

- (d) the particulars stated in the surveyor's certificate, and retain in his possession the application for registry, any documents of title therein referred to and the surveyor's certificate.

Government commercial ship managing owner to be registered.

**5.** The person to whom the management of a registered Government commercial ship is entrusted by the Government shall be registered in accordance with section 51 of the Act.

Transfer of registered Government commercial ship.

**6.** Upon the transfer of a bill of sale of a registered Government commercial ship —

- (a) the Government shall be the transferor;  
(b) the bill of sale shall —

*S.I. 133/1976.*

- (i) be in the Form (h)-2 of the 2nd Schedule to the Merchant Shipping Regulations with the omission of the covenant prescribed in that form;  
(ii) be signed by the authorised officer on behalf of the transferor.

Application of Act to Government commercial ships.

**7.** The Merchant Shipping Act, except for sections 1, 4, 5, 11–14 inclusive and 18 shall apply to Government commercial ships.

*S.I. 72/1998*  
*S.I. 69/2000*  
*S.I. 142/2001*

## **MERCHANT SHIPPING (TRAINING, CERTIFICATION, MANNING AND WATCHKEEPING) REGULATIONS**

(SECTION 289)

### **PART I PRELIMINARY**

*[Commencement 4th November, 1998]*

Citation.

**1.** These Regulations may be cited as the Merchant Shipping (Training, Certification, Manning and Watch-keeping) Regulations.

*S.I. 69/2000.*

Interpretation.

**2.** (1) In these Regulations —

Ch. 268.

“Act” means the Merchant Shipping Act;

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- “appropriate certificate” means a certificate issued and endorsed with the provisions of these Regulations and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level or responsibility specified therein on a ship of the type, tonnage or power and means of propulsion indicated by the endorsement while engaged on the particular voyage concerned;
- “approved” in the STCW Convention so far as given effect by these Regulations means approved by The Bahamas Maritime Authority;
- “Authority” means The Bahamas Maritime Authority as defined in section 2 of The Bahamas Maritime Authority Act, 1995; Ch. 283.
- “certificate of competency” means an appropriate certificate issued by The Bahamas Maritime Authority for the purposes of regulation 4;
- “chemical tanker” means a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the IBC Code;
- “constructed” means a craft —
- (a) the keel of which is laid; or
  - (b) construction of which has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is the less;
- “gross tonnage” in relation to a ship having alternative tonnages shall be the higher of these tonnages; and in relation to a ship having its tonnage determined both under Part II and regulation 16 of the Merchant Shipping (Tonnage) Regulations, 1982 shall be that determined under regulation 16; S.I. 57/1982.
- “hazardous cargo” means a cargo which is or may be explosive, flammable, toxic, health-threatening or capable of polluting the environment;
- “high speed craft” means a craft capable of a maximum speed in metres per second equal to or exceeding:  $3.\sqrt[3]{1667}$  where  $\hat{v}$  is displacement in cubic metres corresponding to the design water-line;

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“IBC Code” means the 1994 edition of the International Code for the Construction and Equipment of Ships Carrying Chemicals in Bulk published by the International Maritime Organization;

“IGC Code” means the 1993 edition of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, published by the International Maritime Organization;

“inspector” means an inspector appointed under section 169 of the Act;

*S.I. 57/1982.*

“length” has the same meaning as in the Merchant Shipping (Tonnage) Regulations, 1982;

“liquefied gas tanker” means a ship constructed or adapted and used in the carriage of any liquefied gas or other product listed in Chapter 19 of the IGC Code;

*S.I. 37/1992.*

“oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products, other than oil-like substances which are subject to the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations, 1987;

“oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes a combination carrier when it is carrying a cargo or part cargo of oil in bulk;

“passenger ship” means a ship carrying more than 12 passengers;

“propulsion power” means the total maximum continuous rated output power in kilowatts of all the ship’s main propulsion power as stated on the ship’s certificate of registry;

*S.I. 62/1984.*

“ro-ro passenger ship” means a ro-ro passenger ship within the meaning of the Merchant Shipping (Passenger Ship Construction) Regulations 1984;

“safe manning document” means a safe manning certificate or document issued by The Bahamas Maritime Authority in the case of a Bahamian ship and in the case of any other ship by the government of the State in which the ship is registered;

“sea-going” means going to sea beyond the limits of the territorial waters of The Bahamas;

“STCW Code” means the Seafarers’ Training, Certification and Watchkeeping Code adopted by the 1995 Conference of Parties to the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended on 7 July, 1995; and

“tanker” means a chemical tanker, a liquefied gas tanker or an oil tanker.

(2) Any reference to the IBC Code, the IGC Code shall include a reference to any document amending the Code or Convention which is considered by the Minister of Transport to be relevant and is specified in a *Gazette* Notice.

(3) Any reference to the STCW Convention or the STCW Code includes any amendment to that Convention or Code.

(4) In these Regulations, unless the context otherwise requires —

(a) a reference to a numbered regulation is a reference to the regulation of that number in these Regulations; and

(b) a reference to a numbered paragraph is a reference to the paragraph of that number in that regulation.

## PART II TRAINING AND CERTIFICATION

**3.** This part applies to masters and seamen employed in ships registered in The Bahamas other than fishing vessels and yachts. Application.

**4.** A person is qualified for the purposes of sections 67 and 69 of the Act for ships on voyages outside home trade limits if he holds a certificate of competency or licence respectively in one of the following capacities — Qualification as an officer.

- (a) (i) master;
- (ii) chief mate; or
- (iii) officer in charge of a navigational watch; or
- (b) (i) chief engineer officer;
- (ii) second engineer officer; or
- (iii) officer in charge of an engineering watch; or
- (c) radio operator.

Recognition of certificates.

5. (1) The Authority may recognise a certificate issued by or under the authority of another Party to the STCW Convention to a master, officer or radio operator if it is satisfied —

- (a) that the requirements of the STCW Convention concerning standards of competence, the issue and endorsement of certificates and record keeping are fully complied with; and
- (b) prompt notification will be given to the Authority of any significant change in the arrangements for training and certification provided in compliance with the Convention.

(2) Where the Authority recognises a certificate pursuant to paragraph (1), it shall endorse such certificate to attest its recognition if he is satisfied that the requirements of the STCW Convention in paragraph (1)(a) and (b) have been complied with.

First Schedule.

(3) The endorsement referred to in paragraph (2) shall be in the form specified in the First Schedule.

Revalidation of certificates and licences.

6. (1) The certificates and endorsements issued to masters and officers under regulation 4 or 5 shall not be valid for sea-going service unless revalidated at intervals not exceeding 5 years to establish continued professional competence in accordance with section A-I/11 of the STCW Code.

S.I. 31/1992.

(2) A certificate referred to in regulation 9 granted pursuant to the Merchant Shipping (Radio Installations) Regulations, 1992 shall not be valid for sea-going service unless revalidated at intervals not exceeding 5 years, to establish continued professional competence in accordance with section A-I/11 of the STCW Code.

(3) Every master and officer shall, for continuing seagoing service on ships referred to in regulations 10, 11 and 12, successfully complete refresher training as specified by the Authority.

7. Any officer serving in the capacity set out in column 1 of Table 1 in the Second Schedule shall hold an appropriate certificate for that capacity. A person shall only be entitled to be issued with such an appropriate certificate if he complies with the criteria in Regulations annexed to the STCW Convention as set out in column 2 of the table in relation to that entry, and any other requirements specified by the Authority.

Appropriate certificates.  
Second Schedule.

8. (1) (a) Every rating forming part of a navigational watch on a ship of 500 gross tons or more, other than ratings under training and ratings whose duties while on watch are of an unskilled nature, shall hold a certificate conforming to the requirements of paragraph (b).

Ratings.

(b) A certificate as a navigational watch rating shall not meet the requirements of this regulation unless the person to which it is issued complies with the criteria set out in regulation III/4.2 in the Annex to the STCW Convention.

(2) (a) Every rating forming part of an engine-room watch or designated to perform duties in a periodically unmanned engine-room on a ship powered by main propulsion machinery of 750 kW propulsion power or more, other than ratings under training and ratings whose duties are of an unskilled nature, shall hold a certificate conforming to the requirements of paragraph (b).

(b) A certificate as an engine-room watch rating shall not meet the requirements of this regulation unless the person to which it is issued complies with the criteria set out in regulation III/4.2 of the Annex to the STCW Convention.

9. No person shall be deemed to be qualified as required by regulation 16 of the Merchant Shipping (Radio Installation) Regulations, 1992 unless —

Radio operators on GMDSS ships.

(a) he is at least 18 years of age; and

(b) he has completed approved education and training and meets the standard of competence specified in section A-IV/2 of the STCW Code.

S.I. 31/1992.

10. (1) Officers assigned specific duties and responsibilities related to cargo or cargo equipment on tankers shall have completed an approved shore-based firefighting course in addition to the training required by section A-VI/1 of the STCW Code and shall have completed —

Training and qualifications of masters, officers and ratings on tankers.

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- (a) at least 3 months of approved seagoing service on tankers in order to acquire adequate knowledge of safe operational practices; or
  - (b) an approved tanker familiarisation course covering at least the syllabus given for that course in section A-V/1 of the STCW Code.
- (2) The period of 3 months referred to in subpara-graph (a) of paragraph (1) may be reduced to not less than 1 month if —
- (a) the tanker on which such service is performed is of less than 3000 gross tons; and
  - (b) the duration of each voyage of the tanker on which such approved service is performed does not exceed 72 hours, and
  - (c) the operational characteristics of the tanker on which such approved service is performed and the number of voyages loading and discharging operations completed during the period, allow the same level of knowledge and experience to be acquired as would have been acquired in accordance with subparagraph (a) of paragraph (1) on a tanker of a size, and performing voyages not falling within subparagraphs (a) and (b) above.
- (3) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging and care in transit or handling of cargo on tankers shall, in addition to meeting the requirements of paragraph (1) above, have —
- (a) experience appropriate to their duties on the type of tanker on which they serve; and
  - (b) completed an approved specialised training programme which at least covers the subject set out in Section A-V/1 of the STCW Code that are appropriate to their duties on the tanker on which they serve.
- (4) Masters and officers shall not be qualified in accordance with paragraph (1) or (3) unless they hold an appropriate certificate or their existing certificate is endorsed in the manner provided herein.

11. (1) This regulation applies to masters, officers, ratings and other personnel serving on board ro-ro passenger ships.

Training and qualifications of masters, officers and other personnel on ro-ro passenger ships.

(2) Prior to being assigned shipboard duties on board ro-ro passenger ships, seafarers to which this regulation applies shall have completed the training required by paragraphs (4) to (8) in accordance with their capacity, duties and responsibilities.

(3) Seafarers who are required to be trained in accordance with paragraphs (4), (7) and (8) shall, at intervals not exceeding 5 years, undertake appropriate refresher training as specified by the Authority.

(4) Masters, officers and other personnel designated on muster lists to assist passengers in emergency situations on board ro-ro passenger ships shall have completed training in crowd management as specified in section A-V/2, paragraph 1 of the STCW Code.

(5) Masters, officers and other personnel assigned specific duties and responsibilities on board ro-ro passenger ships shall have completed familiarisation training specified in section A-V/2, paragraph 2 of the STCW Code.

(6) Personnel providing direct service to passengers in passenger spaces on board ro-ro passenger ships shall have completed the safety training specified in section A-V/2, paragraph 3 of the STCW Code.

(7) Masters, chief mates, chief engineer officers, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on board ro-ro passenger ships shall have completed approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 4 of the STCW Code.

(8) Masters, chief mates, chief engineer officers and any person having responsibility for the safety of passengers in emergency situations on board ro-ro passenger ships shall have completed approved training in crisis management and human behaviour as specified in section A-V/2, paragraph 5 of the STCW Code.



(9) The training referred to in this regulation shall not be deemed to have met the requirements of the regulation unless the person completing the said training shall have been issued with documentary evidence of the same by the person who provided the said training.

**11A.** (1) This regulation applies to masters, officers, ratings and other personnel serving on board passenger ships which are not ro-ro passenger ships.

(2) Prior to being assigned shipboard duties on board, seafarers to which this regulation applies shall have completed the training required by paragraphs (4) to (8) in accordance with their capacity, duties and responsibilities.

(3) Seafarers who are required to be trained in accordance with paragraphs (4), (7) and (8) shall, at intervals not exceeding five years, undertake appropriate refresher training as specified by the Authority.

(4) Masters, officers and other personnel designated on muster lists to assist passengers in emergency situations shall have completed training in crowd management as specified in section A-V/3, paragraph (1) of the STCW Code.

(5) Master, officers and other personnel assigned specific duties and responsibilities shall have completed familiarisation training specified in section A-V/3, paragraph (2) of the STCW Code.

(6) Personnel providing direct service to passengers in passenger spaces shall have completed the safety training specified in section A-V/3, paragraph (3) of the STCW Code.

(7) Masters, chief mates and every person assigned immediate responsibility for embarking and disembarking passengers shall have completed approved training in passenger safety as specified in section A-V/3, paragraph (4) of the STCW Code.

(8) Master, chief mates, chief engineer officers and any person having responsibility for the safety of passengers in emergency situations shall have completed approved training in crisis management and human behaviour as specified in section A-V/3, paragraph (5) of the STCW Code.

Training and qualification of masters, officers and other personnel on (non ro-ro) passenger ships.  
*S.I. 142/2001.*

(9) The training referred to in this regulation shall not be deemed to have met the requirements of this regulation unless the person completing the said training shall have been issued with documentary evidence of the same by the person who provided the said training.

**12.** (1) This regulation applies to masters and officers, ratings and other personnel serving on high-speed craft constructed on or after 1 January, 1996.

Training and qualifications for personnel high-speed craft.

(2) Prior to being assigned shipboard duties on high speed craft, masters and officers with an operational role shall have completed training in accordance with section 18.3 of the International Code Safety for High-speed Craft.

(3) The training referred to in this regulation shall be approved by the Authority, and documentary evidence of successful completion of the training shall be provided before approval is given.

**13.** (1) All seamen shall receive familiarisation training in personal survival techniques or information and instruction and in accordance with paragraph 1 of section A-VI/1 the STCW Code before being assigned to ship-board duties. Where familiarisation training is provided it shall be approved by the Authority.

Familiarisation, basic safety training and instruction.

(2) Seamen with designated safety or pollution prevention duties in the operation of a ship shall have completed basic safety training or received instruction in accordance with paragraph 2 of section A-VI/1 of the STCW Code before being assigned to any such duties.

**14.** (1) (a) Every person designated to launch or take charge of survival craft or rescue boats other than fast rescue boats shall have a certificate of proficiency in such craft.

Proficiency in survival craft, rescue boats and fast rescue boats.

(b) No person shall be issued with such a certificate unless he meets the criteria specified in Regulation VI/2.1 in the Annex to the STCW Convention.

(2) (a) Every person designated to launch or take charge of a fast rescue boat shall have a certificate of proficiency in such boats.

(b) No person shall be granted such a certificate unless he meets the criteria in Regulation VI/2.2 in the Annex to the STCW Convention.

(3) For the purposes of this regulation —  
 “survival craft” and “rescue boat” have the same meaning as in the Merchant Shipping (Life Saving Appliances) Regulations, 1986; and “fast rescue boat” means a rescue boat which is —

*S.I. 36/1986.*

- (a) not less than 6 metres and not more than 8.5 metres in length; and
- (b) capable of manoeuvring for at least 4 hours at a speed of 20 knots in calm water with a suitable qualified crew of 3 persons and at least 8 knots with a full complement of persons and equipment.

Training in fire-fighting.

**15.** (1) Seamen designated to control fire-fighting operations shall have successfully completed training in techniques for fighting fire with particular emphasis on organisation, tactics and command in accordance with the provisions of section A-VI/3 of the STCW Code and shall meet the standards of competence specified therein.

(2) Where training in advanced fire-fighting is not included in the qualifications for a certificate or licence to be issued a separate certificate or documentary evidence indicating that the holder has attended a course of training in advanced fire-fighting shall be required in order to demonstrate compliance with this regulation.

Training in medical first aid and medical care.

**16.** (1) Seamen designated to provide medical first aid on board ship shall meet the standard of competence in medical first aid specified in paragraphs 1 to 3 of section A-VI/4 of the STCW Code.

(2) Seamen designated to take charge of medical care on board ship shall meet the standard of competence in medical care on board ships specified in paragraphs 4 to 6 of section A-VI/4 of the STCW Code.

(3) Where training in medical first aid or medical care is not included in the qualifications for a certificate or licence to be issued, a certificate or documentary evidence indicating that the holder has attended a course of training in medical first aid or medical care shall be required in order to demonstrate compliance with this regulation.

Validity, record and surrender of certificates and endorsements.

**17.** (1) Certificates and endorsements issued under these Regulations shall be issued by the Authority on receipt of any fee payable, and delivered to the persons applying for them.

(2) A certificate or endorsement shall remain valid for sea service only so long as the holder can comply with the standards and conditions as to medical fitness and professional competency to act in the appropriate capacity specified by the Authority.

(3) A record of all certificates and endorsements issued under this Part, or which have expired or have been revalidated, suspended, cancelled or reported lost or destroyed and any alteration of or any other matters affecting such certificates or endorsements shall be kept by the Authority.

(4) Where the holder of a certificate is issued with an appropriate certificate at a higher level under these Regulations he shall surrender the first mentioned certificate to the Authority for cancellation.

(5) Where a person is convicted of an offence under section 70 of the Act, or where a certificate or endorsement is issued and the conditions for its issue prescribed in this Part of these Regulations or specified by the Authority have not been complied with, then the holder of the relevant certificate shall deliver it to such person as directed by the Authority for cancellation.

**18.** (1) Notwithstanding that an applicant for a certificate of competency, licence or endorsement complies with the standards or fulfils the conditions specified by, or by virtue of, the foregoing provision of this Part of these Regulations, the Authority shall not issue or revalidate the appropriate certificate applied for unless satisfied, having regard to all the relevant circumstances, that the applicant is a fit person to be the holder of the certificate and to act in the capacity to which it relates.

Refusal to issue certificates.

(2) If the Authority intends to refuse the issue or revalidation of a certificate of competency, licence or recognition of a certificate of competency or licence, it shall give notice in writing to the applicant, who shall have the right, before a date specified in the notice, to require the application to be reviewed at an inquiry.

(3) If an applicant, before the date mentioned in paragraph (2) above, has required his case to be reviewed at an inquiry, in pursuance of that paragraph The Bahamas Maritime Authority shall cause an inquiry to be held by one or more persons appointed by him.

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**PART III  
MANNING**

Application.

- 19.** This Part applies to —
- (a) sea-going ships which are registered in The Bahamas wherever they may be; and
  - (b) other ships when in the territorial waters of The Bahamas,
- but does not apply to fishing vessels or pleasure craft.

Responsibilities  
of companies,  
masters and  
others.

- 20.** (1) Every person shall ensure that —
- (a) every seaman assigned to any of their ships holds an appropriate certificate in respect of any function he is to perform on that ship;
  - (b) every seaman on any of their ships has had the training specified in Part II of these Regulations in respect of any function he is to perform on that ship; and
  - (c) documentation and data relevant to all seamen employed on their ships are maintained and readily available for inspection and include, documentation and data on their experience, training, medical fitness and competency in assigned duties.
- (2) Nothing in paragraph (1) shall prohibit the allocation of tasks for training under supervision or in case of *force majeure*.
- (3) The company shall provide written instructions to the master of each of its ships setting out the policies and procedures to be followed to ensure that all seafarers who are newly employed on board the ship are given a reasonable opportunity to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of their duties, before being assigned to those duties.
- (4) The policies and procedures referred to in paragraph (3) above shall include —
- (a) allocation of a reasonable period of time during which each newly employed seaman will have an opportunity to become acquainted with —
    - (i) the specific equipment the seaman will be using or operating; and

- 
- (ii) ship-specific watchkeeping, safety, environmental protection and emergency procedures and arrangements the seafarer needs to know to perform the assigned duties properly; and
  - (b) designation of a knowledgeable crew member who will be responsible for ensuring that an opportunity is provided to each newly employed seaman to receive essential information in a language the seaman understands.
- (5) It shall be the duty of any master and any crew member of a crew designated with an obligation under paragraph (3) to carry out that obligation.

**21.** (1) It shall be the duty of the company to ensure that in relation to every ship of 500 gross tons or more —

Safe manning document.

- (a) a safe manning document is in force in respect of the ship and the manning of the ship;
- (b) the safe manning document kept on board the ship at all times; and
- (c) the manning of the ship is maintained at all times at levels not lower than those specified in the safe manning document.

(2) A ship shall not proceed to sea unless there is on board a valid safe manning document issued in respect of the ship, and the manning of the ship complies with that document.

(3) (a) A company applying for a safe manning document in respect of a ship registered in The Bahamas shall submit to the Authority proposals as to the numbers and grade of personnel it considers should be carried so that the ship would be safely manned if it proceeded to sea on any intended voyages.

(b) In preparing such proposals the company shall take into account any guidance issued by The Bahamas Maritime Authority and the International Maritime Organisation.

(c) A company shall after issue of a safe manning document inform The Bahamas Maritime Authority as soon as any of the circumstances which are pertinent to that safe manning document change, for the purpose of enabling the Authority to review the document's continuing validity or approve new proposal from the company.

*S.I. 90/1992.*

(4) A safe manning document issued pursuant to the Merchant Shipping (Safe Manning Document) Regulations, 1992 prior to the revocation of these Regulations shall continue to be valid subject to paragraph (3)(c).

#### **PART IV WATCHKEEPING**

Application.

- 22.** This Part applies to sea-going ships which are —
- (a) registered in The Bahamas wherever they may be; and
  - (b) other ships when in the territorial waters of The Bahamas;

but does not apply to fishing vessels or pleasure craft.

General duty of company, employers and masters.

**23.** (1) Subject to regulation 26, it shall be the duty of every company in respect of a ship, and of every employer, to ensure, so far as is reasonably practicable, that the master and seamen do not work more hours than is safe in relation to the safety of the ship and the master's and seamen's performance of their duties.

(2) Subject to regulation 26, it shall be the duty of every master of a ship to ensure, so far as is reasonable and practicable, that the seamen do not work more hours than is safe in relation to the safety of the ship and seamen's performance of their duties.

Duties of master and seamen.

**24.** Every master and seaman shall so far as is reasonable and practicable, ensure that he is properly rested when commencing duty on a ship and that he obtains adequate rest during the periods when he is off duty.

Schedules of duties and rest periods.

**25.** (1) It shall be the duty of the company to produce a schedule of duties and rest periods complying with this regulation.

(2) Where the company is not also the employer of the master and all seamen, it shall consult any other person who is the employer of the master or any of the seaman before production of the schedule.

(3) The company may arrange with any such employer that the employer is to produce a schedule of duties and rest periods complying with this regulation. In such a case that employer shall also be subject to the duties of the company under this regulation.

- 
- (4) A schedule complies with this regulation if —
- (a) it sets out the hours of work and rest periods for —
- (i) masters and seamen whose work includes regular watchkeeping duties; and
  - (ii) the ship's chief engineer, chief officer and second engineer officer,
- so as to provide that they do not work more hours than is safe in relation to the safety of the ship and the performance of their duties;
- (b) it specifies the periods of watchkeeping, the rest periods between watches, and the total daily and weekly periods of watchkeeping and rest periods;
- (c) it provides a minimum of ten hours of rest in any 24 hour period, which may be divided into not more than two periods, one of which shall be at least six hours in length: Provided that the minimum period of ten hours may be reduced to not less than six consecutive hours on condition that any such reduction shall not extend beyond two days and not less than 70 hours rest are provided in each seven day period.

(5) The company shall ensure that the schedule is displayed on the ship to which it relates in a position accessible to the crew.

(6) It shall be the duty of the master to ensure, as far as reasonable and practicable, that the rest periods provided are not less than those specified in the schedule.

(7) (a) The company and the master shall maintain a copy of the schedule and a record of all deviations from its requirements for rest periods.

(b) The company shall maintain a copy of the schedule and of the record of all deviations from its requirements for rest periods for a period of two years from the date the schedule was introduced, and make such copies and records available for inspection by an inspector.

**26.** (1) The requirements for rest periods specified in regulation 25 (4)(c) need not be maintained in case of any emergency or drill or in other overriding operational conditions.

Exception for emergencies.



(2) Without prejudice to the generality of paragraph (1), a master of a ship or a seaman may participate in a navigational, engine room or machinery watch although he has not had the rest period provided by the schedule produced pursuant to regulation 25(7), and the master may exceed, and a seaman may be required to exceed, the schedule's work or duty periods, when in the opinion of the master it is necessary in an emergency threatening the safety of the ship or the life of any person or threatening damage to property or the environment.

(3) When in pursuance of paragraph (1) the master or a seaman has worked within a rest period prescribed by the schedule, his name shall be entered in the record required to be maintained by regulation 25(7), together with the reason for so working.

Arrangements  
for  
watchkeeping.

**27.** (1) The master of any ship shall ensure that the watchkeeping arrangements for the ship are at all times adequate for maintaining safe navigational and engineering watches in accordance with Chapter VIII of Section A of the STCW Code.

(2) Without prejudice to the duties of the master provided for in paragraph (1) the master shall give directions to the deck watchkeeping officers responsible for navigating the ship safely during the periods of duty, in accordance with Part 3-1 of section A-VIII/2 of the STCW Code and any requirements specified by The Bahamas Maritime Authority.

(3) The chief engineer officer of any ship shall ensure that the engineering watchkeeping arrangements for the ship are at all times adequate for maintaining a safe watch, in accordance with Part 3-2 of Section A-VIII/2 of the STCW Code, and when deciding the composition of the watch shall observe the principles set out in Part 3-2 of that section and any requirements specified by the Authority.

Watchkeeping  
arrangements in  
port.

**28.** The master of any ship which is safely moored or safely at anchor under normal circumstances in port shall arrange for an appropriate and effective watch to be maintained for the purposes of safety. Such arrangements shall be in accordance with Part 4 of section A-VIII/2 of the STCW Code and any operational guidance issued by the Authority.

**29.** (1) The master of any ship which is carrying hazardous cargo and which is in port, even when safely moored or safely at anchor, shall in addition to any watchkeeping arrangements required under regulation 29, in the case of —

Watchkeeping arrangements in port for ships carrying hazardous cargo.

- (a) a ship carrying hazardous cargo in bulk ensure that a safe deck watch and safe engineering watch are maintained by the ready availability on board of a duly qualified officer or officers, and where appropriate ratings; and
- (b) a ship carrying hazardous cargo other than in bulk, ensure that in organising safe watchkeeping arrangements he takes account of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions on board, afloat and ashore.

(2) Such watchkeeping arrangements shall take full account of any principles and requirements specified by the Authority.

**30.** Without prejudice to regulation 19, the company and master shall ensure that there are carried at all times on board ship all original certificates and other documents issued pursuant to the STCW Convention indicating the qualification of any member of the crew to perform functions which they are required to perform aboard ship in the course of their designated duties.

Carriage of documents.

**31.** (1) An inspector may inspect any ship which is not a Bahamian ship for the purposes of —

Inspection of foreign registered ships.

- (a) verifying that all seamen serving on board who are required to be certificated hold valid appropriate certificates; and
- (b) assessing the ability of the seamen in the ship to maintain the watchkeeping standards required by these Regulations where there are grounds for believing that such standards are not being maintained because, while in a port in The Bahamas or in the approaches to that port, any of the following have occurred —
  - (i) the ship has been involved in a collision, grounding or stranding;
  - (ii) there has been an unlawful discharge of substances from the ship when underway, at anchor or at a berth;

- (iii) the ship has been manoeuvred in an erratic or unsafe manner, or navigational course markers or traffic separation schemes have not been followed; or
- (iv) the ship has otherwise been operated in such manner as to pose a danger to persons, property or the environment.

(2) If an inspector finds on inspection any deficiency of a kind specified in paragraph (3) he shall notify in writing the master of the ship, and in the case of a ship registered outside The Bahamas, the nearest maritime, consular or diplomatic representative of the flag State.

- (3) Deficiencies referred to in paragraph (2) are —
- (a) failure of any seaman, required to hold an appropriate certificate, to have a valid appropriate certificate or valid exemption from that requirement;
  - (b) a failure to comply with the safe manning document;
  - (c) a failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the competent authority of the country in which the ship registered;
  - (d) an absence on watch of a person qualified to operate equipment essential to safe navigation, safety radio communications or the prevention of marine pollution;
  - (e) an inability of the master to provide adequately rested persons for the first watch at the commencement of a voyage and for subsequent relieving watches.

Power to detain.

- 32.** Where it is found —
- (a) in relation to a Bahamian ship there is a contravention of these Regulations; or
  - (b) in relation to a foreign ship that there is —
    - (i) any contravention of regulations 20, 27, 28 or 29; or

(ii) a failure to correct a deficiency of a kind specified in regulation 31(3) after notification to a master pursuant to regulation 31(2) and there is in consequence a danger to persons, property or the environment, the ship may be detained if it is a foreign ship or the certificate of registry suspended if it is a Bahamian ship in accordance with section 170 of the Act.

## PART V MISCELLANEOUS

**33.** (1) Any company which contravenes regulation 20(1) or (3), 21(1), 23(1), 25(1) or (5) or (7)(a) or 30 shall be guilty of an offence punishable on summary conviction by a fine not exceeding five hundred dollars or to imprisonment for six months. Penalties.

(2) Any master who contravenes regulations 20(5), 23(2), 24, 25(6) or (7)(a), 26(2), 27(1) or (2), 28, 29 or 30 shall be guilty of an offence punishable on summary conviction by a fine not exceeding five hundred dollars or to imprisonment for six months.

(3) Any member of the crew who contravenes regulation 20(5) shall be guilty of an offence punishable on summary conviction by a fine not exceeding three hundred dollar.

(4) Any chief engineer who contravenes regulation 27(3) shall be guilty of an offence punishable on summary conviction by a fine exceeding five hundred dollars or by imprisonment not exceeding six months.

(5) Any company which contravenes regulation 23(1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars.

(6) Any employer who contravenes regulation 23(1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars.

(7) Any master who contravenes regulations 8, 25(6) or (7) shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars.

(8) Any seaman who contravenes regulation 24 shall be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars.

(9) It shall be a defence for a person charged with an offence under these Regulations that he took all reasonable steps to avoid commission of the offence.

(10) In any proceedings for an offence under these Regulations consisting of a failure to do something as far as is reasonably practicable, it shall be the duty of the accused to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

Exemptions. **34.** The Authority may grant, on such terms, if any, as he may specify, exemptions from any or all of the provisions of these Regulations for classes or individual cases.

Savings. **35.** Certificates and licences granted pursuant to sections 68 and 69 of the Act and regulations made thereunder prior to the coming into force of these Regulations shall be treated as equivalent to certificates, endorsements and appropriate certificates referred to in these regulations, and shall accordingly subject to regulation 6, remain of

### **FIRST SCHEDULE (Regulation 5)**

#### **ENDORSEMENT ATTESTING THE RECOGNITION OF A CERTIFICATE**

*Crest of The  
Bahamas Maritime Authority*

#### **COMMONWEALTH OF THE BAHAMAS**

Endorsement Attesting the Recognition of a Certificate under the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995

The Government of The Bahamas certifies that Certificate No. .... issued to ..... by or on behalf of the Government of ..... is duly recognised in accordance with the provisions of regulation I/10 of the above Convention, as amended, and the lawful holder is authorised to perform the following functions at the levels specified, subject to the limitations indicated until ..... or until the date of any expiry of any extension of the validity of this endorsement as may be shown overleaf.

FUNCTION	LEVEL	LIMITATIONS APPLYING (IF ANY)

The lawful holder of this endorsement may serve in the following capacities specified in the applicable safe manning requirements of the Administration:

CAPACITY	LIMITATIONS APPLYING (IF ANY)

Endorsement No. .... issued on .....

.....  
Signature of duly authorised official

.....  
Name of duly authorised official

The original of this endorsement must be kept available in accordance with regulation I/2, paragraph 9 of the Convention while serving on a ship.

Date of Birth of the holder of the certificate .....

Signature of the holder of the certificate .....

Photograph of the holder of the certificate



The validity of this endorsement is hereby extended until .....

(Official Seal) .....  
 Signature of duly authorised official

Date of revalidation .....  
 Name of duly authorised official

The validity of this endorsement is hereby extended until .....

(Official Seal) .....  
 Signature of duly authorised official

Date of revalidation .....  
 Name of duly authorised official

**SECOND SCHEDULE (Regulation 7)**

**Table 1 — Criteria for Appropriate Certificates**

<b>Column 1</b>	<b>Column 2</b>
Officer in charge of a navigational watch	Regulation II/1.2
Master or chief mate on a ship of 3000 Gross tons or more	Regulation II/2.2
Master or chief mate on a ship of less than 3000 gross tons	Regulation II/2.4
Officer in charge of an engineering watch in a manned engine room, or designated duty engineer officer in a periodically unmanned engine-room, on a ship powered by main propulsion machinery of 750 kW propulsion power or more	Regulation III/1.2
Chief and second engineer officer on a ship powered by main propulsion machinery of 3000kW propulsion or more	Regulation III/2.2
Chief or second engineer officer on a ship powered by main propulsion machinery of between 750 and 3000kW propulsion	Regulation III/3.2