with respect to an amendment, such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.

(3) Amendment by a Conference:

(a) Upon the request of a Party concurred in by at least one-third of the Parties, the Organization shall convene a Conference of Parties to consider amendments to this Convention.

(b) An amendment adopted by such a Conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General to all Parties for acceptance.

(c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraphs (2)(e) and (f) respectively of this article.

(4) Any Party that has declined to accept an amendment to an annex shall be treated as a non-Party only for the purpose of application of that amendment.

(5) An addition of a new annex shall be proposed and adopted and shall enter into force in accordance with the procedure applicable to an amendment to an article of this Convention.

(6) Any notification or declaration under this article shall be made in writing to the Secretary-General.

(7) The Secretary-General shall inform the Parties and Members of the Organization of:

(a) any amendment that enters into force and the date of its entry into force generally and for each Party; and

(b) any notification or declaration made under this article.

Article 17
Signature, ratification, acceptance, approval and accession

(1) This Convention shall be open for signature by any State at the Headquarters of the Organization from 1 February 2002 to 31 December 2002 and shall thereafter remain open for accession by any State.

(2) States may become Parties to this Convention by:

(a) signature not subject to ratification, acceptance, or approval; or

(b) signature subject to ratification, acceptance, or approval, followed by ratification, acceptance, or approval; or

(c) accession.

(3) Ratification, acceptance, approval, or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

(4) If a State comprises two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval, or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

(5) Any such declaration shall be notified to the Secretary-General and shall state expressly the territorial units to which this Convention applies.

Article 18
Entry into force

(1) This Convention shall enter into force twelve months after the date on which not less than twenty-five States, the combined merchant fleets of which constitute not less than twenty-five per cent of the gross tonnage of the world's merchant shipping, have either signed it without reservation as to ratification, acceptance or approval, or have deposited the requisite instrument of ratification, acceptance, approval or accession in accordance with article 17.

(2) For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of this Convention after the requirements for entry into force thereof have been met, but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Convention or three months after the date of deposit of instrument, whichever is the later date.

(3) Any instrument of ratification, acceptance, approval or accession deposited after the date on which this Convention enters into force shall take effect three months after the date of deposit.

(4) After the date on which an amendment to this Convention is deemed to have been accepted under article 16, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention as amended.

Article 19
Denunciation

(1) This Convention may be denounced by any Party at any time after the expiry of two years from the date on which this Convention enters into force for that Party.

(2) Denunciation shall be effected by the deposit of written notification with the Secretary-General, to take effect one year after receipt or such longer period as may be specified in that notification.

Article 20
Depositary

(1) This Convention shall be deposited with the Secretary-General, who shall transmit certified copies of this Convention to all States which have signed this Convention or acceded thereto.

(2) In addition to the functions specified elsewhere in this Convention, the Secretary-General shall:

(a) inform all States which have signed this Convention or acceded thereto of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval, or accession, together with the date thereof;

(ii) the date of entry into force of this Convention; and

(iii) the deposit of any instrument of denunciation of this Convention, together with the date on which it was received and the date on which the denunciation takes effect; and

(b) as soon as this Convention enters into force, transmit the text thereof to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 21
Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed this Convention.*

DONE AT LONDON, this fifth day of October, two thousand and one.

* Signatures omitted.

Annex 1
Controls on anti-fouling systems

Anti-fouling system	Control measures	Application	Effective date
Organotin compounds which act as biocides in anti-fouling systems	Ships shall not apply or reapply such compounds	All ships	1 January 2003
Organotin compounds which act as biocides in anti-fouling systems	Ships either: (1) shall not bear such compounds on their hulls or external parts or surfaces; or (2) shall bear a coating that forms a barrier to such compounds leaching from the underlying non-compliant anti-fouling systems	All ships (except fixed and floating platforms, FSUs, and FPSOs that have been constructed prior to 1 January 2003 and that have not been in dry-dock on or after 1 January 2003)	1 January 2008

Annex 2
Required elements for an initial proposal

(1) An initial proposal shall include adequate documentation containing at least the following:

(a) identification of the anti-fouling system addressed in the proposal: name of the anti-fouling system; name of active ingredients and Chemical Abstracts Service Registry Number (CAS number), as applicable; or components of the system which are suspected of causing the adverse effects of concern;

(b) characterization of the information which suggests that the anti-fouling system or its transformation products may pose a risk to human health or may cause adverse effects in non-target organisms at concentrations likely to be found in the environment (e.g., the results of toxicity studies on representative species or bioaccumulation data);

(c) material supporting the potential of the toxic components in the anti-fouling system, or its transformation products, to occur in the environment at concentrations which could result in adverse effects to non-target organisms, human health, or water quality (e. g., data on persistence in the water column, sediments and biota; the release rate of toxic components from treated surfaces in studies or under actual use conditions; or monitoring data, if available);

(d) an analysis of the association between the anti-fouling system, the related adverse effects and the environmental concentrations observed or anticipated; and

(e) a preliminary recommendation on the type of restrictions that could be effective in reducing the risks associated with the anti-fouling system.

(2) An initial proposal shall be submitted in accordance with rules and procedures of the Organization.

Annex 3
Required elements of a comprehensive proposal

(1) A comprehensive proposal shall include adequate documentation containing the following:

(a) developments in the data cited in the initial proposal;

(b) findings from the categories of data set out in paragraphs (3)(a), (b) and (c), as applicable, depending on the subject of the proposal and the identification or description of the methodologies under which the data were developed;

(c) a summary of the results of studies conducted on the adverse effects of the anti-fouling system;

(d) if any monitoring has been conducted, a summary of the results of that monitoring, including information on ship traffic and a general description of the area monitored;

(e) a summary of the available data on environmental or ecological exposure and any estimates of environmental concentrations developed through the application of mathematical models, using all available environmental fate parameters, preferably those which were determined experimentally, along with an identification or description of the modelling methodology;

(f) an evaluation of the association between the anti-fouling system in question, the related adverse effects and the environmental concentrations, either observed or expected;

(g) a qualitative statement of the level of uncertainty in the evaluation referred to in subparagraph (f);

(h) a recommendation of specific control measures to reduce the risks associated with the anti-fouling system; and

(i) a summary of the results of any available studies on the potential effects of the recommended control measures relating to air quality, shipyard conditions, international shipping and other relevant sectors, as well as the availability of suitable alternatives.

(2) A comprehensive proposal shall also include information on each of the following physical and chemical properties of the component(s) of concern, if applicable:

- melting point;
- boiling point;
- density (relative density);
- vapour pressure;
- water solubility/pH/dissociation constant (pK_a);
- oxidation/reduction potential;

- molecular mass;
- molecular structure; and
- other physical and chemical properties identified in the initial proposal.

(3) For the purposes of paragraph (1)(b) above, the categories of data are:

(a) Data on environmental fate and effect:
- modes of degradation/dissipation (e.g., hydrolysis/photo-degradation/biodegradation);
- persistence in the relevant media (e.g., water column/sediments/biota);
- sediments/water partitioning;
- leaching rates of biocides or active ingredients;
- mass balance;
- bioaccumulation, partition coefficient, octanol/water coefficient; and
- any novel reactions on release or known interactive effects.

(b) Data on any unintended effects in aquatic plants, invertebrates, fish, seabirds, marine mammals, endangered species, other biota, water quality, the sea-bed, or habitat of non-target organisms, including sensitive and representative organisms:
- acute toxicity;
- chronic toxicity;
- developmental and reproductive toxicity;
- endocrine disruption;
- sediment toxicity;
- bioavailability/biomagnification/bioconcentration;
- food web/population effects;
- observations of adverse effects in the field/fish kills/strandings/tissue analysis; and
- residues in seafood.

These data shall relate to one or more types of non-target organisms such as aquatic plants, invertebrates, fish, birds, mammals and endangered species.

(c) Data on the potential for human health effects (including, but not limited to, consumption of affected seafood).

(4) A comprehensive proposal shall include a description of the methodologies used, as well as any relevant measures taken for quality assurance and any peer review conducted of the studies.

Annex 4
Surveys and certification requirements for anti-fouling systems

Regulation 1
Surveys

(1) Ships of 400 gross tonnage and above referred to in article 3(1)(a) engaged in international voyages, excluding fixed or floating platforms, FSUs, and FPSOs, shall be subject to surveys specified below:

(a) an initial survey before the ship is put into service or before the International Anti-Fouling System Certificate (Certificate) required under regulation 2 or 3 is issued for the first time; and

(b) a survey when the anti-fouling systems are changed or replaced. Such surveys shall be endorsed on the Certificate issued under regulation 2 or 3.

(2) The survey shall be such as to ensure that the ship's anti-fouling system fully complies with this Convention.

(3) The Administration shall establish appropriate measures for ships that are not subject to the provisions of paragraph (1) of this regulation in order to ensure that this Convention is complied with.

(4) (a) As regards the enforcement of this Convention, surveys of ships shall be carried out by officers duly authorized by the Administration or as provided in regulation 3(1), taking into account guidelines for surveys developed by the Organization.* Alternatively, the Administration may entrust surveys required by this Convention either to surveyors nominated for that purpose or to organizations recognized by it.

(b) An Administration nominating surveyors or recognizing organizations† to conduct surveys shall, as a minimum, empower any nominated surveyor or recognized organization to:

(i) require a ship that it surveys to comply with the provisions of annex 1; and

(ii) carry out surveys if requested by the appropriate authorities of a port State that is a Party to this Convention.

* Refer to the Guidelines for survey and certification of anti-fouling systems on ships adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.102(48) and attached on page 33 of this publication.

† Refer to the guidelines adopted by the Organization by resolution A.739(18), as may be amended by the Organization, and the specifications adopted by the Organization by resolution A.789(19), as may be amended by the Organization.

(c) When the Administration, a nominated surveyor, or a recognized organization determines that the ship's anti-fouling system does not conform either to the particulars of a Certificate required under regulation 2 or 3, or to the requirements of this Convention, such Administration, surveyor or organization shall immediately ensure that corrective action is taken to bring the ship into compliance. A surveyor or organization shall also in due course notify the Administration of any such determination. If the required corrective action is not taken, the Administration shall be notified forthwith and it shall ensure that the Certificate is not issued or is withdrawn as appropriate.

(d) In the situation described in subparagraph (c), if the ship is in the port of another Party, the appropriate authorities of the port State shall be notified forthwith. When the Administration, a nominated surveyor, or a recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such Administration, surveyor, or organization any necessary assistance to carry out their obligations under this regulation, including any action described in article 11 or 12.

Regulation 2
Issue or endorsement of an International Anti-Fouling System Certificate

(1) The Administration shall require that a ship to which regulation 1 applies is issued with a Certificate after successful completion of a survey in accordance with regulation 1. A Certificate issued under the authority of a Party shall be accepted by the other Parties and regarded for all purposes covered by this Convention as having the same validity as a Certificate issued by them.

(2) Certificates shall be issued or endorsed either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the Certificate.

(3) For ships bearing an anti-fouling system controlled under annex 1 that was applied before the date of entry into force of a control for such a system, the Administration shall issue a Certificate in accordance with paragraphs (2) and (3) of this regulation not later than two years after entry into force of that control. This paragraph shall not affect any requirement for ships to comply with annex 1.

(4) The Certificate shall be drawn up in the form corresponding to the model given in appendix 1 to this annex and shall be written at least in English, French, or Spanish. If an official language of the issuing State is also used this shall prevail in the case of the dispute or discrepancy.

Regulation 3
Issue or endorsement of an International Anti-Fouling System Certificate by another Party

(1) At the request of the Administration, another Party may cause a ship to be surveyed and, if satisfied that this Convention has been complied with, it shall issue or authorize the issue of a Certificate to the ship and, where appropriate, endorse or authorize the endorsement of that Certificate for the ship, in accordance with this Convention.

(2) A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

(3) A Certificate so issued shall contain a statement that it has been issued at the request of the Administration referred to in paragraph (1) and it shall have the same force and receive the same recognition as a Certificate issued by the Administration.

(4) No Certificate shall be issued to a ship which is entitled to fly the flag of a State which is not a Party.

Regulation 4
Validity of an International Anti-Fouling System Certificate

(1) A Certificate issued under regulation 2 or 3 shall cease to be valid in either of the following cases:

(a) if the anti-fouling system is changed or replaced, and the Certificate is not endorsed in accordance with this Convention; and

(b) upon transfer of the ship to the flag of another State. A new Certificate shall only be issued when the Party issuing the new Certificate is fully satisfied that the ship is in compliance with this Convention. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Administration a copy of the Certificates carried by the ship before the transfer and, if available, a copy of the relevant survey reports.

(2) The issue by a Party of a new Certificate to a ship transferred from another Party may be based on a new survey or on a valid Certificate issued by the previous Party whose flag the ship was entitled to fly.

Regulation 5
Declaration on Anti-Fouling System

(1) The Administration shall require a ship of 24 metres or more in length, but less than 400 gross tonnage engaged in international voyages and to which article 3(1)(a) applies (excluding fixed or floating platforms, FSUs, and FPSOs) to carry a Declaration signed by the owner or owner's authorized

agent. Such Declaration shall be accompanied by appropriate documentation (such as a paint receipt or a contractor invoice) or contain appropriate endorsement.

(2) The Declaration shall be drawn up in the form corresponding to the model given in appendix 2 to this annex and shall be written at least in English, French, or Spanish. If an official language of the State whose flag the ship is entitled to fly is also used, this shall prevail in the case of a dispute or discrepancy.

Appendix 1 to annex 4

MODEL FORM OF INTERNATIONAL ANTI-FOULING SYSTEM CERTIFICATE

INTERNATIONAL ANTI-FOULING SYSTEM CERTIFICATE

(This certificate shall be supplemented by a Record of Anti-Fouling Systems)

(Official seal) *(State)*

Issued under the
International Convention on the Control of Harmful Anti-Fouling Systems on Ships
under the authority of the Government of

. . . . . .
(name of the State)

by

. . . . . .
(person or organization authorized)

When a Certificate has been previously issued, this Certificate replaces the certificate dated . . . . . .

Particulars of ship[1]

Name of ship . . . . . .

Distinctive number or letters . . . . . .

Port of registry . . . . . .

Gross tonnage . . . . . .

IMO number[2] . . . . . .

An anti-fouling system controlled under annex 1 has not been applied during or after construction of this ship ☐

An anti-fouling system controlled under annex 1 has been applied on this ship previously, but has been removed by . . . . . *(insert name of the facility)* on . . . . . *(date)* ☐

An anti-fouling system controlled under annex 1 has been applied on this ship previously, but has been covered with a sealer coat applied by . . . . . *(insert name of the facility)* on . . . . . *(date)* ☐

An anti-fouling system controlled under annex 1 was applied on this ship prior to . . . . . *(date)*,[3] but must be removed or covered with a sealer coat prior to . . . . . *(date)*[4] ☐

---

[1] Alternatively, the particulars of the ship may be placed horizontally in boxes.

[2] In accordance with the IMO Ship Identification Number Scheme adopted by the Organization with Assembly resolution A.600(15).

[3] Date of entry into force of the control measure.

[4] Date of expiration of any implementation period specified in article 4(2) or annex 1.

THIS IS TO CERTIFY THAT:

1 the ship has been surveyed in accordance with regulation 1 of annex 4 to the Convention; and

2 the survey shows that the anti-fouling system on the ship complies with the applicable requirements of annex 1 to the Convention.

Issued at .....

(Place of issue of Certificate)

....

(Date of issue) *(Signature of authorized official issuing the Certificate)*

Date of completion of the survey
on which this certificate is issued: .....

MODEL FORM OF RECORD OF ANTI-FOULING SYSTEMS

RECORD OF ANTI-FOULING SYSTEMS

This Record shall be permanently attached to the International Anti-Fouling System Certificate

Particulars of ship

Name of ship: .....

Distinctive number or letters: .....

IMO number: .....

Details of anti-fouling system(s) applied

Type(s) of anti-fouling system(s) used .....

.....

Date(s) of application of anti-fouling system(s) .....

Name(s) of company(ies) and facility(ies)/location(s) where applied .....

.....

Name(s) of anti-fouling system manufacturer(s) .....

.....

Name(s) and colour(s) of anti-fouling system(s) .....

.....

Active ingredient(s) and their Chemical Abstracts Service Registry Number(s) (CAS number(s)) .....

.....

Type(s) of sealer coat, if applicable .....

.....

Name(s) and colour(s) of sealer coat applied, if applicable .....

.....

Date of application of sealer coat .....

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at .....

(Place of issue of Record)

....

(Date of issue) *(Signature of authorized official issuing the Record)*

Endorsement of the Records[5]

THIS IS TO CERTIFY that a survey required in accordance with regulation 1(1)(b) of annex 4 to the Convention found that the ship was in compliance with the Convention

Details of anti-fouling system(s) applied

Type(s) of anti-fouling system(s) used . . . . . .

. . . . . .

Date(s) of application of anti-fouling system(s) . . . . . .

Name(s) of company(ies) and facility(ies)/location(s) where applied . . . . . .

. . . . . .

Name(s) of anti-fouling system(s) manufacturer(s) . . . . . .

. . . . . .

Name(s) and colour(s) of anti-fouling system(s) . . . . . .

. . . . . .

Active ingredient(s) and their Chemical Abstracts Service Registry Number(s) (CAS number(s)) . . . . . .

. . . . . .

Type(s) of sealer coat, if applicable . . . . . .

. . . . . .

Name(s) and colour(s) of sealer coat applied, if applicable . . . . . .

. . . . . .

Date of application of sealer coat . . . . . .

Signed: . . . . . .

(Signature of authorized official issuing the Record)

Place: . . . . . .

Date:[6] . . . . . .

(Seal or stamp of the authority)

[5] This page of the Record shall be reproduced and added to the Record as considered necessary by the Administration.

[6] Date of completion of the survey on which this endorsement is made.

Appendix 2 to annex 4

MODEL FORM OF DECLARATION ON ANTI-FOULING SYSTEM

DECLARATION ON ANTI-FOULING SYSTEM

Drawn up under the
International Convention on the Control of Harmful Anti-Fouling Systems on Ships

Name of ship .....
Distinctive number or letters .....
Port of registry .....
Length .....
Gross tonnage .....
IMO number (if applicable) .....

I declare that the anti-fouling system used on this ship complies with annex 1 of the Convention.

....
(Date) *(Signature of owner or owner's authorized agent)*

Endorsement of anti-fouling system(s) applied

Type(s) of anti-fouling system(s) used and date(s) of application .....
.....

....
(Date) *(Signature of owner or owner's authorized agent)*

Type(s) of anti-fouling system(s) used and date(s) of application .....
.....

....
(Date) *(Signature of owner or owner's authorized agent)*

Type(s) of anti-fouling system(s) used and date(s) of application .....
.....

....
(Date) *(Signature of owner or owner's authorized agent)*

RESOLUTIONS ADOPTED BY THE CONFERENCE

Resolution 1

Early and effective application of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships

THE CONFERENCE,

HAVING ADOPTED the International Convention on the Control of Harmful Anti-Fouling Systems on Ships,

RECALLING that resolution A.895(21), adopted by the Assembly of the International Maritime Organization on 25 November 1999, *inter alia*, agrees that a legally binding instrument should ensure a global prohibition of the application of organotin compounds which act as biocides in anti-fouling systems on ships by 1 January 2003,

NOTING that article 18 of the Convention provides that it shall enter into force twelve months after the date on which not less than twenty-five States, the combined merchant fleets of which constitute not less than twenty-five per cent of the gross tonnage of the world's merchant shipping, have become Parties to it in accordance with article 17 of the Convention,

NOTING ALSO that annex 1 of the Convention stipulates that organotin compounds which act as biocides in anti-fouling systems shall not be applied or re-applied on ships on or after 1 January 2003,

BEING AWARE that the time remaining until 1 January 2003 may not be sufficient to enable entry into force of the Convention by that date,

DESIRING that the substances addressed by annex 1 of the Convention will cease to be applied on ships as from 1 January 2003,

1. REQUESTS Member States of the Organization to do the utmost to prepare for consent to be bound by the Convention as a matter of urgency;

2. URGES the relevant industries involved to refrain from marketing, sale and application of the substances controlled by annex 1 of the Convention.

Resolution 2

Future work by the Organization pertaining to the International Convention on the Control of Harmful Anti-Fouling Systems on Ships

THE CONFERENCE,

HAVING ADOPTED the International Convention on the Control of Harmful Anti-Fouling Systems on Ships,

NOTING that article 11(1)(b) and (2) and regulation 1(4)(a) of annex 4 of the Convention refer to guidelines to be developed by the Organization for a brief sampling of anti-fouling systems, for thorough inspection and for surveys,

RECOGNIZING the need for the development of these Guidelines in order to ensure global and uniform application of the relevant requirements of the Convention,

INVITES the Organization to develop as a matter of urgency:

(a) guidelines for brief sampling of anti-fouling systems under article 11(1)(b);

(b) guidelines for inspection of ships under article 11(2); and

(c) guidelines for surveys of ships under regulation 1(4)(a) of annex 4,

and adopt them in time before the entry into force of the Convention with a view to facilitating global and uniform implementation of the Convention.

Resolution 3

Approval and test methodologies for anti-fouling systems on ships

THE CONFERENCE,

HAVING ADOPTED the International Convention on the Control of Harmful Anti-Fouling Systems on Ships,

NOTING the procedures set out in the Convention for the addition of controlled anti-fouling systems in annex 1, and the time necessary to consider, adopt, and bring into force such amendments,

MINDFUL OF the precautionary approach set out in Principle 15 of the Rio Declaration on Environment and Development,

RECOGNIZING the importance of preventing the introduction and use of environmentally harmful anti-fouling systems,

1. INVITES States to approve, register or license anti-fouling systems applied in their territories, bearing in mind the information contained in annex 3 of the Convention;

2. ENCOURAGES States to make use of the provisions of article 9(3) of the Convention when considering anti-fouling systems for approval, registration or licensing for use on ships;

3. URGES States to continue the work, in appropriate international fora, for the harmonization of test methods, assessment methodologies, and performance standards for anti-fouling systems containing biocides;

4. REQUESTS the Organization to monitor and, as appropriate, participate in the initiatives described in the above paragraphs.

Resolution 4

Promotion of technical co-operation

THE CONFERENCE,

HAVING ADOPTED the International Convention on the Control of Harmful Anti-Fouling Systems on Ships,

BEING AWARE that the comprehensive protection of the marine environment requires, *inter alia*, broad international co-operation to prevent, reduce and control marine pollution from ships,

RECOGNIZING that Parties to this Convention will be called upon to give full and complete effect to its provisions, in order to reduce or eliminate adverse effects on the marine environment and human health caused by anti-fouling systems on ships,

BEING CONVINCED that the promotion of technical co-operation will expedite the acceptance, uniform implementation and enforcement of this Convention by States,

NOTING WITH APPRECIATION that, through the adoption of resolution A.901 (21), the Assembly of the International Maritime Organization (IMO):

(a) affirmed that IMO's work in developing global maritime standards and in providing technical co-operation for their effective implementation and enforcement, can and does, contribute to sustainable development; and

(b) decided that IMO's mission statement, in relation to technical co-operation, is to help developing countries improve their ability to comply with international rules and standards relating to maritime safety and the prevention and control of marine pollution, giving priority to technical assistance programmes that focus on human resource development, particularly through training and institutional capacity-building,

1. REQUESTS Member States, in co-operation with IMO, other interested States, competent international or regional organizations and industry programmes, to promote and provide directly, or through IMO, support to States that request technical assistance for:

(a) the assessment of the implications of ratifying, accepting, approving, or acceding to, as well as implementing and enforcing this Convention;

(b) the development of national legislation to give effect to this Convention;

(c) the introduction of other measures, including the training of personnel, for the effective implementation and enforcement of this Convention; and

(d) the introduction of environmentally sound measures to collect, handle, treat and dispose of wastes generated in applying or removing anti-fouling systems;

2. REQUESTS ALSO Member States, in co-operation with IMO, other interested States, competent international and regional organizations and industry programmes, to promote co-operation for scientific and technical research on the effects of anti-fouling systems as well as monitoring such effects in particular among Member States which have access to appropriate technology and those which do not;

3. URGES all States to initiate action in connection with the above-mentioned technical co-operation measures without awaiting the entry into force of this Convention.

Resolution MEPC.102(48)
(Adopted on 11 October 2002)

GUIDELINES FOR SURVEY AND CERTIFICATION OF ANTI-FOULING SYSTEMS ON SHIPS

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by the international conventions for the prevention and control of marine pollution,

RECALLING ALSO that the International Conference on the Control of Harmful Anti-Fouling Systems for Ships, 2001, held in October 2001, adopted the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (the AFS Convention) together with four Conference resolutions,

NOTING that Article 10 of the AFS Convention prescribes that ships shall be surveyed and certified in accordance with the regulations of annex 4 of the Convention,

NOTING ALSO that regulation 1(4)(a) of annex 4 of the AFS Convention refers to the guidelines to be developed by the Organization and Conference resolution 2 urges the Organization to develop these Guidelines as a matter of urgency for them to be adopted before the entry into force of the Convention,

HAVING CONSIDERED the draft Guidelines for survey and certification of anti-fouling systems on ships prepared by the Sub-Committee on Flag State Implementation at its tenth session,

1. ADOPTS the Guidelines for survey and certification of anti-fouling systems on ships, as set out in the annex to this resolution;

2. INVITES Governments to apply the Guidelines as soon as possible, or when the Convention becomes applicable to them; and

3. RECOMMENDS that the Guidelines be reviewed on a regular basis.

KENYA MARITIME AUTHORITY
P. O. Box 95876 - 80104,
MOMBASA
Tel: 041-318398, 0724-319344

Annex

Guidelines for survey and certification of anti-fouling systems on ships

1 General

1.1 Article 10 of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, hereinafter referred to as "the Convention", prescribes that ships shall be surveyed and certified in accordance with the regulations of annex 4 of the Convention. The purpose of this document is to provide the Guidelines for surveys and certification of anti-fouling systems on ships referred to in Regulation 1(4)(a) of annex 4, hereinafter referred to as the "Guidelines", that will assist Administrations and recognized organizations in the uniform application of the provisions of the Convention and assist companies, shipbuilders, manufacturers of anti-fouling systems, as well as other interested parties to understand the process of the surveys and issuance and endorsement of the certificates.

1.2 These Guidelines provide the procedures for survey to ensure that a ship's anti-fouling system complies with the Convention, and those necessary for issuance and endorsement of an International Anti-Fouling System Certificate. A guidance for compliant anti-fouling systems is given in the appendix to this annex.

1.3 These Guidelines apply to surveys of ships of 400 gross tonnage and above engaged in international voyages, excluding fixed or floating platforms, floating storage units (FSUs), and floating production storage and off-loading units (FPSOs), as specified in regulation 1(1) of annex 4 to the Convention.

1.4 The sole purpose of the survey activities described in these Guidelines is to verify compliance with the provisions of the Convention. Consequently, such surveys do not relate to any aspect not regulated by the Convention even if such aspects relate to the performance of an anti-fouling system on the hull of a ship, including the quality of workmanship during the application process.

1.5 In the event that a new survey method is developed, or in the event that the use of a certain anti-fouling system is prohibited and/or restricted, or in the light of experience gained, these Guidelines may need to be revised in the future.

2 Definitions

For the purposes of these Guidelines:

2.1 "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of a State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the

the bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

2.2 "Anti-fouling system" means a coating, paint, surface treatment, surface, or device that is used on a ship to control or prevent attachment of unwanted organisms.

2.3 "Company" means the owner of the ship or any other organization or person such as the manager or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner of the ship and who, on assuming such responsibility, has agreed to take over all duties and responsibilities imposed by the International Safety Management (ISM) Code.

2.4 "Gross tonnage" means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in annex 1 to the International Convention on Tonnage Measurement of Ships, 1969, or any successor convention.

2.5 "International voyage" means a voyage by a ship entitled to fly the flag of one State to or from a port, shipyard, or offshore terminal under the jurisdiction of another State.

2.6 "Length" means the length as defined in the International Convention on Load Lines, 1966, as modified by the Protocol of 1988 relating thereto, or any successor convention.

2.7 "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, fixed or floating platforms, floating storage units (FSUs) and floating production storage and off-loading units (FPSOs).

3 When are surveys required

3.1 An initial survey should be carried out:

.1 for a newbuilding; or

.2 for an existing ship, before the International Anti-Fouling System Certificate required under regulations 2 or 3 of annex 4 to the Convention is issued for the first time.

3.2 In order to ease the burden on the companies and other parties, the initial survey of the anti-fouling system on existing ships may best be carried out in connection with a drydock survey.

3.3 A survey should be carried out whenever an anti-fouling system is changed or replaced. Such surveys should cover the same scope as in section 5.2.

3.4 A major conversion affecting the anti-fouling system of a ship may be considered as a newbuilding as determined by the Administration.

3.5 Repairs generally do not require a survey. However, repairs affecting approximately twenty-five (25) percent or more of the anti-fouling system, should be considered as a change or replacement of the anti-fouling system.

3.6 A non-compliant anti-fouling system controlled under annex 1 of the Convention, that undergoes repair must be repaired, or replaced with a compliant anti-fouling system.

4 Request for survey

4.1 Prior to any survey, a request for survey should be submitted by the company to the Administration, or to a recognized organization, along with the ship's data required in the International Anti-Fouling System Certificate as listed:

.1 Name of ship

.2 Distinctive number or letters

.3 Port of registry

.4 Gross tonnage

.5 IMO Number.

4.2 A request for survey should be supplemented by a declaration and supporting information from the anti-fouling system manufacturer, confirming that the anti-fouling system applied, or intended to be applied, to the ship is in compliance with the requirements of the Convention (with an identification of the version of the Convention referred to). Such declaration should provide the following information contained in the Record of Anti-Fouling Systems, as can be found in appendix 1 to annex 4 of the Convention:

.1 Type of anti-fouling system*

.2 Name of anti-fouling system manufacturer

.3 Name and colour of anti-fouling system

.4 Active ingredient(s) and their Chemical Abstracts Service Registry Number(s) (CAS number(s)).

Information required by the surveyor regarding compliance of product with the Convention should be found in a declaration from the anti-fouling system manufacturer which may be provided on the anti-fouling system container and/or on supportive documentation (such as Material Safety Data Sheets (MSDSs), or similar). A link between the supportive documentation and the relevant container should exist.

5 Conduct of surveys

5.1 *Surveys for newbuildings*

.1 As part of the survey, it should be verified that the anti-fouling system specified by the documentation submitted with the

* Examples of suitable wording could be: "Organotin-free self-polishing type", "Organotin-free ablative type", "Organotin-free conventional", "Biocide-free silicon type paint, others". In the case of an anti-fouling system containing no active ingredients, the words "biocide-free" should be used.

request for survey complies with the Convention. The survey should include verification that the anti-fouling system applied is identical to the system specified in the request for survey.

.2 Taking into account experience gained and the prevailing circumstances, the verification required by paragraph 5.1.1 should include one or more of the following tasks, as deemed necessary to verify compliance:

(a) Checking that the product identification on anti-fouling system containers used during the application process is identical to the system specified in the request for survey.

(b) Sampling of the anti-fouling system.

(c) Testing of the anti-fouling system.

(d) Other checks conducted on site.

.3 The verification tasks set out in paragraph 5.1.2 should be conducted at any time, either before, during, or after the anti-fouling system has been applied to the ship, as deemed necessary to verify compliance. No checks or tests must affect the integrity, structure or operation of the anti-fouling system.

5.2 *Surveys of existing ships intending to apply a new anti-fouling system*

.1 If the existing anti-fouling system is confirmed by an International Anti-Fouling System Certificate not to be controlled under annex 1 of the Convention, the provisions described in paragraph 5.1 apply.

.2 If the existing anti-fouling system is declared not to be controlled under annex 1 of the Convention, without being documented by, an International Anti-Fouling System Certificate, a verification should be carried out to confirm that the anti-fouling system complies with the requirements of the Convention. This verification may be based on sampling and/or testing and/or reliable documentation, as deemed necessary based on experience gained and the existing circumstances. Documentation for verification could, e.g., be MSDSs or similar, a declaration of compliance from the anti-fouling system manufacturer, invoices from the shipyard and/or the anti-fouling system manufacturer. To verify the new anti-fouling system, the provisions described in paragraph 5.1 apply.

.3 If the existing anti-fouling system has been removed, the removal should be verified in addition to the provisions described in paragraph 5.1.

.4 If a sealer coat has been applied, a verification should be carried out to confirm that the name, type and colour of the sealer coat applied to the ship match those specified in the request for survey, and that the existing anti-fouling system has been covered with that sealer coat. Additionally the provisions described in paragraph 5.1 apply.

.5 If the existing anti-fouling system is controlled under annex 1 of the Convention, it should be removed according to subparagraph 5.2.3 or covered by a sealer coat according to subparagraph 5.2.4 not later than 1 January 2008. Prior to this date, the existing anti-

fouling system may be overcoated with an anti-fouling system not controlled under annex 1 without removing or sealing the existing anti-fouling system. This option should be stated on the International Anti-Fouling System Certificate by ticking off the appropriate box. To verify the new anti-fouling system, the provisions described in paragraph 5.1 apply.

5.3 *Surveys of existing ships requesting only an International Anti-Fouling System Certificate*

.1 If the existing anti-fouling system is declared to be controlled under annex 1 of the Convention (i.e. containing prohibited/regulated compounds), an International Anti-Fouling System Certificate may be issued on request stating that the anti-fouling system will be removed, or covered with a sealer coat when directed by the Convention.

.2 If the existing anti-fouling system is declared not to be controlled under annex 1 of the Convention, a verification should be carried out to confirm that the anti-fouling system complies with the requirements of the Convention. This verification may be based on sampling and/or testing and/or reliable documentation, as deemed necessary based on experience gained and the existing circumstances. Such documentation could be MSDSs or similar, a declaration of compliance from the anti-fouling system manufacturer, invoices from the shipyard and/or the anti-fouling system manufacturer. If this information raises no reasonable doubt that the system applied is compliant with annex 1 of the Convention, the International Anti-Fouling System Certificate may be issued on this basis.

5.4 *Surveys of ships prior to entry into force of the Convention*

.1 Prior to the Convention having entered into force, an Administration may conduct surveys of ships in accordance with these Guidelines, and may then issue a Statement of Compliance to this effect.

.2 Ships capable of documenting full compliance with the Convention through such a statement of compliance may be issued, upon entry into force of the Convention, an International Anti-Fouling System Certificate on that basis subject to any additional requirements from the Administration.

6 Issuing or endorsing the International Anti-Fouling System Certificate

6.1 The International Anti-Fouling System Certificate along with the Record of Anti-Fouling Systems should be:

.1 issued upon satisfactory completion of the initial survey;

.2 issued upon acceptance of another Party's International Anti-Fouling System Certificate; or

.3 endorsed upon satisfactory completion of a survey for change or replacement of an anti-fouling system.

Appendix

Guidance for compliant anti-fouling systems

For the purpose of compliance with annex 1 of the Convention, small quantities of organotin compounds acting as a chemical catalyst (such as mono- and di-substituted organotin compounds) are allowed, provided that they are present at a level which does not provide a biocidal effect to the coating. On a practical level, when used as a catalyst, an organotin compound should not be present above 2,500 mg total tin per kilogram of dry paint.

Resolution MEPC.104(49)
Adopted on 18 July 2003

GUIDELINES FOR BRIEF SAMPLING OF ANTI-FOULING SYSTEMS ON SHIPS

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by the international conventions for the prevention and control of marine pollution,

RECALLING ALSO that the International Conference on the Control of Harmful Anti-fouling Systems for Ships, 2001, held in October 2001, adopted the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 (the AFS Convention) together with four Conference resolutions,

NOTING that article 11(1) of the AFS Convention prescribes that ships to which this Convention applies may, in any port, shipyard, or offshore terminal of a Party, be inspected by officers authorized by that Party for the purpose of determining whether the ship is in compliance with this Convention, and that such inspection includes brief sampling of the ship's anti-fouling system,

NOTING ALSO that article 11(1) of the AFS Convention refers to the guidelines to be developed by the Organization and Conference resolution 2 urges the Organization to develop these guidelines as a matter of urgency for them to be adopted before the entry into force of the Convention,

NOTING FURTHER that through resolutions MEPC.102(48) and MEPC.105(49) the Organization has developed "Guidelines for Survey and Certification of Anti-fouling Systems on Ships and "Guidelines for Inspection of Anti-fouling Systems on Ships, respectively, and

HAVING CONSIDERED the recommendation made by the Sub-Committee on Flag State Implementation at its eleventh session,

1. ADOPTS the Guidelines for brief sampling of anti-fouling systems on ships, the text of which is set out in the annex to this resolution;

2. INVITES Governments to apply the Guidelines as soon as possible, or when the Convention becomes applicable to them; and

3. RECOMMENDS that the Guidelines be reviewed on a regular basis.

Annex

Guidelines for brief sampling of anti-fouling systems on ships

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Appendix: Possible methods for brief sampling and analysis of anti-fouling systems on ships – organotin

Method 1
Appendix to Method 1: Record sheet for the brief sampling procedure for compliance with the Convention in terms of the presence of organotin acting as a biocide in anti-fouling systems on ship hulls

Method 2
Appendix to Method 2: Record sheet for the sampling and analysis of anti-fouling systems on ship hulls – organotin compounds

1 General

Purpose

1.1 Article 11 of the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001, hereinafter referred to as "the Convention", and resolution MEPC.102(48) Guidelines for survey and certification of anti-fouling systems on ships refer to sampling as a method of verification of compliance of a ships anti fouling system with the Convention for inspection and survey.

1.2 The "Guidelines for brief sampling of anti-fouling systems on ships", hereinafter referred to as "the Guidelines", provide procedures for sampling to support the effectiveness of survey and inspection to ensure that a ship's anti-fouling system complies with the Convention and thus assists:

.1 Administrations and recognized organizations (ROs) in the uniform application of the provisions of the Convention;

.2 port State control officers with guidance on methods and handling of brief sampling in accordance with Article 11(1)(b) of the Convention; and

.3 companies, shipbuilders, manufacturers of anti-fouling systems, as well as any other interested parties in understanding the process of sampling as required in terms of the Convention.

1.3 However, inspections or surveys do not necessarily always need to include sampling of anti-fouling system.

1.4 These Guidelines apply to surveys and inspections of ships subject to the Convention.

1.5 The sole purpose of the sampling activities described in the Guidelines is to verify compliance with the provisions of the Convention. Consequently, such activities do not relate to any aspect not regulated by the Convention, (even if such aspects relate to the performance of an anti-fouling system on the hull of a ship, including the quality of workmanship).

Structure of these Guidelines

1.6 These Guidelines contain:

.1 a main body covering aspects of general nature common to "sampling" procedures related to the regulation of anti-fouling systems controlled by the Convention; and

.2 appendices describing the unique procedures associated with the sampling and analysis of anti-fouling systems controlled by the Convention. These appendices only serve as examples of sampling and analytical methods and other sampling methods not described in an appendix may be used subject to the satisfaction of the Administration or the port State, as appropriate.

1.7 For reasons including the event of other anti-fouling systems becoming controlled under the Convention, or in the light of new experience acquired, these Guidelines may need to be reviewed or amended in the future.

2 Definitions

For the purposes of these Guidelines:

2.1 *Administration* means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of a State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

2.2 *Anti-fouling system* means a coating, paint, surface treatment, surface or device that is used on a ship in order to control or prevent attachment of unwanted organisms.

2.3 *Threshold value* means the concentration limit of the chemical under investigation below which compliance with the relevant provisions of the Convention may be assumed.

2.4 *Company* means the owner of the ship or any other organization or person such as the manager or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner of the ship and who, on assuming such responsibility, has agreed to take over all duties and responsibilities imposed by the International Safety Management (ISM) Code.

2.5 *Length* means the length as defined in the International Convention on Load Lines, 1966, as modified by the Protocol of 1988 relating thereto, or any successor Convention.

2.6 *Tolerance range* means the numerical range added to the threshold value indicating the range where detected concentrations above the threshold value are acceptable due to recognised analytical inaccuracy and thus do not compromise the assumption of compliance.

3 Personnel safety when sampling

Health

3.1 Persons carrying out sampling should be aware that solvents or other materials used for sampling may be harmful. Wet paint which is sampled may also be harmful. In these cases the material safety data sheet (MSDS) for the solvent or paint should be read and appropriate precautions should be taken. This will normally include the wearing of long sleeve solvent resistant gloves of suitable impervious material - e.g. nitrile rubber.

3.2 Quantities of dry anti-fouling paint removed during sampling from ships' hulls will normally be too small to cause significant health effects.

Safety

3.3 Access to ships to carry out sampling safely may be difficult. If a ship is moored alongside persons carrying out sampling must ensure they have safe access to reach the hull from e.g. platforms, crane baskets, cherry-pickers, gangways. They must ensure that they are protected by railings or a climbing harness or take other precautions so that they cannot fall into the water between the quay and the ship. If in doubt a lifejacket and possibly a safety line, should be worn when sampling.

3.4 Access to ships in dry-dock should be made by secure means. Scaffolding should be securely constructed and cherry-pickers or dock-arms should be properly constructed and maintained if they are to be used to gain access. There should be a system to record the presence of the inspector in the dock area, and he should preferably be accompanied. Safety harnesses should be worn in cherry-picker baskets, if used.

4 Sampling and analysis

Sampling methods

4.1 During sampling, care should be taken not to affect the integrity or operation of the anti-fouling system.

4.2 Sampling where the anti-fouling coating is visibly damaged* or on block mark areas on the flat bottom of the ship (where the intact anti-fouling system is not applied) should be avoided. Sampling adjacent to or below areas where the anti-fouling system is damaged should also be avoided. When a sample point on the hull has been selected, any fouling present should be removed with water and a soft sponge/cloth before taking a specimen of the anti-fouling system (to avoid contamination of sample). Where possible, if carried out in dry-dock, sampling should be carried out after the hull has been water-washed.

4.3 The materials required for brief sampling methodologies should ideally be inexpensive, widely available and therefore readily accessible, irrespective of sampling conditions and/or location.

4.4 The sampling procedure should ideally be easily and reliably undertaken. Persons conducting sampling should receive appropriate training in sampling methods.

Technical aspects

4.5 The sampling method should take into account the type of anti-fouling system used on the ship.

4.6 Specimens of paint for analysis during survey and certification can be taken either as wet paint† from product containers, or dry paint film sampled from the hull.

Sampling strategy and number of samples

4.7 The sampling strategy is dependent on the precision of the sampling method, the analytical requirements, costs and required time and the purpose of the sampling. The number of paint specimens taken of each sample should allow for a retention quantity for back-up/storage in the event

* During in-service periods, anti-fouling coatings on ships' hulls often become damaged. The extent of the damage varies between ships and damaged areas can be visually recognized. Typically damage can be restricted to localized areas e.g. anchor chain damage (bow region), fender damage (vertical sides of hull), 'rust through areas' (underlying rust causing coating failure) or in some cases be in smaller areas scattered over larger areas of the hull (usually older ships where over-coating of original system has taken place many times).

† In order to prevent contamination, wet paint samples should be taken from a newly opened container. Paint should be stirred to ensure even consistency before sampling and all equipment used should be cleaned prior to use. Liquid paint samples should be stored in appropriate sealed packaging which will not react with or contaminate the sample. In the case of multi-component coatings (where on-site mixing of several components is required prior to application), samples of each component should be taken and the required mixing ratio recorded. When a sample of wet paint is taken from a container, details of the paint should be recorded e.g. details required for the IAFS Certificate along with a batch number for the product.

of a dispute. For dry samples, triplicate specimens of paint at each sampling point should be taken in close proximity to each other on the hull (e.g. within 10 cm of each other).

4.8 In cases where it is recognized that more than one type of anti-fouling system is present on the hull, where access can be gained, samples should be taken from each type of system:

.1 for survey purposes or for more thorough inspections pursuant to article 11(2) of the Convention, in order to verify the compliance of an anti-fouling system, the number of sample points should reflect representative areas of the ship's hull; and

.2 for inspection purposes pursuant to article 11(1) of the Convention sample points on the hull should be selected covering representative areas where the anti-fouling system is intact. Depending on the size of the vessel and accessibility to the hull, at least four sample points should be equally spaced down the length of the hull. If sampling is undertaken in dry-dock, flat bottom areas of the hull should be sampled in addition to vertical sides as different anti-fouling systems can be present on these different areas.

Analysis

4.9 The analysis of the anti-fouling system should ideally involve minimal analytical effort and economic cost.

4.10 The analysis should be conducted by a recognized laboratory meeting the ISO 17025 standard or another appropriate facility at the discretion of the Administration or the port State.

4.11 The analytical process should be expeditious, such that results are rapidly communicated to the officers authorized to enforce the Convention.

4.12 The analysis should produce unambiguous results expressed in units consistent with the Convention and its associated Guidelines. For example, for organotin, results should be expressed as: mg tin (Sn) per kg of dry paint.

Note: Compound-specific sampling and analytical methodologies are described in the appendices to these Guidelines.

5 Thresholds and tolerance limits

Thresholds

5.1 The analysis should be quantitative to the point of being able to accurately verify the threshold limits within the given tolerance.

5.2 In cases where compliance with acceptable limits, or lack thereof, is unclear, additional sampling or other methodologies for sampling should be considered.

Tolerance range

5.3 Statistical reliability for each (compound-specific) brief sampling procedure should be documented. The analysis should be quantitative to

the point of being able to accurately verify the threshold limits within the given tolerance. On the basis of these data a compound-specific tolerance range should be derived and stated compound-specific in the method description. In general, the tolerance range should not be higher than the standard deviation under typical conditions for testing and should under no circumstances go beyond 30 %.

6 Definition of compliance

6.1 Compliance with Annex 1 of the Convention is assumed if the anti-fouling system contains organotin at a level which does not provide a biocidal effct . In practice organotin compounds should not be present above 2,500 mg organotin (measured as Sn) per kg of dry paint.

6.2 Compliance is largely dependent on the results of sampling and subsequent analysis. As every method of sampling and analysis has its specific accuracy, a compound-specific tolerance level may be applied in borderline cases with concentrations very close to the threshold level.

6.3 In general, compliance is assumed when the samples yield results below the threshold value.

7 Documentation and recording of information

7.1 The results of the sampling procedure should be fully documented on a method-specific record sheet. Examples are provided in the appendices to these Guidelines.

7.2 Such record sheets should be completed by the sampler and should be submitted to the competent authority of the Port State or Administration.

Appendix

Possible methods for brief sampling and analysis of anti-fouling systems on ships

– Organotin –

METHOD 1

1 Purpose of this method concerning brief sampling and analysis of anti-fouling systems

1.1 This method has been developed in order to describe a rapid methodology appropriate for the identification of anti-fouling systems on ship hulls containing organotin compounds acting as biocide. This method has been designed such that sealers should not be affected, and any underlying anti-fouling agent (or primer) is not taken up in the sampling procedure. The method is not recommended for silicon-based anti-fouling systems.

1.2 This method is based on a two-step analysis. The first step detects total tin as an indicator for organotin; the second step, detecting specific organotin compounds, is only necessary in the case of the first step proving positive.

2 Sampling device and materials

2.1 The sampling device is constructed in a way that only the upper layer of paint is removed, thereby and should leave any underlying paint (sealer, primer etc.) intact. This result is achieved through the use of a moving disk, (eccentric rotation) which is covered by an abrasive material like quartz or glass fibre fabric. This abrasive material has to be suitable for its use as a supporting material for the removed paint.

2.2 The device fulfils the following requirements:

.1 the device has to work independently from any stationary power supply. The device may be driven by an electrical motor (battery-driven) or may be mechanically driven by a clockwork-like spring, provided it is able to sustain the movement over the required time period;

.2 the applied force has to be constant during the operation, and the area for paint removal has to be defined;

.3 the abrasive material has to be inert against chemical solvents and acids and must not contain more than trace amounts of tin or tin compounds; and

.4 the amount of paint removed after a regular operation of the device has to be shown to exceed 20 mg per sample.

2.3 The device as described in the following section has been shown to be suitable for the brief sampling procedure. Any other device may be used however, provided such a device has proven to meet all the above-mentioned requirements.

2.4 The sampling device described here consists of a polyethylene disk, on which fibre glass fabric can be mounted by the use of an O-ring. The disk is moved on an eccentrically rotating axis.

3 Sampling procedure

3.1 The sampling procedure should be performed in the following manner:

.1 control samples should be taken through the entire sampling and analytical process to account for possible contamination;

.2 the mass of the fibre glass pads is weighed with a precision of at least 1 mg. The weight should be documented for each sample;

.3 the fabric should be moistened thoroughly with isopropanol (0.7ml per sample) immediately before sampling;

.4 when a sample point on the hull has been selected, any fouling present should be removed with water and a soft sponge/cloth before taking a specimen of the anti-fouling system (to avoid contamination of sample). Where possible, if carried out in dry-dock, sampling should be carried out after the hull has been water-washed;

.5 the sampling device is then held against the surface to be sampled for a period of 5 seconds, prior to the sampling device being switched on;

.6 the sampling device is switched on, thereby removing paint by the circular motion of the fibre glass fabric against the surface of the ship;

.7 the sampling device should be applied to the surface of the hull for a suitable period of time, such that at least 20 mg of paint is taken up by the pad. As a general rule, if the pad colour after sampling matches the colour of the hull coating a sufficient sample has been taken;

.8 the two-step analysis procedure requires that every sample should be taken in triplicate. Two of the specimens should be labelled Specimen 'A' and Specimen 'B'. In addition a third specimen for storage/back-up should be taken. These specimens should be taken as close to each other as possible, but without overlap; and

.9 upon completion of the sampling, the fibre glass fabric pads should be left to dry, and re-weighed.

3.2 Samples should be stored in appropriate sealed packaging, which will not react with or contaminate the sample.

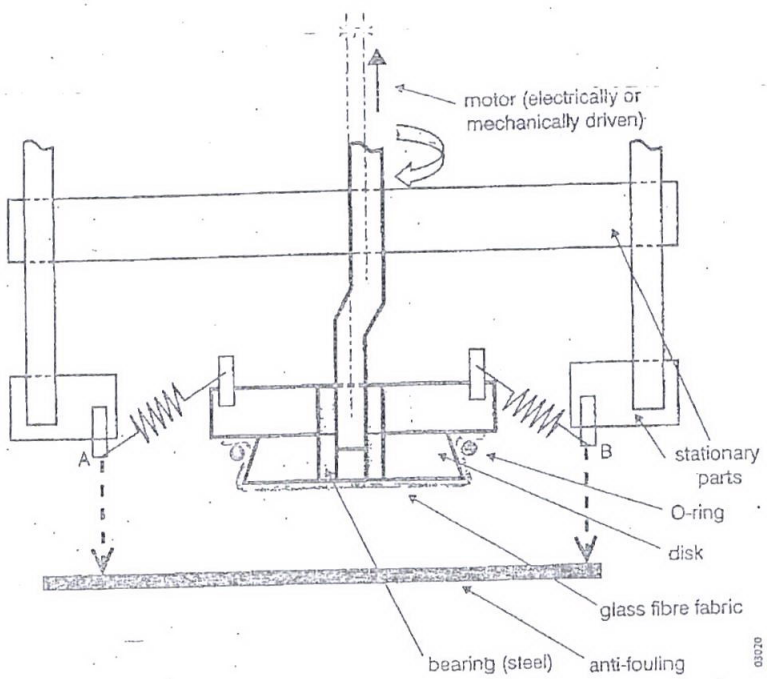


Diagram A – *Schematic cross section of the sampling device*

The indicated points A and B are to be pressed against the surface. The polyethylene disk, covered with the glass fibre fabric, is moved with an amplitude of $2r$ (r = 1.0 cm) on the surface.

Specific data:

Force applied on the paint surface:	25 N (Newton)
Effective diameter of the disk:	5 cm
Frequency of rotation:	6 rotations/s
Solvent used	isopropanol (0.8 m*l* per sample).

4 Sampling strategy

4.1 Sampling should be conducted in accordance with paragraph 4 of the Guidelines.

4.2 For inspection purposes in most cases accessibility to all parts of the hull will not be given. A minimum number of eight independent samples should be taken from different accessible parts of the hull.

5 Analytical procedure

5.1 The two components comprising the analytical procedure are illustrated in the flow diagram B. The two components, or steps, are as follows:

.1 (Step 1) – An analysis of Specimen A for the presence of total tin; and

.2 (Step 2) – A more cost- and time-consuming analysis of Specimen B, that is applied only when Step 1 produces positive results. This test involves organotin analysis by gas chromatography/mass spectrophotometry (GC/MS) after derivatisation and provides specific data on the respective organotin species.

Step 1: Investigation of total tin content in Specimen 'A'

Analysis of Specimen 'A'

5.2 Specimen 'A' is analysed for mass of total tin per kilogram of dry paint (or mass of tin per sample) by applying inductively coupled plasma/mass spectrometry (ICP/MS), once the material had been solubilized by digestion using aqua regia. It should be noted that any other scientifically recognized procedure for tin analysis (such as AAS, XRF and ICP-OES) is acceptable.

Step 2: Characterization of organotin in Specimen 'B'

Analysis of Specimen 'B'

5.3 Should Specimen 'A' produce positive results, organotin compounds should be identified and quantified in Specimen 'B'. Specimen 'B' may be analysed using the following procedure:

.1 solvent extraction of Specimen 'B' as supported by sonication in an ultrasonic bath;

.2 derivatisation with ethylmagnesium bromide;

.3 clean-up of the extract;

.4 analysis using high resolution gas chromatography/mass spectrophotrometry (GC/MS); and

.5 quantifications using tripropyltin as a standard.

5.5 Any equally reliable method for the chemical identification and quantification of organotin compounds is acceptable.

6 Threshold and tolerance range

6.1 The threshold value for the brief sampling method as described here is:

"2,500 mg tin (Sn) per kg of dry paint."

Tolerance range

6.2 The tolerance range is 500 mg Sn/kg of dry paint (20%) in addition to the threshold value.

Organotin containing compounds acting as biocides or catalysts

6.3 As stated in the appendix of resolution MEPC.102(48), for the purposes of defining compliance with annex 1 of the Convention, it should be noted that small quantities of organotin compounds, acting as chemical catalysts (such as mono- and di-substituted organotin compounds) are allowed, provided they are not acting as a biocide.

6.4 Inorganic impurities in the constituents of the paints should be considered.

6.5 At present neither organotin catalysts nor inorganic impurities are found at concentrations which will be close to the threshold level (2,500 mg Sn/kg of dry paint) or higher. However, organotin-containing compounds, when present in paint in order to act as a biocide, were found in concentrations up to 50,000 mg Sn/kg of dry paint. Thus the discrimination between anti-fouling systems containing organotin compounds acting as a biocide and anti-fouling systems not containing these compounds or not containing these compounds at concentrations where they act as a biocide, is reliably possible.

7 Definition of compliance

Two-step procedure

7.1 The analytical verification of the compliance with the Convention is performed in a two-step procedure according to the flow-diagram (diagram B).

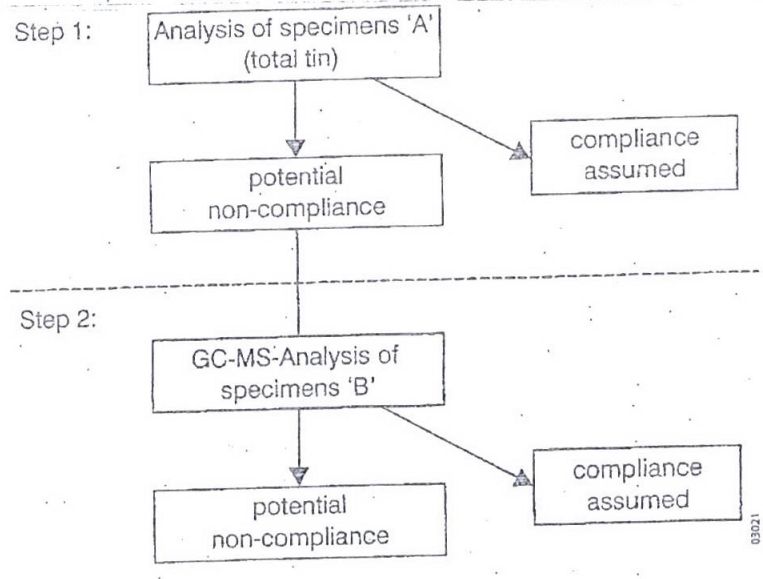


Diagram B – *Flow diagram illustrating the two-step analysis procedure*

Compliance with the criteria at the 'Step 1-level'

7.2 Compliance with the Convention is assumed when the results from the specimens 'A', analysed in step 1, meet the following:

.1 no more than 25% of the total number of samples yield results above 2,500 milligrams total tin per kilogram dry paint (2,500 mg Sn/kg of dry paint); and

.2 no sample of the total number of at least eight samples shows a concentration of total tin higher than the sum of threshold value plus the tolerance range, i.e. no sample must exceed the concentration 3,000 mg Sn/kg of dry paint.

7.3 If the results in specimen 'A' indicate that no organotin acting as biocide is present, then performing step 2 is not necessary.

Non-compliance with the criteria at the 'Step 1-level'

7.4 A positive result (non-compliance) is indicated if provisions of paragraph 7.2 are not met.

7.5 A positive result at step 1 (specimen 'A') would indicate that step 2 should be undertaken, and those samples labelled specimen 'B' should be analysed in order to determine and characterize the organotin present (see diagram B).

Compliance with the criteria at the 'Step 2-level'

7.6 Compliance with the Convention is assumed when the results from the specimens 'B', analysed in step 2, meet the following requirements at the same time:

.1 no more than 25% of the total number of samples yield results above 2,500 milligrams total tin per kilogram dry paint (2,500 mg Sn/kg of dry paint); and

.2 no sample of the total number of at least eight samples shows a concentration of total tin higher than the sum of threshold value plus the tolerance range, i.e., no sample must exceed the concentration 3,000 mg Sn/kg of dry paint.

Non-compliance at 'Step 2-level'

7.7 A positive result in step 2 indicates non-compliance if the provisions of paragraph 7.6 are not met. Such results should be interpreted to mean that organotin compounds are present in the anti-fouling system at a level at which it would act as a biocide.

Appendix to method 1

Record sheet for the brief sampling procedure for compliance with the Convention in terms of the presence of organotin acting as a biocide in anti-fouling systems on ship hulls

Record sheet GUIDELINES FOR BRIEF SAMPLING OF ANTI-FOULING SYSTEMS ON SHIPS – ORGANOTIN –		Record number
SECTION A: Administration		
1 Country	2 Name of port	3 Date
4 Reason for sampling: ☐ Port State control ☐ Survey & Certification ☐ Other flag State compliance inspection		
5 Company details: 1 Name of ship: 2 Distinctive number or letters: 3 Port of registry: 4 Gross tonnage: 5 IMO number:	6 Inspecting official's details: 1 Name: 2 Comments:	
SECTION B: Sampling		
1 Time sampling procedure initiated:		
2 Description of location from where samples were taken (frame number and distance from boot topping, refer to paragraph 3.2):		
3 Number of samples taken (three specimens per sample):		
4 Photographs taken of the sample points prior to sampling? ☐ Yes ☐ No		
5 Time sampling procedure completed:		
6 Additional comments concerning sampling procedure:		

SECTION C: Analysis and results

1 Step 1 total tin analysis:

Company name:

Analyst responsible: Date :

2 Specimen 'A' results: _____ total number of specimens 'A' analysed: _____

No.	mg Sn/kg	No.	mg Sn/kg	No.	mg Sn/kg	No.	mg Sn/kg
1		5		9		13	
2		6		10		14	
3		7		11		15	
4		8		12		16	

Number of specimens exceeding 2,500 mg/kg: _____

1 or more specimens exceeding 3,000 mg/kg: yes ☐ no ☐

Conclusion: Step 2 required ☐
Compliance, Further analysis unnecessary: ☐

3 Additional comments concerning analysis of results from Specimen 'A':

4 Organotin analysis undertaken by:

Company name:

Analyst responsible: Date :

5 Specimen 'B' results: _____ total number of specimens 'B' analysed: _____

No.	organotin (mg/kg) as Sn	No.	organotin (mg/kg) as Sn	No.	organotin (mg/kg) as Sn	No.	organotin (mg/kg) as Sn
1		5		9		13	
2		6		10		14	
3		7		11		15	
4		8		12		16	

Number of specimens exceeding 2,500 mg/kg: _____

1 or more specimens exceeding 3,000 mg/kg: yes ☐ no ☐

Conclusion: Non-compliance assumed ☐
Compliance assumed ☐

6 Additional comments concerning analysis of results from Specimens 'B':

7 Summarized conclusion:

Compliance assumed ☐

Non-compliance assumed ☐

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at .....
(Place of issue of Record)

.....
(Date of issue) (Printed name and signature of authorized official issuing the Record)

(Seal or stamp of the authority /organization)

METHOD 2

1 Purpose of this method

1.1 This method provides sampling and analysis procedures to identify the presence of organotin compounds in the anti-fouling systems on ships. The method is designed such that the sampling and the first stage analysis could be carried out by ship surveyors or port State control officers (PSCOs) on the survey/inspection site, e.g. at a dry dock.

1.2 This method is based on a two-stage analysis. The first stage detects total tin as an indicator for the presence of organotin and the second stage is necessary only in the case that the first stage analysis providing a positive result to detect specific organotin compounds.

2 Sampling

2.1 The sampling is carried out by using abrasive paper rubbing on the surface of the anti-fouling system. This results in collection of paint fragment of the anti-fouling system from thin area, less than several micrometer in depth from the surface, which do not affect the coatings lying underneath such as sealers.

2.2 Abrasive paper is pasted on a disc of approximately 10 mm in diameter. Rubbing the surface of the anti-fouling system with the disc collects several milligrams of the sample on to the abrasive paper.

2.3 The sampling device consists of an electric motor, two (or three) rotating rods on each of which a disc is attached, and a battery for electric power supply. The discs are pressed on to the surface of ship's hull by spring coils. The disks rotate counter-clockwise while the rods turn clockwise around the centre of the device. Schematic diagram is illustrated in figure 1.

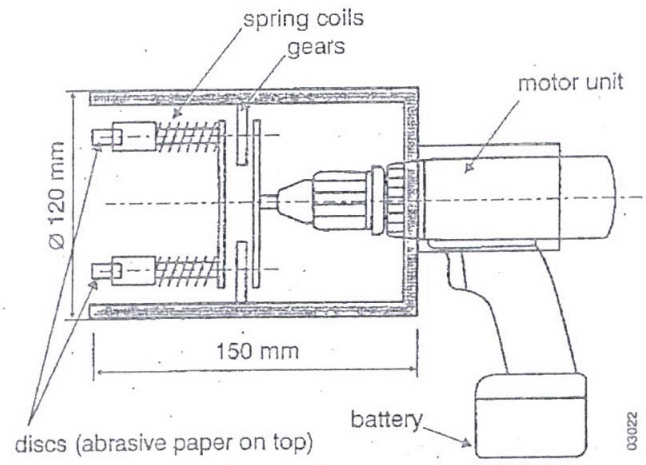


Figure 1 - *Schematic diagram of sampling device*

2.4 Sampling point is selected such that the anti-fouling system is intact over an area of approximately 50 cm × 50 cm or more. At each sampling point, three sets of sampling, or more if necessary, should be carried out to obtain at least six specimens.

2.5 The device is pressed on the ship's hull where it is appropriate to be sampled and held by hand. The electric motor is switched on to slide along the painted surface to lightly scrape off the fragments of the paint onto the abrasive paper. After the sample collection, each disc is removed from the device and stored in an inert container.

2.6 Sampling should normally be carried out with the sampling device. However, in the case that accessibility to the sampling point is poor, it is acceptable to collect samples with the discs by hand if necessary.

3 The first-stage analysis

3.1 The first-stage analysis is assumed to be carried out on the spot of the survey or inspection, e.g. dry docks and sea ports. In order to accomplish the on-site analysis, X-ray fluorescence analysis (XRF) is used in this method to detect total tin content.

3.2 Analytical characteristics, such as detection limit and accuracy, are highly dependent on the type of the instrument, i.e. type of X-ray tube, spectrometer, optical arrangement (filters or collimators), etc. Among several types of the XRF instruments, an energy-dispersive spectrometer with a silicon drift detector (SDD), which is compact in size and be able to be operated without liquid nitrogen, is preferable to the present analytical system for a field use, whereas wave-length dispersion system or solid-state detector are also available if the analysis carried out at laboratories.

3.3 Software customized for the tin analysis is prepared to assist the operator, who is assumed to be a ship surveyor or PSCO, to detect total tin in the specimens.

3.4 The customized software may in advance need a calibration curve of the characteristic X-ray intensity of tin in relation to the tin content particularly in the range of 0.1 to 0.5%.

3.5 After the preparation including the warming-up of the XRF instrument and starting-up of the computer, a specimen (sampling disc) is placed on the sample stage of the instrument. Afterwards, analysis is executed by the customized software. A single batch of analysis for one specimen normally takes 5 minutes and the result is shown on a display automatically.

3.6 Since the XRF analysis does not affect any properties of the specimens, all of the collected specimens (six to nine specimens), including those for the second analysis and storage, are able to be used for this analysis.

4 Interpretation of the result at the first-stage analysis

4.1 Following the procedures above, XRF data of six, or nine, specimens are obtained for each sampling point. Omitting the maximum and minimum values from the data, an average of the tin content is calculated from the intermediate values for the representing value of the sampling point.

4.2 Compliance with the Convention is assumed when none of the tin contents (average values) from the samples do not exceed the sum of the threshold (2,500 mg per kg) and a tolerance (500 mg per kg).

4.3 When one or more average values of samples from different sampling points do not meet the above criteria, the samples should be sent to a laboratory for the second stage analysis. Regardless of the results, it is also possible to undergo the second stage analysis when the surveyor or PSCO considers that it is necessary to do so.

5 Second-stage analysis

5.1 Since the second-stage analysis provides the final and definitive results of the samples, the method should be thoroughly reviewed by experts based on scientific evidence. The following is a brief summary of a tentative methodology for the second stage analysis.

5.2 The collected paint specimens are removed from the abrasive paper and total mass is measured with an electronic balance to an order of 0.1 mg. The specimens are hydrolysed with sodium hydroxide aqueous solution, extracted with organic solvent, and then derivatised with propylmagnesium bromide. After cleaning up the extract, analysis using high resolution gas chromatography/mass spectrometry (GC/MS) is carried out. For quantification analysis, tetrabutyl tin d36 is added as the internal standard.

5.3 These analyses provide the data of chemical species and their content (mg per kg of the specimens). The content of organotin is obtained in a unit of mg per kg of dry paint.

6 Compliance with the Convention

6.1 Compliance with the Convention is assumed when the results from the second-stage analysis meet the following requirements at the same time:

.1 no more than 25% of the total number of samples yield results above 2,500 milligrams tin as organic form per kilogram dry paint (2,500 mg Sn/kg of dry paint); and

.2 no sample of the total number of specimens shows a concentration of tin as organic form higher than the sum of the threshold value plus the tolerance range, i.e., no sample must exceed the concentration 3,000 mg Sn/kg dry paint.

6.2 When the result does not meet the above criteria, it is interpreted to mean that organotin compounds are present in the anti-fouling system at a level where they would act as a biocide.

Appendix to method 2

Record sheet for the sampling and analysis of anti-fouling systems on ship hulls – organotin compounds

		Record number
Section A: Administration		
1 Country		2 Location
3 Date		
4 Reason for survey inspection		
5 Details of the ship		
	5.1 Name of ship	
	5.2 Distinctive number or letters	
	5.3 Gross tonnage	5.4 Year of build
	5.5 Ownership or operator of ship	
	5.6 Flag State	5.7 Class of ship
	5.8 Authority of AFS Certificate	
	5.9 Date of issue	
	5.10 Date of last endorsement	
	5.11 IMO number	
	5.12 Name of shipmaster	
	5.13 Product name of anti-fouling systems	
	5.14 Name of manufacturer	
	5.15 Name of shipyard where applied	
	5.16 Comments	
6 Inspecting official's details		
	6.1 Name	
	6.2 Comments	

Section B: Sampling and stage 1 analysis (x-ray fluorescence analysis)
Date
Instrument I.D.

Sample/Location	Specimen I.D.	Sampling disc	Content of tin (mg/kg)	max	min	Average
A	A1	☐ abrasives		☐	☐	
	A2	☐ metal		☐	☐	Average
	A3	☐ others		☐	☐	_____ mg/kg
	A4	☐ abrasives		☐	☐	
	A5	☐ metal		☐	☐	☐ > 2,500 mg/kg
	A6	☐ others		☐	☐	☐ > 3,000 mg/kg
	A7	☐ abrasives		☐	☐	
	A8	☐ metal		☐	☐	
	A9	☐ others		☐	☐	
B	B1	☐ abrasives		☐	☐	
	B2	☐ metal		☐	☐	Average
	B3	☐ others		☐	☐	_____ mg/kg
	B4	☐ abrasives		☐	☐	
	B5	☐ metal		☐	☐	☐ > 2,500 mg/kg
	B6	☐ others		☐	☐	☐ > 3,000 mg/kg
	B7	☐ abrasives		☐	☐	
	B8	☐ metal		☐	☐	
	B9	☐ others		☐	☐	
C	C1	☐ abrasives		☐	☐	
	C2	☐ metal		☐	☐	Average
	C3	☐ others		☐	☐	_____ mg/kg
	C4	☐ abrasives		☐	☐	
	C5	☐ metal		☐	☐	☐ > 2,500 mg/kg
	C6	☐ others		☐	☐	☐ > 3,000 mg/kg
	C7	☐ abrasives		☐	☐	
	C8	☐ metal		☐	☐	
	C9	☐ others		☐	☐	

Sample/Location	Specimen I.D.	Sampling disc	Content of tin (mg/kg)	max	min	Average
D	D1	☐ abrasives		☐	☐	
	D2	☐ metal		☐	☐	Average
	D3	☐ others		☐	☐	_____ mg/kg
	D4	☐ abrasives		☐	☐	
	D5	☐ metal		☐	☐	☐ > 2,500 mg/kg
	D6	☐ others		☐	☐	☐ > 3,000 mg/kg
	D7	☐ abrasives		☐	☐	
	D8	☐ metal		☐	☐	
	D9	☐ others		☐	☐	

☐ Stage II required	☐ _____ samples out of _____ are above 2,500 mg/kg ☐ Sample _____ is above 3,000 mg/kg	☐ Compliant
Sampled by	Analysed by	
Signature	Signature	

Record number

Section C: Stage II analysis (gas chromatograph mass spectrometry)				
Date				
Instrument I.D.				
Comments on the method				
Sample I. D.	Specimen used	Content of tin (XRF analysis) (mg/kg)	Content of tin (as organotin) (mg/kg)	Compliance
A				☐ > 2,500 mg/kg ☐ > 3,000 mg/kg
B				☐ > 2,500 mg/kg ☐ > 3,000 mg/kg
C				☐ > 2,500 mg/kg ☐ > 3,000 mg/kg
D				☐ > 2,500 mg/kg ☐ > 3,000 mg/kg
4 Conclusion ☐ Not compliant ____ samples out of ____ are above 2,500 mg(Sn)/kg (dry paint) Sample(s) _____ is (are) above 3,000 mg(Sn)/kg (dry paint) ☐ Compliant				
5 Additional comments				
6 Laboratory name				
7 Analysed by			8 Signature	

Section D: Final conclusion	
1 Conclusion ☐ Anti-fouling system is compliant with the AFS Convention 2001 ☐ Anti-fouling system is NOT compliant with the AFS Convention 2001	
2 Comments	
3 Processed official	
	3.1 Name
	3.2 Date
	3.3 Signature
4 Authorized administrator	
	4.1 Name
	4.2 Date
	4.3 Signature

Resolution MEPC.105(49)

Adopted on 18 July 2003

GUIDELINES FOR INSPECTION OF ANTI-FOULING SYSTEMS ON SHIPS

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by the international conventions for the prevention and control of marine pollution,

RECALLING ALSO that the International Conference on the Control of Harmful Anti-fouling Systems for Ships, 2001, held in October 2001, adopted the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 (the AFS Convention) together with four Conference resolutions,

RECALLING FURTHER that Article 11 of the AFS Convention prescribes that ships to which this Convention applies may, in any port, shipyard, or offshore terminal of a Party, be inspected by officers authorized by that Party for the purpose of determining whether the ship is in compliance with this Convention,

NOTING that Article 3(3) of the AFS Convention prescribes that Parties to this Convention shall apply the requirements of this Convention as may be necessary to ensure that no more favourable treatment is given to ships of non-Parties to this Convention,

NOTING ALSO that Article 11(2) of the AFS Convention refers to the guidelines to be developed by the Organization and Conference resolution 2 urges the Organization to develop these guidelines as a matter of urgency for them to be adopted before the entry into force of the Convention,

NOTING FURTHER that through resolutions MEPC.102(48) and MEPC.104(49) the Organization has developed "Guidelines for survey and certification of anti-fouling systems on ships and "Guidelines for brief sampling of anti-fouling systems on ships, respectively, and

HAVING CONSIDERED the draft Guidelines for inspection of anti-fouling systems on ships pursuant to the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001, prepared by the Sub-Committee on Flag State implementation at its eleventh session,

1. ADOPTS the Guidelines for inspection of anti-fouling systems on ships pursuant to the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001, as set out in the annex to this resolution;

2. INVITES Governments to apply the Guidelines as soon as possible, or when the Convention becomes applicable to them; and

3. RECOMMENDS that the Guidelines be adopted as amendments to resolution A.787(19) on Procedures for port State control, as further amended by resolution A.882(21) once the AFS Convention has entered into force and that the Guidelines be reviewed on a regular basis.

Annex

Guidelines for inspection of anti-fouling systems on ships

PART 1

Port State control inspections of anti-fouling systems on ships are governed by Article 11 of the AFS Convention. The process for conducting these inspections is described below. The flow diagram in the Appendix to this annex also describes the AFS port State inspection process.

SUB-PART 1

INSPECTION OF INTERNATIONAL ANTI-FOULING SYSTEM (IAFS) CERTIFICATE OR DECLARATION ON ANTI-FOULING SYSTEM

1 Ships required to carry an IAFS Certificate or Declaration on Anti-Fouling System

.1 On boarding and introduction to the master or responsible ship's officer, the port State control officer (PSCO) should examine the IAFS Certificate or Declaration on Anti-Fouling System, and the attached Record of Anti-Fouling Systems, if appropriate.

.2 The IAFS Certificate carries the information on the particulars of the ship and a series of checkboxes to indicate if an anti-fouling system controlled under annex 1 of AFS 2001 has or has not been applied, removed or been covered with a sealer coat, and if an anti-fouling system controlled under annex 1 of AFS 2001 was applied on the ship prior to or after the date specified in AFS 2001.

.3 As a preliminary check, the validity of the IAFS Certificate should be confirmed by verifying that the IAFS Certificate is properly completed and signed/endorsed by the Administration, or by a recognized organization (RO) and stating that the required survey has been performed. In reviewing the IAFS Certificate, particular attention should be given to verifying that the initial survey matches the dry dock period listed in the ship's log(s) and that only one box should be marked.

.4 The Record of Anti-Fouling Systems should be inspected to ensure that the records are attached to the IAFS Certificate and are up to date. The most recent Record must correlate with the correct checkbox on the front of the IAFS Certificate.

2 Ships of non-Parties to AFS 2001

.1 As ships of non-Parties to AFS 2001 are not entitled to an IAFS Certificate, the PSCO should look for documentation that contains all of the information in the IAFS Certificate. The records described in resolution MEPC.102(48), paragraphs 5.2.2 and 5.3.2 can be used as examples of this types of documentation. If the ship has such documentation, the PSCO may take its content into account in the evaluation of that ship's compliance.

.2 In all other respects the PSCO should be guided by the procedures for ships referred to in paragraph 1 above (Ships required to carry an IAFS Certificate).

SUB-PART 2

BRIEF SAMPLING OF ANTI-FOULING SYSTEMS ON SHIPS

1 In addition to reviewing the IAFS Certificate, the AFS 2001 specifies that the inspection may also include a brief sampling of the ship's anti-fouling system. The sampling must not affect the integrity, structure, or operation of the anti-fouling system, taking into account the guidelines contained in resolution MEPC.104(49).

2 If a brief sampling is conducted, the time to process the results shall not be used as a basis for preventing the movement and departure of the ship.

PART 2

MORE THOROUGH INSPECTION

1 If the results of the inspection, observations on board, or other information leads to clear grounds for believing that the ship is in violation of the AFS 2001, or if the anti-fouling system does not correspond substantially with the particulars of the IAFS Certificate, a more thorough inspection may be carried out taking into account any of the following steps.

2 Inspection of additional documentation, to include:

.1 ship's logs, including entries regarding:

.1 date of last repair, drydock or application of anti-fouling system, date of departure from location;

.2 current port and date of arrival; and

.3 ship's position at or near the time the boarding took place; and

.2 inspection of additional documentation described in paragraphs 5.2.2 and 5.2.3 of resolution MEPC.102(48).

3 If appropriate, spot check dates of last hull coating matches date in drydock?

4 If the IAFS Certificate is not properly completed, information on the following questions may be pertinent:

.1 "When was the last time the ship's anti-fouling system was applied?";

.2 "If the anti-fouling system is controlled under Annex 1 to AFS 2001 and was removed, what was the name of the facility and date of the work performed?";

.3 "If the anti-fouling system is controlled under Annex 1 of AFS 2001 and has been covered by a sealer coat, what was the name of the facility and date applied?";

.4 "What is the name of the anti-fouling/sealer products and the manufacturer or distributor for the existing anti-fouling system?"; and

.5 "If the current anti-fouling system was changed from the previous system, what was the type of anti-fouling system and name of the previous manufacturer or distributor?".

5 Performing additional verification, for example, more comprehensive sampling and analysis of the ship's anti-fouling system. Such sampling and analysis will likely be more detailed and comprehensive than the brief inspection that may be carried out during the initial port State control inspection, and may involve the use of laboratories and detailed scientific testing procedures. Refer to the guidelines in resolution MEPC.104(49) when conducting these additional samples or analyses.

6 Additional information available to the PSCO, depending on the circumstances of the case, such as reports of recent previous violations or alleged contraventions received from other port States.

PART 3

PORT STATE ACTION IN RESPONSE TO ALLEGED CONTRAVENTIONS

1 Article 11(4) of AFS 2001 allows Parties to inspect ships on request of another Party, if a request for an investigation is received and sufficient evidence that the ship is operating or has operated in violation of the Convention is provided. Article 12(2) permits port States conducting inspection to furnish the Administration of the ship concerned such information and evidence as may be in its possession that a violation has occurred. Experience has shown that information furnished to the flag State is often inadequate to enable the flag State to cause proceedings to be brought in respect of the alleged violation of the AFS 2001 requirements. This part is intended to identify information which is often needed by a flag State for the prosecution of such possible violations.

2 It is recommended that in preparing a port State report on deficiencies, where contravention to AFS 2001 requirements is involved, the authorities of the coastal or port State be guided by the itemized list of possible evidence as shown in part 2. It should be borne in mind in this connection that:

.1 the report aims to provide the optimal collation of obtainable data; however, even if all the information cannot be provided, as much information as possible should be submitted; and

.2 it is important for all the information included in the report to be supported by facts which, when considered as a whole, would lead the port or coastal State to believe a contravention had occurred.

3 In addition to the port State report on deficiencies, a report should be completed by a port or coastal State, on the basis of the itemized list of possible evidence. It is important that these reports are supplemented by documents such as:

.1 a statement by the PSCO of the suspected non-conforming anti-fouling system. In addition to the information required in part 2, the statement should include considerations which lead the PSCO to carry out a more detailed inspection;

.2 statements concerning any sampling procedures of the anti-fouling system. These should include: location of the vessel at the time it was sampled as well as an indication of where the sample was taken from the hull, including the vertical distance from the boot topping, the time of sampling, identity of person(s) taking the samples, and receipts identifying the persons having custody and receiving transfer of the samples;

.3 reports of analyses of any samples taken of the anti-fouling system; the reports should include the results of the analyses, a description of the method employed, reference to or copies of scientific documentation attesting to the accuracy and validity of the method employed, the names of persons performing the analyses and their experience and a description of the quality assurance measures of the analyses;

.4 a statement by the PSCO on board together with the PSCO's rank and organization;

.5 statements by persons being questioned;

.6 statements by witnesses;

.7 photographs of the hull and sample areas; and

.8 copy of the IAFS Certificate, including copies of relevant pages of the Record of Anti-fouling Systems, log books, MSDS or similar, declaration of compliance from the anti-fouling system manufacturer, invoices from the shipyard and other dry dock records pertaining to the anti-fouling system, etc.

4 All observations, photographs and documentation should be supported by a signed verification of their authenticity. All certifications, authentications or verifications should be executed in accordance with the laws of the State which prepares them. All statements should be signed and dated by the person making the statement. The names of the persons signing statements should be printed in legible script above or below the signature.

5 The reports referred to under paragraphs 2 and 3 of this part should be sent to the flag State. If the coastal State observing the contravention and the port State carrying out the investigation on board are not the same, the State carrying out the latter investigation should also send a copy of its findings to the State which initiated the investigation.

PART 4

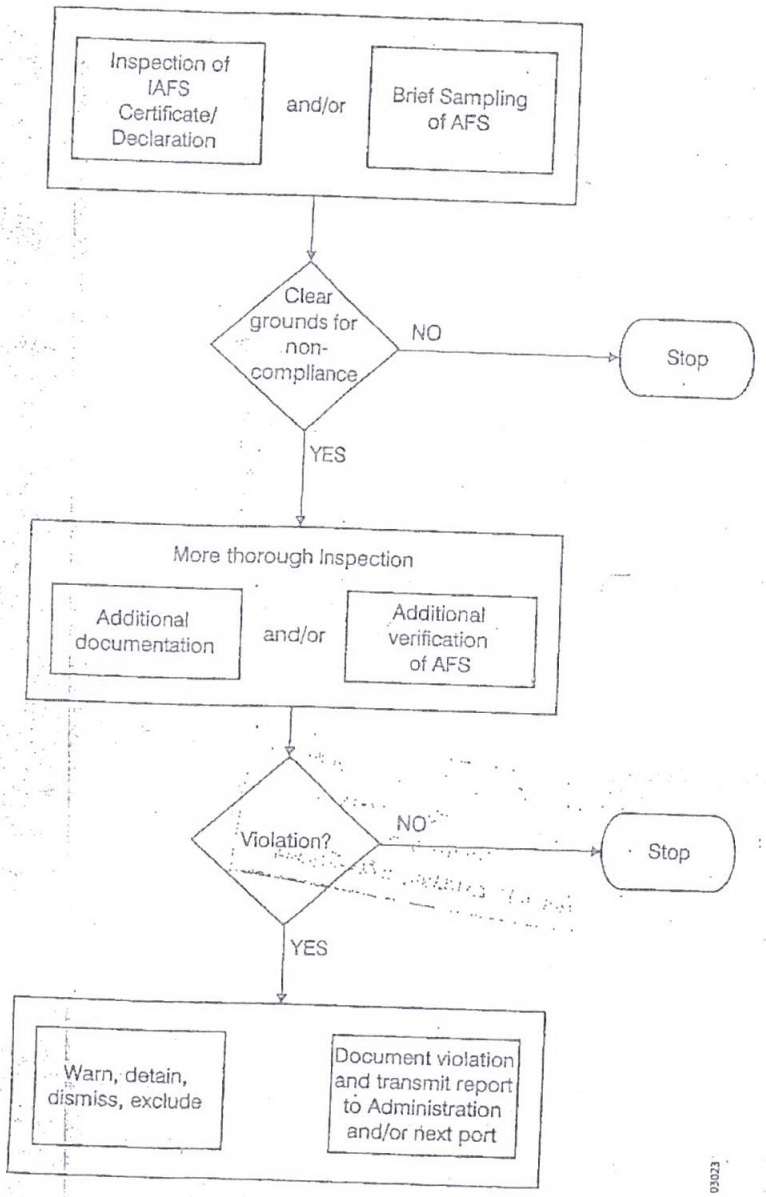
RESPONSIBILITIES OF PORT STATE TO NOTIFY THE CONTRAVENTION TO THE FLAG STATE

1 Article 11(3) of AFS 2001 states that any time a ship is warned or detained, or is dismissed or excluded from a port for violation of the Convention, the Party taking such action shall immediately inform the flag Administration of the ship concerned. The form in appendix 5 should be used to inform the flag Administration. In the event that the deficiencies identified by the PSCO cannot be corrected in the port of inspection and the ship is allowed to sail from that port, the guidance in paragraph 4.7.3 and the forms in appendices 6 and 7 should be used.

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Appendix

AFS port State inspection process



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