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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

MINISTRY OF MARITIME AFFAIRS

NOTIFICATION

Islamabad, the 4th August, 2021

S. R. O. 992(I)/2021.—In exercise of the powers conferred by section 609 of the Merchant Shipping Ordinance, 2001 (LII of 2001), the Federal Government is pleased to make the following rules, namely:—

1. **Short title and commencement.**—(1) These rules shall be called the Merchant Shipping (Safe Manning, Hours of Work and Watch-keeping) Rules, 2021.

(2) These rules shall come into force at once.

2. **Application.**—These rules shall, unless specified otherwise, apply to—

(a) all Pakistani ships wherever they may be;

(b) all ships deemed to be registered under the Ordinance, wherever they may be; and

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- (c) all other ships while in a port or place in or within the territorial waters or within the exclusive economic zone specified in section 6 of the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976):

Provided that these rules shall not apply to—

- (i) any ship commissioned for service in the Pakistan Navy or, while employed otherwise than for commercial use in the service of Government or any other ship belonging to Government; and
- (ii) any ship belonging to any foreign State while employed otherwise than for commercial use in the service of such State.

3. **Definitions.**—(1) In these rules, unless the context otherwise requires;—

- (a) “administrative Division” means the Division to which business of the ports and shipping stands allocated under the Rules of Business, 1973;
- (b) “authorised person” means a surveyor appointed under section 4 of the Ordinance or a person authorized by the Federal Government for the purpose of exercising powers as such surveyor under these rules;
- (c) “Certificate of Competency” means a certificate issued and endorsed by the Federal Government in accordance with the provisions of these rules and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein on a ship of the type and tonnage indicated by the endorsement while engaged on the particular voyage concerned;
- (d) “certificate of proficiency” means a certificate, other than a certificate of competency, issued to a seafarer, stating that the relevant requirements of training, competencies or seagoing service in these rules have been met with;
- (e) “Director General” means director general, ports and shipping wing of the administrative Division;
- (f) “gross tonnage” or “GT”, in relation to tonnage of the vessel, means the gross tonnage of the vessel as registered under the Ordinance;

- (g) "hazardous cargo" means cargo which is or may be explosive, flammable, toxic, health-threatening or environment-polluting;
- (h) "merchant shipping notice" means a notice described as such and issued by the Director General;
- (i) "Ordinance" means the Merchant Shipping Ordinance, 2001 (LII of 2001);
- (j) "safe manning document" means a document described and issued as such, in the case of a Pakistani ship by the Director General, and in the case of any other ship by or on behalf of the government of the State whose flag the ship is entitled to fly;
- (k) "sea-going", in relation to a vessel, means a vessel proceeding to the sea beyond such limits as may be specified by the Federal Government by notification in the Official Gazette;
- (l) "STCW Convention" means the International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978, as amended from time to time; and
- (m) "STCW Code" means Seafarers' Training, Certification and Watch-keeping Code adopted by the 1995 conference of Parties to the STCW Convention.

(2) Any reference to the STCW Code, the STCW Convention or a particular merchant shipping notice includes any amendment to that Convention or notice which the administrative Division considers relevant from time to time and specifies in a merchant shipping notice.

4. Responsibilities of companies, masters and others.—(1) Every company shall ensure that—

- (a) every seafarer assigned to any of its ships holds an appropriate certificate in respect of any function he is to perform on that ship;
- (b) every seafarer on any of its ships has had training specified in the rules relating to training and certification in respect of any function he is to perform on that ship; and
- (c) documentation and data relevant to all seamen employed on its ships are maintained and readily available for inspection and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties.

(2) The company shall provide written instructions to the master of each of its ships setting out the policies and the procedures to be followed to

ensure that all seafarer 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 proper performance of their duties, before being assigned to those duties.

(3) The policies and procedures referred to in sub-rule (2) shall include—

- (a) allocation of a reasonable period of time during which each newly employed seafarer shall have an opportunity to become acquainted with—
 - (i) the specific equipment the seafarer 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 shall be responsible for ensuring that an opportunity is provided to each newly employed seafarer to receive essential information in a language the seafarer understands.

(4) It shall be the duty of any master and any member of a crew designated with an obligation under sub-rule (3) to carry out that obligation.

5. Safe manning document.—(1) It shall be the duty of the company to ensure that in relation to every ship of 500 GT or more—

- (a) a safe manning document is in force in respect of the ship and the manning of the ship;
- (b) the safe manning document is kept on board the ship at all times; and
- (c) the manning of the ship is maintained at all times to at least the levels specified in the safe manning document.

(2) The master of any ship to which this rule applies shall ensure that the ship does not proceed to sea unless there is on board a valid safe manning document issued in respect of the ship and the manning of the ship complies with that document.

(3) It shall be the duty of a company applying for a safe manning document in respect of any Pakistani ship to submit to the Directorate General 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.

(4) In preparing proposals under sub-rule (3), the company shall use prescribed form issued by the Mercantile Marine Department.

(5) It shall be the duty of the company after the issue of a safe manning document to inform the Director General as soon as any of the circumstances which are pertinent to that safe manning document change, for the purpose of enabling the Director General to review the document's continuing validity or approve fresh proposals from the company.

6. **Hours of work.**—Rules 7 to 10 shall apply only to Pakistani ships.

7. **General duty of the company, employers and masters.**—(1) Subject to rule 10, 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 seafarer do not work more hours than is safe in relation to the safety of the ship and the master's and the seafarer's performance of their duties.

(2) Subject to rule 10, it shall be the duty of every master of a ship to ensure, so far as is reasonably practicable, that seafarer do not work more hours than is safe in relation to the safety of the ship and seafarer's performance of their duties.

8. **Duties of master and seafarer.**—Every master and seafarer shall, so far as is reasonably practicable, ensure that he is properly rested when commencing duty on a ship and that he obtains adequate rest during periods when he is off duty.

9. **Schedules of duties and need to record.**—(1) It shall be the duty of the company to produce a schedule of duties complying with this rule.

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

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

(4) Before producing a schedule the company shall seek the views of the master and the master shall seek and convey to the company, the views of;

(a) the ship's safety committee; or

(b) the seamen or their representatives; or

- (c) a trade union with one or more members on board ship.
- (5) A schedule complies with this rule if—
 - (a) it sets out the hours of work for—
 - (i) masters and seafarer whose work includes regular watchkeeping duties or ship handling; and
 - (ii) the ship's chief engineer, chief officer and second engineer officer, to provide that they do not work more hours than is safe in relation to the safety of the ship and the master's and seafarer's performance of their duties;
 - (b) it specifies the maximum period of continuous watchkeeping, the minimum rest period between watches, and the total daily, weekly and monthly hours of work; and
 - (c) it provides a minimum of ten hours of rest in any twenty-four hour period, which may be divided into no 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 the condition that any such reduction shall not extend beyond two days and not less than seventy hours of rest are provided in every seven days.

(6) The company shall consider the category of shipping operation undertaken in arranging the hours of work.

(7) The schedule may be changed by the company, or by an employer who under sub-rule (3) is subject to the duties of the company, on the condition that;

- (a) other employers and the company, as the case may be, have been consulted;
- (b) the company or the employer has sought the views of the master on the proposed changes and the master has sought and conveyed to the company the views of persons mentioned in clauses (a), (b) or (c) of the sub-rule (4); and
- (c) the schedule as changed complies with sub-rule (5).

(8) The company shall ensure that the schedule under this rule is displayed prominently in the crew accommodation for the information of all the seafarers.

(9) It shall be the duty of the master to ensure, as far as reasonably practicable, that the hours of work specified in the schedule are not exceeded.

(10) The company and the master shall maintain on the ship a copy of the schedule and a record of all deviations from its requirements.

(11) The company, for the time being, shall ensure that a copy of the schedule and of the record of all deviations from its requirements are preserved for five years from the date the schedule was introduced and that they are available for inspection by the surveyor appointed under section 4 of the Ordinance. If during the five years there ceases to be a company in relation to the ship, the duty to preserve the copies of the schedule and of the record shall remain with the last such company.

10. Exception for emergencies.—(1) The requirements for rest periods specified in clause (c) of sub-rule (5) of rule 9 need not be maintained in case of any emergency or drill or other overriding operational conditions.

(2) Without prejudice to the generality of sub-rule (1), a master of a ship or seafarer may participate in a navigational, engine room or machinery watch although he has not had the rest period provided by the schedule produced in pursuance of rule 9 and the master may exceed and a seafarer may be required to exceed, the schedule's work or duty periods, when in the opinion of the master there is an emergency threatening the safety of the ship or the life of any person or threatening damage to the environment.

(3) When in pursuance of sub-rule (1) the master or a seafarer has worked within a rest period provided for by the schedule, his name shall be entered in the record required to be maintained by sub-rule (10) of rule 9, together with the reason why he so worked.

11. Watchkeeping arrangements.—(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 having regard to Chapter VIII of section A of the STCW Code.

(2) Without prejudice to the duties of the master provided under sub-rule (1), the master shall give directions to the deck watchkeeping officers responsible for navigating the ship safely during their periods of duty, in accordance with Part 3-1 of Section A VIII/2 of the STCW Code and any requirements specified by the administrative Division.

(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 the chief engineer officer shall observe the principles set out in Part 3-2 of that section and the requirements specified by the Secretary of State.

12. **Watchkeeping arrangements in port.**—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 specified by the administrative Division.

13. **Watchkeeping arrangements in port for ships carrying hazardous cargo.**—(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 rule 12, in the case of—

- (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 any special conditions on board, afloat and ashore.

(2) Watchkeeping arrangements under sub-rule (1) shall take full account of the principles and requirements specified by the administrative Division.

14. **Carriage of documents.**—Without prejudice to rule 4, the company and the master shall ensure that there are carried at all times on board ship all original certificates and other documents issued under 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.

15. **Inspection of foreign ships.**—(1) Authorised person may inspect any foreign ship for—

- (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 seafarer in the ship to maintain the watchkeeping standards required by these rules where there are grounds for believing that such standards are not being maintained because, while in a port in Pakistan or in the approaches to that port, any of the following has occurred, namely:—
 - (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 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 a manner as to pose a danger to persons, property or the environment.
- (2) If an authorised person finds on inspection any deficiency of a kind specified in sub-rule (3), he shall notify in writing the master of the ship and in the case of a ship registered outside Pakistan, the nearest maritime, consular or diplomatic representative of the flag State.
- (3) Deficiencies referred to in sub-rule (2) are—
- (a) a failure of any seafarer, required to hold an appropriate certificate, to have a valid appropriate certificate or a 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 is registered;
 - (d) an absence on a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications or the prevention of marine pollution; and
 - (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.

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RIZWAN AHMED,
Secretary.