

**CONSOLIDATED TO 30 JUNE 2012**

**LAWS OF SEYCHELLES**

**CHAPTER 127A**

**MERCHANT SHIPPING ACT**

*[1<sup>st</sup> June 1995]*

Act 13 of 1992  
S.I. 54 of 1995  
\*SI. 26 of 2004

**ARRANGEMENT OF SECTIONS**

**PART I**

**PRELIMINARY**

1. Short title
2. Commencement
3. Interpretation
4. Application of the Act

**PART II**

**ADMINISTRATION OF ACT**

5. Office of the Director of Port and Marine Services
6. Power of Minister to give directions
7. Marine officers
8. Duties and powers of surveyors and inspectors
9. Registrar of Seychelles ships
10. Minister may delegate certain powers and duties
11. Registrar of Seamen and Shipping Masters
12. Register of ships

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\*With effect from 1<sup>st</sup> of October 2004 (SI. 26 of 2004), all reference to Harbour Master wherever it appears in this Act is a reference to the Director General of Maritime Safety Administration.

**PART III**  
**REGISTRATION OF SHIPS**

***REGISTER OF SHIPS***

13. Provisions relating to registration
14. Port of registry
15. Meaning of 'qualified person'
16. Registration of ships
17. Designated ships
18. Registration of Government ships
19. Restriction on registration of ships
20. Cancellation of registration
21. Survey and measurement of ships
22. Marking of ships
23. Application of registration
24. Application for re-registration
25. Declaration of ownership on registry
26. Registration of ships, procedure
27. Certificate of Registry
28. Power to grant new certificate
29. Provisional registration
30. Loss of Certificate of Registry
31. Change in ownership
32. Delivery of certificate where ship is lost, etc
33. Registry of alterations

***Transfers and Transmission***

34. Transfer by bill of sale

- 35. Declaration of transfer
- 36. Registration of transfer
- 37. Transmission of ship on death, bankruptcy, etc
- 38. Order for sale on transmission to unqualified person
- 39. Transfer of ship or sale by order of court
- 40. Court may prohibit transfer

#### ***National Character and Flag***

- 41. Penalty for unduly assuming Seychelles character
- 42. Penalty for concealment of Seychelles character, etc
- 43. Penalty for acquiring ownership if unqualified
- 44. Liabilities of unregistered ship
- 45. National colours

#### ***Miscellaneous***

- 46. Registrar may require information
- 47. Notice of trusts not received
- 48. Equities not excluded by Act
- 49. Liability of owners
- 50. Ship's managing owner to be registered
- 51. Names of registered ships
- 52. Registration fee

### **PART IV**

## **LICENSING, SURVEYS AND MEASUREMENTS**

#### ***Licensing***

- 53. Licensing of Seychelles ships
- 54. Production of tonnage certificate

#### ***Survey and Tonnage Measurement***

- 55. Minister to make tonnage regulations
- 56. Tonnage once ascertained to be tonnage of ship
- 57. Tonnage of foreign ship
- 58. Foreign and other measurements
- 59. Alterations between surveys
- 60. Appointment of surveyors
- 61. Marking of ships
- 62. Insufficient or inaccurate marking of ships

## **PART V**

### **MORTGAGES AND LIENS**

#### ***Mortgages***

- 63. Method of mortgage of ship
- 64. Entry of discharge of mortgage
- 65. Priority of mortgages
- 66. Powers of mortgagee
- 67. Transfer of mortgage
- 68. Transmission of interest in mortgage by death, etc

#### ***Maritime Liens***

- 69. Maritime liens
- 70. Priority of liens
- 71. Order of priority of liens
- 72. Rights of ship builders and ship repairers
- 73. Overriding nature of maritime liens
- 74. Claims arising from radioactive products, etc
- 75. Limitation period
- 76. Notice of sale to be given

- 77. Effect of sale on mortgages
- 78. Disposition of proceeds of sale
- 79. Issue of certificate that a ship is free of mortgages, liens, etc

## **PART VI**

### **LOCAL VOYAGES**

- 80. Exemptions
- 81. Production of appropriate certificate in respect of local voyages
- 82. Engaging in local trading
- 83. Clearance of ships for local voyages and detention of ships
- 84. Regulations

## **PART VII**

### **SAFETY**

#### *Conventions and their Implementation*

- 85. Conventions to have the force of law
- 86. Offence of failing to comply with Conventions

#### *Local Certificates*

- 87. Local certificates

#### *Proceeding to Sea*

- 88. Production of appropriate certificate in respect of international voyages
- 89. Detention of unsafe ships
- 90. Notice to be given to detention of unsafe ships
- 91. Offences in relation to unsafe ships
- 92. Failure to carry equipment

### ***General Safety and Precautions***

- 93. Notification of hazards to navigation
- 94. Notification of position
- 95. Distress signal
- 96. Obligation to assist person in distress
- 97. Duty of ships to assist in case of collision
- 98. Right to salvage not affected

### ***Load Line and Loading***

- 99. Meaning of load line
- 100. Concealing load line on a ship, etc
- 101. Submersion of load line

### ***Grains and Bulk Cargoes***

- 102. Bulk, grains, deck cargo regulations
- 103. Carriage of grain cargoes
- 104. Defence to an offence under section 103 (3)

### ***Dangerous Goods and Safety***

- 105. Meaning of 'dangerous goods'
- 106. Power to deal with goods suspected of being dangerous
- 107. Restriction on carriage of dangerous goods
- 108. Forfeiture of dangerous goods improperly sent or carried
- 109. Regulations in relation in safety

### ***Passengers***

- 110. Detention of ships carrying passengers
- 111. Regulation for carriage of passengers
- 112. Application of regulations made under section 111

**PART VIII**  
**SEAWORTHINESS OF SHIPS**

- 113. Unseaworthy ships
- 114. Sending unseaworthy ship to sea an offence
- 115. Owner's obligation to crew regarding seaworthiness
- 116. Detention of unseaworthy ship
- 117. Method of detention of unseaworthy ship
- 118. Supplementary provisions relating to detention
- 119. Powers of marine officers and surveyors regarding detention
- 120. Liability for costs and damages
- 121. Power to require complainant to give security for costs
- 122. Survey of ship alleged by seamen to be unseaworthy
- 123. Appointment of surveyors
- 124. Cost of survey

**PART IX**  
**MASTERS AND SEAMEN**

*Introduction*

- 125. Application of sections 131 to 175
- 126. Exemptions

*Certification*

- 127. Interpretation
- 128. Qualifications of crewmen
- 129. Certificates issued in other countries
- 130. Regulations for certificates of competency

*Manning Levels*

- 131. Manning scales

- 132. Unqualified crewmen
- 133. Failure to carry qualified crewmen

#### ***Crew Agreements***

- 134. Regulations for crew agreements
- 135. Employment of persons under minimum age of employment
- 136. Prohibition on seeking rewards for employment

#### ***Wages***

- 137. Agreement as to wages
- 138. Account of wages
- 139. Seaman cannot waive protection of Act
- 140. Regulations relating to wages

#### ***Crew Accommodation***

- 141. Crew accommodation
- 142. Regulations for crew accommodation

#### ***Welfare***

- 143. Provisions and water
- 144. Occupational safety regulations
- 145. Medical stores
- 146. Complaints
- 147. Relief and return of seaman left behind, etc
- 148. Recovery of expenses
- 149. Limit of employer's liability under section 147
- 150. Disposal of property of deceased seaman
- 151. Regulations for welfare

#### ***Discipline***

- 152. Misconduct endangering ship or persons on board ship



- 153. Continued or concerted disobedience, neglect of duty, etc
- 154. Absence without leave
- 155. Persons deemed to be seamen
- 156. Defence of drug taken for medical purposes
- 157. Offence against discipline
- 158. Appeal
- 159. List of suspended persons
- 160. Regulations in respect of offences against discipline

***General***

- 161. Stowaways
- 162. Unauthorized presence on board ship
- 163. Master's power of arrest
- 164. Returns of births and deaths on Seychelles ships
- 165. Returns of births and deaths on foreign ships
- 166. Discharge book
- 167. Register of Seamen
- 168. Official Log Book
- 169. Crew List
- 170. Inquiries into death or serious injury
- 171. Holding of inquiry
- 172. Absence of seaman from duty
- 173. Apprehension of foreign seaman
- 174. Detention of ships
- 175. General regulations

**PART X**  
**WRECK AND SALVAGE**

**Introductory**

- 176. Interpretation
- 177. Appointment of receivers
- 178. Indemnity of receivers

***Dangerous Wrecks***

- 179. Vessel wrecked
- 180. Prohibition against approaching dangerous wrecks
- 181. Duty and powers of receiver when vessel in distress
- 182. Costs of assisting vessel in distress recoverable
- 183. Boarding without authority
- 184. Interfering with wreck

***Dealing with Wreck***

- 185. Notice of wreck to be given by person finding wreck, etc
- 186. Receiver may take possession of wreck
- 187. Notice of wreck to be given by receiver
- 188. Owner may claim wreck
- 189. Power to sell wreck
- 190. Discharge of receiver
- 191. Dispute as to wreck
- 192. Removal of wrecked vessel

***Salvage***

- 193. Salvage payable for saving life
- 194. Salvage in respect of property

### ***Procedure in Salvage***

- 195. Disputes as to salvage
- 196. Detention of vessel
- 197. Sale by receiver of detained property
- 198. Voluntary agreement to pay salvage
- 199. Apportionment of salvage by court
- 200. Limitation of time for salvage proceedings
- 201. Fees payable to receiver
- 202. Recovery of fees and costs
- 203. Regulations

## **PART XI**

### **SHIPPING CASUALTIES**

- 204. Inquiries and investigations into shipping casualties
- 205. Preliminary investigation
- 206. Marine Inquiry
- 207. Power of Marine Inquiry as to certificates
- 208. Disqualification of master, etc
- 209. Failure to deliver cancelled certificates
- 210. Restoration of certificate, etc
- 211. Appeals

## **PART XII**

### **LIMITATION AND DIVISION OF LIABILITY**

#### ***Limitation of Liability***

- 212. Interpretation
- 213. Limitation of liability of ship owners
- 214. Power of court to consolidate claims

- 215. Extension of limitation of liability
- 216. Release of ship on giving security

#### ***Division of Liability***

- 217. Rule as to division of liability
- 218. Joint and several liability
- 219. Right of contribution
- 220. Limitation of liability of dock authority, etc

### **PART XIII**

#### **LEGAL PROCEEDINGS**

##### ***Offences and Limitations***

- 221. Penalties
- 222. Limitation of actions
- 223. Government ships not subject to certain proceedings

##### ***Jurisdiction***

- 224. Jurisdiction in case of proceedings under this Act
- 225. Jurisdiction over ship lying off coast
- 226. Jurisdiction in case of offence on board ship

### **PART XIV**

#### **GENERAL**

- 227. Marine Board
- 228. Procedures of Board
- 229. Mode of making declaration
- 230. Power of Registrar to dispense with evidence
- 231. False declaration
- 232. Proof of documents
- 233. Admissibility of documents in evidence

- 234. Proceedings on forfeiture of ship
- 235. Recovery of fines by distress
- 236. Inspections
- 237. Appointment of corporations or unincorporated bodies as surveyors
- 238. Authorised officers
- 239. Indemnity

## **PART XV**

### **CONVENTIONS**

- 240. Orders with respect to Conventions
- 241. Giving effect to Conventions

## **PART XVI**

### **REGULATIONS, REPEALS, SAVINGS, AMENDMENTS**

#### **AND TRANSITIONAL**

- 242. Regulations
- 243. Repeals, savings and amendments
- 244. Regulations for transitional provisions

## **PART XVII**

- 245. Marine pollution

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## **PART I**

### **PRELIMINARY**

- 1.** This Act may be cited as the Merchant Shipping Act
- 2.(1)** This Act comes into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.
- (2)** The Minister may, pursuant to subsection (1), appoint different dates for the coming into operation of different provisions of this Act.
- 3.** In this Act, unless the context otherwise requires —

“authorised officer”, in relation to any provision of this Act, means a person designated pursuant to section 238 to be an authorized officer for the purposes of this Act, or for the purposes of any provision of this Act;

“cargo ship” means a ship which is not a passenger ship,

“Certificate of Competency” means a certificate issued to a person under Part IX which entitles the person to be employed in the capacity stated in the certificate;

“Certificate of Registry” means a certificate by that name granted pursuant to section 27;

“Collisions Convention” means the International Regulations for Preventing Collisions at Sea 1972, as affected by any amendment, other than an amendment objected to, or not accepted, by the Republic, made under article 6 of that Convention;

“company” means a company defined in the Companies Act;

“consular” includes any person authorised to exercise diplomatic functions on behalf of Seychelles in a foreign country;

“crew agreement” means an agreement entered into pursuant to regulations made under section 134;

“declaration of transfer” means a declaration made and signed under section 35;

“declaration of transmission” means a declaration authenticating the transmission of property under section 37;

“designated ship” means a ship for the time being designated pursuant to section 17;

“Director General” means a Director General of Port and Marine Services Division appointed under section 5;

“distressed seaman” includes any Seychelles seaman in distress in any place outside Seychelles and any seaman whether a citizen of Seychelles or not shipwrecked from a Seychelles ship or having been discharged or left behind from any such ship otherwise in distress in any place outside Seychelles;

“employer” in relation to a seaman, means the person who has entered into a crew agreement with the seaman for the employment of the seaman on a ship;

“equipment”, in relation to a ship, includes everything or article belonging to or used in connection with, or necessary for the navigation and safety of, the ship;

“existing ship” means any ship other than a new ship;

“fishing vessel” means a vessel which is for the time being used for or in connection with fishing;

“foreign country” means a country other than Seychelles;

“foreign ship”, means a ship registered in a foreign country or, where it is not registered in Seychelles is owned by a person who, or by persons each of whom, is not a qualified person;

“free board” means the distance measured vertically downwards amidships, from the upper edge of the deck line to the upper edge of the related load line;

“freight” includes passage money and hire and references to damage or loss caused by the fault of the vessel shall be considered as including references to any salvage or other expenses consequent upon that fault recoverable at law by way of damage;

“Government ship” means a ship that belongs to the Republic or to an authority or instrumentality of the Republic, or that is held by any person on behalf of, or for the benefit of, the Republic but does not include a vessel belonging to the Defence Forces;

“grain” includes millet, wheat, maize (corn), oats, rye, barley, rice, pulse, sesame and seeds;

“Indian Ocean Commission State” means a state member of the Indian Ocean Commission;

“inspector” includes Harbour Master, Surveyor, nautical inspector and other marine officers appointed under section 5;

“international voyage” means a voyage from a port or place in Seychelles to a port or place outside the territorial limits of Seychelles, or conversely;

“Licensing Authority” means the Licensing Authority established by section 3 of the Licences Act;

“lien” means an instrument preserving rights under section 69;

“Load Line Convention” means the International Convention on Load Lines 1966, as affected by any amendment to it, other than an amendment objected to or not accepted by the Republic;

“Load Line Convention ship” means a ship that is—

- (a) of a kind to which the Load Line Convention applies, and
- (b) registered in a country the government of which has accepted or acceded to the Load Line Convention and has not denounced that Convention;

“local certificate of registry” means a certificate by that name issued under regulations made for the purpose of section 87;

“local load line certificate” means a certificate by name issued under regulations made for that purpose of section 87;

“local safety certificate” means a certificate by that name issued under regulations made for the purpose of section 87;

“local voyage” means a voyage between Mahe and any of the islands mentioned in the First Schedule or between any of those islands;

“Marine Board” means the board by that name established by section 227;

“master”, in relation to a ship, means the person having lawful command or charge of the ship, but does not include a pilot;

“mortgage” means an instrument of security of the kind referred to in section 63 (1);

“National Flag” means the National Flag of Seychelles;

“new ship” means a ship —

(a) the keel of which was laid; or

(b) that has been substantially —

(i) altered; or

(ii) reconstructed,

after the date of commencement of Part I;

“nuclear ship” means a ship provided with a nuclear power plant;

“Official Log-Book” means the official log-book required to be kept under section 168;

“outer islands” means all the islands comprised within the Republic of Seychelles other than the islands of Mahe, St Anne, Cerf, Long Island, Round Island;

“owner” means —

(a) in relation to a ship,

(i) the person to whom the ship or shares in the ship belongs;

(ii) the charterer of a bare boat which is chartered for a definite period of not less than 12 months;



(iii) the agent of the owner of the ship; and

(b) in relation to a ship, being a sailing vessel, the person to whom the sailing vessel belongs;

“passenger” means a person carried on board a ship with the knowledge or consent of the owner or master of the ship but does not include —

(a) a person engaged in any capacity on board the ship in the business of the ship; or

(b) a child under the age of one year;

“passenger ship” means a ship, that is carrying or capable of carrying more than twelve passengers;

“pilot”, in relation to the ship, means any person, not belonging to the ship, who has the lawful conduct of the ship;

“port of registry” in relation to a ship or sailing vessel means the port at which she is registered or is to be registered;

“proceeding” in relation to Parts XIII and XVI includes any suit, approval or application;

“proper return port”, in relation to a seaman, means —

(a) the port from which he was shipped;

(b) in case of a seaman (other than a seaman shipped in Seychelles), a port in the country to which he belongs; or

(c) in the case of a discharged seaman, a port agreed by the seaman at the same time of his discharge;

“property of a seaman” means any money due to a seaman, his personal effects, the proceeds of the sale of such effects and the balance of any wages due to a seaman;

“qualified person” means a person of the kind referred to in section 15;

“Receiver of Wrecks” means a person appointed under section 177 to be a Receiver of Wrecks;

“Register” means the Register of Ships referred to in section 12;

“Registrar” means a person appointed as Registrar of Shipping pursuant to section 5;

“Regulations” means regulations made under this Act;

“Safety Convention” means the International Convention for the Safety of Life at Sea 1974 as affected by any amendment other than an amendment objected to or not accepted by the Republic, made under Article VIII of the Convention and includes the Protocol 1978 relating to the Convention;

“Safety Convention ship” means —

- (a) a ship of a kind to which the Safety Convention applies; and
- (b) registered in a country, the government of which has accepted or acceded to the Safety Convention and has not denounced that Convention;

“sailing vessel” means any description of a vessel provided with sufficient sail area for navigation under sails alone, whether or not fitted with mechanical means of propulsion, and includes a rowing boat or canoe but does not include a pleasure craft;

“salvage” includes all expenses properly incurred by the salvor in the performance of salvage services;

“seagoing” in relation to a vessel, means a vessel proceeding to sea beyond inland waters or beyond waters declared to be smooth or partially smooth waters by the Government by notification in the *Gazette*;

“Seychelles ship” means a ship registered under this Act or a ship not so registered but owned by a person who, or by persons each of whom, is a qualified person;

“ship registered under this Act” means a ship registered under Part III;

“Shipping Master” means the Shipping Master referred to in section 5, but in relation to any seaman for the purpose of section 134 means a shipping master appointed —

- (a) for the port at which the seaman entered into, or is believed to have entered into, a crew agreement; or
- (b) where the seaman did not enter into a crew agreement in Seychelles, for the port to which the seaman has returned, or is expected to return, on the completion of his latest voyage;

“S.T.C.W. Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as affected by any amendment made under Article XII of that Convention;

“surveyor” means a surveyor of ships appointed under sections 60 and 237 and includes a person in respect of whom a notification given pursuant to section 237(3) has been notified in the *Gazette* and has not been cancelled;

"tanker" means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature;

"tonnage certificate" means a certificate granted pursuant to section 21.

"vessel" includes any ship, boat, sailing vessel, or other description of vessel used in navigation;

"voyage" for the purposes of Part VI means the whole distance between the ship's port or place of departure and her final port or place of arrival;

"wages" includes emoluments;

"wreck" means the following when found in the sea or in tidal water or on the shores thereof —

- (a) goods which have been cast into the sea and then sink and remain under water;
- (b) goods which have been cast or fall into the sea and remain on the surface;
- (c) goods which are sunk into the sea, but are attached to a floating object in order that they may be found again;
- (d) goods which are thrown away or abandoned; and
- (e) a vessel abandoned without hope or intention of recovery;

"young person" means a person under the minimum employment age as specified under the Employment Act.

4.(1) Unless otherwise expressly provided, this Act shall apply to—

- (a) Seychelles ships wherever they may be;
- (b) All other ships while in a port or place in, or within the territorial waters of, Seychelles.

(2) This Act shall not apply to —

- (a) vessels of the Seychelles Police Navy Patrol;
- (b) vessels of the Seychelles People's Navy or the navy of a foreign country;
- (c) any other ships belonging to or under the control of the Government while employed, otherwise than for profit, in the service of the Government.

## **PART II**

### **ADMINISTRATION OF THE ACT**

**5.(1)** There shall be established a Department of Government to be called the Port and Marine Services Division.

(2) For the purposes of administration of the Port and Marine Services Division the following public officers shall be appointed who shall be marine officers —

- (a) Director General of Port and Marine Services Division, who shall exercise supervision over all matters of the Division;
- (b) Harbour Master who shall exercise general supervision over all matters to which this Act relates;
- (c) Senior Assistant Harbour Master;
- (d) Assistant Harbour Master;
- (e) Superintendent of Marine Services;
- (f) Registrar of Shipping;
- (g) Shipping Master;
- (h) Registrar of Seamen;
- (i) Examiners;
- (j) Surveyors;
- (k) Receiver of Wrecks;
- (l) Inspectors;
- (m) Such other officers as the Minister may determine, from time to time.

(3) The Harbour Master may delegate the exercise of any powers or the performance of any duties conferred or imposed on him by or under this Act to such person or persons as he may think fit.

(4) Any act done by, to or before a deputy or assistant to the Harbour Master in the exercise or performance of any power, right or duty conferred or imposed by this Act shall have the same effect as if done by, to or before the Harbour Master.

**6.** The Minister may from time to time give the Harbour Master such general directions, not inconsistent with the provisions of this Act or any regulations made thereunder, on the policy to be pursued in the administration of this Act, as he may consider necessary, and the Director General and the Harbour Master shall forthwith take such steps as are necessary and expedient to give effect thereto.

**7.(1)** There may be appointed, for the purposes of this Act, such number of marine officers as may be necessary.

(2) A marine officer shall exercise his powers and duties under the direction of the Harbour Master.

(3) There may be appointed an assistant or assistants to any marine officer, either generally for the purposes of this Act or for the purposes of particular provisions of this Act.

(4) Any act done by, to or before a deputy appointed under subsection (3) in the exercise or performance or purported exercise or performance of any power, right or duty conferred or imposed by this Act shall have the same effect as if done by, to or before a marine officer.

**8.** (1) Surveyors and inspectors of ships shall have the powers and shall perform the functions and duties prescribed by this Act.

(2) The functions of surveyors and inspectors of ships shall be performed under the directions of the Harbour Master, and in accordance with any directions given by the Minister.

**9.** (1) The Harbour Master may be appointed the Registrar of Shipping.

(2) The Registrar shall perform his duties under the direction of the Minister.

**10.** (1) The Minister may, by notification in the *Gazette*, delegate to the Director General or Harbour Master or any other officer appointed under this Act and specified in such notification, the exercise of any powers (other than the power to make regulations) or the performance of any duties conferred or imposed on him by or under this Act, subject to such conditions and restrictions as may be specified in such notification.

(2) A delegation in the terms of subsection (1) shall not affect the exercise of such powers or the performance of such duties by the Minister.

(3) Every officer purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of such delegation.

(4) The provisions of subsections (1) and (2) of this section shall be without prejudice to the provisions of section 4 of the Transfer and Delegation of Statutory Functions Act.

**11.** The Harbour Master may be appointed a Registrar of seamen and a Shipping Master.

### **PART III**

#### **REGISTRATION OF SHIPS**

##### ***The Register of Ships***

**12.** (1) The Registrar shall cause to be kept at Victoria a register, in such form as the Registrar determines, to be known as the Register of Ships.

(2) The Registrar shall cause to be entered in the Register particulars of all ships registered under this Act and such other entries as may be required by this Act to be entered in the Register.

(3) Any person may inspect the Register at any time during the hours of official attendance by the Registrar on payment of the fee (if any) which is prescribed.

### ***Registration of Ships***

**13.** The following provisions apply to, and in relation to, the registration of ships under this Part —

- (a) the property in a ship shall be divided into 64 shares;
- (b) subject to the provisions of this Act with respect to joint owners or owners by transmission, not more than 64 persons shall be entitled to be registered at the same time as owners of any ship but this provision shall not affect the beneficial title of any number of persons or of a corporation represented by or claiming under or through any registered owner or joint owner;
- (c) a person shall not be entitled to be registered as owner of a fractional part of a share in a ship but any number of persons, not exceeding five, may be registered as joint owners of a ship or of any share or shares in this ship;
- (d) joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose severally of any interest in a ship, in respect of which they are jointly registered; and
- (e) a corporation shall be registered as owner by its corporate name.

**14.** The port of registry of every ship registered under this Part is Port Victoria.

**15.** For the purposes of this Act —

- (a) a person who is a citizen of Seychelles; or
- (b) a corporation that is established under, and is subject to the laws of Seychelles, is a qualified person and no other is a qualified person.

**16.** (1) Where a ship, other than an exempt ship —

- (a) is owned by —
  - (i) a person who is a qualified person; or
  - (ii) persons each of whom is a qualified person; and
- (b) is not registered in any other country,

that owner or those owners shall apply for the registration of the ship under this Part.

(2) Where subsection (1) would apply in relation to a ship owned by a qualified person or qualified persons if it were not an exempt ship, the owner or owners of the ship may apply for registration of the ship under this Part, but that owner or those owners are not required to so apply.

- (3) In this section, a reference to an “exempt ship” is a reference to a ship —
- (a) that is less than 10 metres in length;
  - (b) that is prescribed, or belongs to a class or description of ships that is prescribed; or
  - (c) that is engaged in any class of navigation or trading, or used for any purpose, that is prescribed.

**17.** (1) The Minister may —

- (a) by order published in the *Gazette*;
- (b) designate a ship for the purposes of this Act,

and if he does so, the owner or owners of the ship may within the period of 60 days after the date of publication of the order, apply for the registration of the ship under this Part.

(2) Without prejudice to the powers of the Minister under subsection (1), the Minister may, with the consent of the persons wholly owing a ship, by order published in the *Gazette*, designate the ship for the purposes of this Act where he is satisfied that the ship is —

- (a) customarily engaged in international voyages and is wholly owned by a person who is or by persons each of whom, is a citizen of an Indian Ocean Commission State resident in that State;
- (b) hired out on bareboat charter to a citizen of Seychelles or a corporation that is established under and subject to the laws of Seychelles; or
- (c) owned by a person in a bona fide joint venture shipping enterprise relationship with a citizen of Seychelles or a corporation established under and subject to the Laws of Seychelles,

and the owner or owners of the ship may within a period of 60 days after the publication of the order apply for the registration of the ship under this Part.

(3) A ship ceases to be a designated ship if an application is not made in respect of the ship as provided in subsection (1) or (2).

(4) Where a ship designated under subsection (2) ceases to be a ship of the description set out in paragraph (a), (b), or of subsection (2), the Minister, may under subsection (5) revoke the designation.

(5) A ship ceases to be a designated ship if the Minister revokes the designation by —

- (a) publishing a notice of revocation in the *Gazette*; and
- (b) giving written notice thereof to the owner or owners,

and the ship so ceases to be designated on the date on which the notice is published pursuant to paragraph (a) or is given pursuant to paragraph (b), whichever is the later.

**18.** The Regulations shall provide for the registration of Government ships other than Government ships referred to in section 4 (2) and may exempt any other Government ship or a class of description of Government ships from the whole or any of the provisions of this Act.

**19.** (1) Except as provided in sections 13, 16, 17 and 18, the Registrar shall not register a ship under this Part.

(2) Where the Minister has reasonable cause to believe, and does believe, that any ship registered under this Part should not continue to be so registered, he may direct the Registrar to require the master and owner of the ship, or either of them, to produce evidence to the satisfaction of the Minister that the ship should continue to be so registered.

**20.** If within such time as may be determined by the Minister, not being less than 30 days, the evidence referred to in section 19(2) is not produced, the ship shall be removed from the register and may be liable to forfeiture.

**21.** (1) Subject to subsection (4) a ship shall, before registration, be surveyed by a surveyor and subject to that subsection, its tonnage shall be ascertained by the surveyor in accordance with regulations made under section 55 and the surveyor shall grant a certificate specifying the ship's tonnage and build and such other particulars as may be prescribed in those regulations.

(2) A tonnage certificate granted pursuant to subsection (1) in respect of a ship shall, before the ship is registered, be produced before the Registrar.

(3) The fees to be paid by the owner or owners of a ship to a surveyor in respect of a survey under this section are as prescribed.

(4) Subject to subsection (5), where a ship which is not registered under this Part has been measured and registered under the law of a foreign country, or has already been measured without having been so registered, the surveyor may, for the purposes of subsection (1), accept and use any suitable figures of measurement contained in the latest register relating to that ship or, in the case of an unregistered ship, in the latest certificate of measurement relating to that ship.

(5) Before acting under subsection (4), a surveyor shall satisfy himself that there have been no changes of measurement since the making of the register or certificate which he proposes to use, and where any such changes have been made, he shall remeasure the ship to the extent made necessary by those changes.

**22.** (1) A ship in respect of which an application for registration is made shall not be registered unless the ship has first been marked permanently and conspicuously under section 61 in the prescribed manner.

(2) The marks required by this section to be placed on a ship shall be permanently continued and no alteration shall be made to those marks except as provided by this Act.

(3) An owner or master of a ship registered under this Part who fails to keep that ship marked as required by this section is guilty of an offence.



(4) A person who conceals, removes, alters, defaces or erases any mark required by this section to be placed or kept on a ship, except as provided by this Act or for the purposes of escaping, from an enemy, is guilty of an offence.

(5) The Minister may, by notice published in the *Gazette*, exempt the owner or master of any ship or class or description of ships from complying, either in whole or in part, with the requirements of this section.

**23.** (1) An application for the registration of a ship under this Part shall be made by the owner or owners of the ship to the Registrar in the prescribed form.

(2) An application under subsection (1) shall be made —

- (a) where the owner is a corporation, by the agent of the corporation; or
- (b) in the case of an agent otherwise appointed, under the hand of the persons seeking the registration of the ship or by his or their agent.

(3) The authority of an agent referred to in subsection (2) shall be in writing and —

- (a) in the case of an agent appointed by a corporation, under the common seal of the corporation; and
- (b) in the case of an agent otherwise appointed, under the hand of the person or persons appointing the agent.

(4) The Registrar may require proof, to his satisfaction of the ownership and of the seaworthiness of a ship, before proceeding with the registration of the ship under this Part.

(5) An application for the registration of a ship under this Part shall be accompanied by such evidence in respect of the ship as may be prescribed.

**24.** Case of a corporation, a person authorised under the common seal of the corporation to make declarations on behalf of the corporation, has made and signed a declaration of ownership referring to the ship, as described in the surveyor's certificate, and containing the prescribed particulars.

**26.** (1) Where the requirements of this Act preliminary to registration have been complied with, the Registrar shall, upon payment of the prescribed fee, register the ship by allotting to the ship a registry number and by entering in the Register the name of the ship, the registry number allotted to the ship and such other particulars in respect of the ship as are prescribed.

(2) The Registrar shall not register a ship by a name by which a ship is already registered under this Part or, except in accordance with the direction of the Minister, by a name that is, in the opinion of the Registrar, undesirable.

(3) Where a ship has been registered under subsection (1), the Registrar shall retain those documents submitted in connection with the application for registration as are prescribed.

**27.** (1) As soon as practicable after the registration of a ship the Registrar shall grant to the owner or owners a Certificate of Registry in the prescribed form.

(2) The Certificate of Registry of a ship —

- (a) shall be kept in a safe place in the ship;
- (b) shall be used only for the lawful navigation of the ship; and
- (c) shall not be subject to detention by reason of any title, lien, charge or interest had or claimed by any owner, mortgagee or other person to, on or in the ship.

(3) A master or owner of a ship who uses, for the navigation of the ship a Certificate of Registry not legally granted in respect of the ship is guilty of an offence.

(4) A person —

- (a) who has in his possession or under his control the Certificate of Registry of a ship; and
- (b) who refuses, or fails without reasonable cause, to deliver the certificate on demand to —
  - (i) the person entitled to the custody for the purposes of the lawful navigation of the ship; or
  - (ii) an authorised officer;

is guilty of an offence.

(5) The Minister may make regulations relating to —

- (a) the obligation to register ships and failure to comply therewith;
- (b) the manner in which Seychelles ships or any class of those ships may be registered under this Act.

**28.** The Registrar may, upon the delivery to him of a Certificate of Registry of a ship, grant a new certificate in its place.

**29.** (1) Where, at a place outside Seychelles, a ship becomes wholly owned by a qualified person, or by persons each of whom is a qualified person, a diplomatic or consular representative of Seychelles in or for that place may grant to the master of the ship, on his application, a provisional Certificate of Registry stating—

- (a) the name of the ship;
- (b) the time and place of the ship's purchase and names of her purchasers;
- (c) the name of the ship's master;

- (d) the best particulars respecting the ship's tonnage, build and description which the representative is able to obtain.

(2) A diplomatic or consular representative of Seychelles shall forward a copy of any provisional Certificate of Registry granted by him pursuant to subsection (1) to the Registrar at the first convenient opportunity.

(3) A provisional certificate of registry granted under subsection (1) is deemed to be a Certificate of Registry granted under section 27 —

- (a) until the expiry of 90 days after the date on which it was granted; or
- (b) until the expiry of 30 days after the first arrival, subsequent to the grant of the certificate, of the ship in Seychelles, whichever is the earlier.

(4) If the period referred to in subsection (3) (b) has not begun to run, the Minister may, by instrument in writing, grant to the master of a ship, on his application, an extension of the period referred to in subsection (3) (a), and in the event and in the particular case, the reference in paragraph (a) to 90 days shall be read as a reference to the extended period.

(5) A master of a ship who fails to deliver to the Registrar a provisional Certificate of Registry granted under subsection (1) in respect of the ship, within 30 days after the first arrival, subsequent to the grant of the certificate, of the ship in Seychelles is guilty of an offence.

**30.** (1) Where a Certificate of Registry of a ship is lost, mislaid or destroyed the Registrar shall grant a new certificate in its place.

(2) A diplomatic or consular representative of Seychelles in or for any place, upon receiving, from the master of a ship or some other person having knowledge of the facts of the case, a declaration giving details of a lost, mislaid or destroyed Certificate of Registry of the ship together with particulars of the ship and its owner or owners, shall grant a provisional Certificate of Registry containing a statement of the circumstances under which it was granted.

- (3) A provisional Certificate of Registry granted under subsection (2) shall be valid —
- (a) until the expiry of 90 days after the date on which it was granted; or
  - (b) until a new certificate is granted in place of the Certificate of Registry,

whichever is the earlier.

**31.** Where a change occurs in the ownership of a ship registered under this Part by reason of the transfer of the ship to a qualified person, or by reason of the transfer of a designated ship, whether to a qualified person or otherwise —

- (a) notification of the change shall be given to the Registrar; and
- (b) the Certificate of Registry shall be endorsed in the prescribed manner.

**32.** (1) Where—

- (a) a ship registered under this Part is either actually or constructively lost, taken by the enemy, burnt or broken up;
- (b) a person who is the owner of a ship (other than a designated ship) registered under this Act, whether alone or jointly with other persons, ceases to be a qualified person;
- (c) the Minister, pursuant to section 17(5) revokes the designation of a ship;
- (d) a ship is forfeited under section 20; or
- (e) a person who is the owner of a ship (other than a designated ship) registered under this Part transfers ownership of the ship to a person who is not a qualified person,

the owner of the ship, or, if the ship is owned by more than one person, each of those persons shall, immediately on obtaining knowledge of the event (if notice therefore has not already been given to the Registrar) give notice therefore to the Registrar.

(2) The Registrar shall, upon receipt of a notice stating that an event referred to in subsection (1) (a) has occurred in relation to a ship, make or cause to be made an entry in the Register of the event, and the registry of the ship in the Register shall be deemed to be closed except insofar as relates to any unsatisfied mortgage of the ship.

(3) The Registrar shall, upon receipt of notice that a circumstance specified in subsection (1) (b), (c), (d) or (e) has occurred or is applicable in relation to the owner or owners of a ship registered under this Part make or cause to be made an entry in the Register that the notice has been received and subject to this section, the registry of the ship shall be deemed to be closed.

(4) Where, at the time when the Registrar receives notice that a circumstance referred to in subsection (1)(b), (c), (d) or (e) has occurred or is applicable in relation to the owner or owners of a ship registered under this Part, the ship is subject to an undischarged mortgage entered in the Register, the Registrar shall give to the mortgagee a notice in writing specifying the occurrence of the circumstance as applicable.

(5) If, within 30 days after notice is given to the mortgagee under subsection (4) or within such further time as the court, on an application made before or after the expiration of the period of 30 days, may allow, an application is not made to the court for an order under subsection (6), the registry of the ship in the Register shall, subject to subsection (8), be deemed to be closed on the expiration of that period.

(6) A mortgagee to whom a notice has been given under subsection (4) may, within the period specified in, or allowed under, subsection (5), make an application to court for an order for the sale of the ship that is subject to the undischarged mortgage and the court may order the sale of the ship and direct that the proceeds of the sale, after deducting the expenses of the sale, be paid first to the mortgagee or, if there are two or more mortgagees, to the mortgagees in order of priority and, after satisfaction of the mortgagee or mortgagees, to the owners of the ship in cases where there is no forfeiture under section 20 or to the Republic in case of forfeiture under that section.

(7) Where the court grants an application for an extension of time within which an application for an order under subsection (6) may be made, it may grant the extension on such terms and conditions as to costs and otherwise as it thinks just.

(8) On an application for an order under subsection (6), the court may give such directions with respect to the closure of the registry of the ship as it thinks fit, and the Registrar shall give effect to any directions given by the court.

(9) A person who refuses, or fails without reasonable cause, to comply with subsection (1) is guilty of an offence.

**33.** (1) Where a ship registered under this Part is so altered as not to correspond with the particulars relating to the tonnage certificate or to the description of the ship contained in the Register, the owner of the ship shall within 21 days, make, or cause to be made, to the Registrar an application in writing to register the alteration.

(2) An owner of a ship who refuses or fails to comply with the provision of subsection (1) is guilty of an offence.

(3) An application made under subsection (1) shall be accompanied by a tonnage certificate and section 21(1) applies in relation to the grant of a tonnage certificate before the registering of a ship.

(4) The Registrar upon receipt of an application under subsection (1) and upon receipt of the prescribed fee (if any), shall cause the alteration to be registered.

(5) In causing the alteration of a ship to be registered, the Registrar shall cancel the Certificate of Registry and shall grant a new Certificate of Registry and shall make the prescribed entries in the Register.

### ***Transfer and Transmission***

**34.** (1) Where a ship registered under this Part is to be disposed of by way of transfer to a qualified person, or to persons each of whom is a qualified person, or a designated ship is to be disposed of by way of transfer whether to a qualified person or otherwise, the ship shall be transferred by a bill of sale.

(2) A bill of sale for the transfer of a ship shall —

(a) be in the prescribed form; and

(b) be executed by the transferor and the transferee in the presence of, and be attested by, a witness or witnesses.

**35.** (1) Subject to subsection (2), where a ship registered under this Part is transferred, the transferee is not entitled to be registered as owner of the ship until he, or in the case of a corporation, a person authorised by this Act to make declarations on behalf of the corporation, has made and signed a declaration of transfer in the prescribed form referring to the ship and containing,

- (a) statements that show that the transferee is a qualified person, or, where there is more than one transferee, that each transferee is a qualified person; and
- (b) a statement that, to the best of his knowledge and belief, only a qualified person, or persons each of whom is a qualified person, is or are entitled as owners to any legal or beneficial interest in the ship or a share in the ship.

(2) This section does not apply in relation to the transfer of a designated ship.

**36.** (1) Every bill of sale for the transfer of a ship registered under this Part, when duly executed, shall be produced to the Registrar with the declaration of transfer referred to in section 35 where required and the Registrar shall enter in the Register the name of the transferee as owner of the ship, and shall endorse on the bill of sale the fact of that entry having been made, with the day and hour of the entry.

(2) Bills of sale for the transfer of a ship registered under this Part shall be entered in the Register in the order of their production to the Registrar.

**37.** (1) Where the property in a ship registered under this Part is transmitted to a qualified person, or to persons each of whom is a qualified person, or in the case of a designated ship, is transmitted to a person whether or not a qualified person, on the death or bankruptcy of any registered owner, or by any lawful means other than by a transfer made under this Act, that person shall authenticate the transmission by making and signing a declaration of transmission in the prescribed form identifying the ship, and the declaration of transmission shall contain such statements and shall be accompanied by such documents as are prescribed.

(2) The Registrar, on receipt of the declaration of transmission under subsection (1), accompanied by the statement and documents referred to in that subsection, shall enter in the Register the name of a person entitled under the transmission as owner of the ship the property in which has been transmitted and where there is more than one such person, the Registrar shall enter the names of all such persons, but those persons, however numerous, shall, for the purposes of the provisions of this Act with respect to the number of persons entitled to be registered as owners, be considered as one person.

**38.** (1) Where the property in a ship (other than a designated ship) registered under this Part is transmitted on death or bankruptcy or otherwise to a person who is not a qualified person, or to persons one or more of whom is not a qualified person, the court may, on application by or on behalf of that person or one or more of those persons, order a sale of the property so transmitted, and direct that the proceeds of the sale, after deducting the expenses of the sale, be paid to the person or persons entitled under the transmission or otherwise as the court directs.

(2) The court may require any evidence it thinks fit in support of the application and may make the order on any terms and conditions it thinks just, or may refuse to make the order, and generally may act in the case as the justice of the case requires.

(3) An application under this section shall be made within 30 days after the occurrence of the event on which the transmission has taken place or within such further time (not exceeding in the whole 365 days from the date of the occurrence) which the court allows.

(4) If the application is not made within the time specified in subsection (3) or if the court refuses an order for sale, the ship (not being a designated ship) transmitted is liable to forfeiture.

**39.** (1) Where the court orders the sale of a ship registered under this Part, the order shall contain a vesting in a person or persons specified in the order of the right to transfer the ship, and that person is entitled to transfer the ship in the manner and to the same extent as if he was the registered owner of the ship.

(2) The Registrar shall obey the requisition of the person named in a declaration under subsection (1) in respect of any such transfer to the same extent as if that person were the registered owner.

**40.** (1) The court may, if it thinks fit, and without prejudice to any other of its powers, on the application of a person claiming an interest in a ship registered under this Part, make an order prohibiting for the time specified in the order, any dealing with that ship.

(2) The court may make an order under subsection (1), on any terms or conditions it thinks just, or may refuse to make the order, and generally may act in the case as the justice of the case requires.

(3) The Registrar, after being served with a copy of an order made under this section, shall not register any dealing prohibited by the order.

#### ***National Character and Flag***

**41.** (1) If a person uses the National Flag or assumes Seychelles national character on board a ship owned in the whole or part by a person who is not a qualified person, or which is not a designated ship, for the purpose of making the ship appear to be a ship registered under this Part, the ship is liable for forfeiture unless the use or assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some diligent right.

(2) In any proceeding for the enforcement of the forfeiture of a ship under subsection (1), the burden of proving a right of use of the National Flag or to assume Seychelles national character lies on the person using that flag or assuming that character.

**42.** (1) A master or owner of a ship registered under this Part who —

(a) does anything or permits anything to be done; or

(b) carries or permits to be carried on a ship, any papers or documents,

with intent to —

(i) conceal the Seychelles character of the ship from a person entitled by Seychelles law to inquire into the character of the ship; or

(ii) deceive a person referred to in paragraph (i);

is guilty of an offence.

**43.** If a person, other than a qualified person, acquires as owner any interest, either legal or beneficial, otherwise than by such transmission as is provided for in this Act, in a ship (other than a designated ship) registered under this Part, that interest is liable to forfeiture.

**44.** (1) Where a ship that is required to be registered under this Part is not so registered, the ship shall not be entitled to any benefit, privilege, advantage or protection usually enjoyed by a ship registered under this Part or to use the National Flag or to assume Seychelles national character.

(2) In the case of a ship to which subsection (1) applies, the owner and the master of the ship shall, in relation to —

- (a) the payment of dues;
- (b) the liability to fines and forfeiture;
- (c) the punishment of offences committed on board the ship; and
- (d) offences committed by persons belonging to the ship,

be dealt with in the same manner in all respects as if the ship were registered under this Part.

(3) The regulations may make provision with respect to the application of any provision of this Act, specified in the regulations, to any ships to which subsection (1) applies and to masters and seaman employed by them, with such exceptions, adaptations and modifications as may be so specified.

**45.** (1) The National Flag shall be the proper national colours for a ship registered under this Part.

(2) A master of a ship registered under this Part who, except where it would be unreasonable having regard to all the circumstances to do so, fails to cause the National Flag to be hoisted at all times on the ship, is guilty of an offence.

(3) Where, except with the consent of the Minister, any distinctive national colours other than the National Flag are hoisted on board a ship registered under this Part —

- (a) the master of the ship;
- (b) the owner if he is on board the ship; and
- (c) any person hoisting those colours;

is each guilty of an offence.

#### ***Miscellaneous***

**46.** (1) The Registrar may, where he has reason to believe that the Register does not contain accurate particulars in respect of the ship registered under this Part, direct the owner of



the ship, or any other person in possession of information relating to the ship, to furnish him with information in respect of the ship.

(2) A person who, after having been given a direction under subsection (1) fails, to the extent to which he is able to do so, to comply with that direction, is guilty of an offence.

**47.** (1) No notice of any trust, express, implied or notice of trust constructive, shall be entered in the Register or shall be not received by the Registrar.

(2) Subject to this Act, and subject to any rights and powers appearing on the face of the Register to be vested in any other person, the registered owner of a ship has absolute power to dispose of the ship and to give effectual receipts for any money paid or advanced by way of consideration

**48.** The expression 'beneficial interest' where used in this Act includes interests arising under contract and other equitable interests, and the intention of this Act is that without prejudice to—

- (a) the provisions of this Act for preventing notice of trusts from being entered in the Register or received by the Registrar;
- (b) the powers of disposition and of giving receipts conferred by this Act on registered owners and mortgagees; and
- (c) the provision of this Act relating to the exclusion of unqualified persons from the ownership of ships registered under this Part,

interests arising under contract or other equitable interests may be enforced by or against the owner or mortgagee of any ship in respect of his interest in the ship in the same manner as in respect of any other personal property.

**49.** (1) Subject to subsection (2), where a person has a beneficial interest in a ship registered under this Part and that ship is registered in the name of some other person as owner, the person having the interest shall, as well as the registered owner, be subject to all pecuniary penalties imposed by this Act on the owners of ship, and proceedings may be taken for the enforcement of any such penalties against both or either of those persons, with or without joining the other of them.

(2) Subsection (1) does not apply to a person having a beneficial interest by way of mortgage, except in the case of a mortgagee in possession of a ship.

**50.** (1) The name and address of the managing owner for the time being of every ship registered under this Part shall be registered with the Registrar.

(2) Where there is not a managing owner, there shall be registered the name of the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner, and any person whose name is so registered shall, for the purposes of this Act, be under the same obligations and be subject to the same liabilities as if he were the managing owner.

**51.** (1) An owner or master of a ship registered under this Part who suffers or permits the ship to be described by a name other than that by which it is for the time being registered is guilty of an offence.

(2) The Minister may by regulations provide for or in relation to, the change of the name of a ship.

**52.** (1) The fee payable on the registration of a ship under this Part shall be as prescribed.

(2) The owner of a ship registered under this Part is liable, on the expiration of a period of 12 months after date of registration of the ship and on expiration of similar periods thereafter, to pay the prescribed annual registration fee (if any).

(3) Where an annual registration fee (if prescribed) is not paid within 30 days of the date on which the fee becomes due and payable, the court may, upon application by the Registrar, direct the amount remaining unpaid to be levied by distress or by the sale of the ship or the equipment of the ship.

(4) The Minister may make regulations relating to —

- (a) the grant of a new Certificate of Registry;
- (b) the loss of a Certificate of Registry;
- (c) the keeping of a record of masters;
- (d) the endorsement of a change of ownership on a Certificate of Registry;
- (e) the delivery of the Certificate of Registry when a ship is lost or broken up or has ceased to be a Seychelles ship.

## **PART IV**

### **LICENSING, SURVEYS AND MEASUREMENTS**

#### ***Licensing***

**53.** (1) Subject to subsection (2), every Seychelles ship required to be licensed as a vessel under the Licences Act shall be licensed under that Act and the provisions of that Act shall apply to a licence granted under that Act in respect of a ship.

(2) Before the granting of a licence, the Licensing Authority shall satisfy itself that the ship has been registered in accordance with this Act.

(3) An owner of a ship who refuses to return to the Licensing Authority, the licence revoked under the Licences Act after due notification by the Licensing Authority is guilty of an offence.

**54.** The tonnage certificate shall be produced before the Licensing Authority before licensing.

#### ***Survey and Tonnage Measurement***

**55.** (1) The Minister may by regulations, hereinafter referred to as ‘tonnage regulations’

- (a) provide for ascertaining the tonnage of ships;
- (b) make different provisions for different descriptions of ships or for the same description of ships in different circumstances;
- (c) make any provision of the regulations dependent on compliance with such conditions to be evidenced in such manner as may be specified in the regulations;
- (d) prohibit or restrict the carriage of goods or stores in spaces not included in the registered tonnage of a ship and provide for making the master and the owner each guilty of an offence.

(2) In the tonnage regulations, provision may be made —

- (a) for assigning to a ship, either instead of or as an alternative to the tonnage ascertained in accordance with the other provisions of the regulations, a lower tonnage applicable where the ship is not to be loaded to the full depth to which it can otherwise be safely loaded;
- (b) for indicating on the ship by such mark as is specified, that such a lower tonnage has been assigned to it and, where it has been assigned to it as an alternative, the depth to which the ship can be loaded for the lower tonnage to be applicable; and
- (c) for the issue of documents certifying the registered tonnage of any ship or the tonnage that is to be taken for any purpose specified as the tonnage of a ship not registered in Seychelles.

(3) In making the tonnage regulations the Minister shall have due regard to the International Convention on Tonnage Measurement of Ships 1969, including any amendments thereof.

**56.** (1) Where the tonnage of a ship has been ascertained in accordance with the tonnage regulations and such tonnage has been assigned to the ship, that tonnage shall be registered and thenceforth be deemed to be the tonnage of that ship.

(2) The tonnage of a ship as ascertained under subsection (1) shall be entered in every subsequent registration of the ship unless —

- (a) an alteration is made in the form or capacity of the ship; or
- (b) it is discovered that the tonnage of the ship has been erroneously computed,

and in either of those cases the ship shall be remeasured and her tonnage ascertained and registered according to the tonnage regulations.

**57.** (1) Where it appears to the Minister that a foreign country has promulgated rules on tonnage that are substantially the same as those under the tonnage regulations made under this

Part, the Minister may order that a ship of that country, without being remeasured in Seychelles, be deemed to be of the tonnage denoted in her Certificate of Registry or other national certificates relating to tonnage in the same manner, to the same extent and for the same purposes as the tonnage denoted in the Certificate of Registry of a Seychelles ship is deemed to be the tonnages of that ship.

(2) Any space shown by the Certificate of Registry or other certificates relating to tonnage of any foreign ship described in subsection (1) as deducted from tonnage on account of being occupied by seamen or apprentices and appropriated to their use, shall be deemed to have been certified under this Act and to comply with those provisions of this Act that apply to such a space in the case of Seychelles ships, unless a surveyor inspects the ship and certifies to the Minister that the construction and the equipment of the ship in respect of that space do not meet the standard required of a Seychelles ship under this Act, in which case the ship shall be remeasured and assigned a tonnage in accordance with this Act.

(3) Where it appears to the Minister that the tonnage of a foreign ship as measured by the rules as to tonnage of the country to which it belongs materially differs from that which would be its tonnage if measured under this Act, the Minister may order that any of the ships of that country be remeasured in accordance with this Act, for all or any of the purposes of this Act.

**58.** (1) Where a ship has been measured and registered as a foreign ship or has already been measured without being registered as a Seychelles ship, a surveyor may, for the purposes of section 57 accept and use any suitable figures of measurement contained in the latest register relating to that ship, or in the case of an unregistered ship, in the latest tonnage certificate relating to that ship.

(2) Before acting under subsection (1), the surveyor shall satisfy himself that there have been no changes of measurement since the making of the register or certificate that he proposes to use; and where any such changes have been made he shall remeasure the ship to the extent made necessary by the changes.

**59.** Where any alteration or reconstruction of a Seychelles ship is made that could affect the ship's classification, measurement, tonnage or load line, the owner or master of the ship shall, within thirty days (30) after the completion of the alteration or reconstruction, advise the Registrar of the alteration or reconstruction and give him details thereof.

**60.** (1) The Minister may appoint duly qualified persons within or outside Seychelles as surveyors to survey and measure ships under and for the purposes of this Act.

(2) The Minister may, by regulations, appoint any person within or outside Seychelles to be a classification society for the purposes of this Act and any classification society so appointed may appoint any person to survey and measure ships under and for the purposes of this Act, subject to such conditions as the Minister may impose.

**61.** Every ship shall, before being registered in Seychelles be marked permanently and conspicuously in accordance with the regulations made under this Part.

**62.** (1) Where the Registrar is satisfied that a ship is insufficiently or inaccurately marked, he may suspend the Certificate of Registry of the ship or in the absence of such certificate he may detain the ship until the insufficiency or inaccuracy has been remedied to his satisfaction.

(2) The Minister may make regulations exempting any class of ship from all or any of the requirements of this section.

## **PART V**

### **MORTGAGES AND LIENS**

#### ***Mortgages***

**63.** (1) A ship registered under this Part may be made a security for a loan or other valuable consideration, and the instrument creating the security shall be in the prescribed form.

(2) The Registrar, upon the production to him of a mortgage, shall register the mortgage by making an entry of the mortgage in the Register.

(3) The Registrar shall register mortgages in the order in which they are produced to him for that purpose and he shall endorse and sign a memorial on each mortgage, stating the date and time that it was produced to him.

**64.** The Registrar, after production to him of a discharge of mortgage in the prescribed form, shall make an entry in the Register that the mortgage has been discharged, and on that entry being made the estate (if any) which passed to the mortgagee vests in the person in whom (having regard to intervening acts and circumstances, if any) it would have vested if the mortgage had not been made.

**65.** (1) Where there are more than one mortgages registered in respect of the same ship registered under this Part, the mortgagees are, notwithstanding any express, implied, or constructive notice, entitled priority one over the other, according to the date and time at which each mortgage is produced to the Registrar and not according to the date of each mortgage itself.

(2) A registered mortgage shall not be affected by any act of bankruptcy committed by the mortgagor after the date of registration of the mortgage, notwithstanding that the mortgagor, where he is adjudicated bankrupt, at the commencement of his bankruptcy had the ship in his possession, order or disposition or was the reputed owner of the ship and the mortgage shall be preferred to any right, claim or interest in the ship of the other creditors of the insolvent or any trustee or assignee on their behalf.

**66.** (1) Except as may be necessary for making a mortgaged ship available as a security for the mortgage debt, a mortgagee shall not by reason of the mortgage be deemed to be the owner of the ship nor shall a mortgagor be deemed to have ceased to be the owner of the ship.

(2) Subject to subsections (3) and (4), a registered mortgagee shall have power absolutely to dispose of the ship in respect of which he is registered and to give effectual receipts of the purchase money.

(3) Where there are more persons than one registered as mortgagee of the same ship, a subsequent mortgagee shall not, except under an order of the court, sell the ship without the concurrence of every prior mortgagee.

(4) The mortgagee shall not sell the ship subject to the mortgage without the leave of the court.

**67.** (1) A registered mortgage of a ship may be transferred to any person by registration of the instrument of transfer in the prescribed form.

(2) On the production to the Registrar of an instrument of transfer of a registered mortgage and of the mortgage to which the instrument of transfer relates, the Registrar shall register the transfer by making an entry of the transfer in the Register and shall endorse and sign on the mortgage and on the instrument of transfer a memorial stating the date and time of the production to him of the instrument of transfer and mortgage.

**68.** (1) Where the interest of a mortgagee in a ship is transmitted to any person on the death or bankruptcy of the mortgagee, or by any lawful means, other than by a transfer under this Act, the transmission shall be authenticated by a declaration of the person to whom the interest is transmitted.

(2) A declaration referred to in subsection (1) shall be in the prescribed form and shall contain a statement of the manner in which, and the person to whom, the interest has been transmitted, and shall be accompanied by such evidence as is prescribed.

(3) The Registrar after receipt of the declaration and accompanying evidence, shall enter the name of the person entitled under the transmission in the Register as the mortgagee of the ship.

### ***Maritime Liens***

**69.** Subject to the provisions of this Act the following claims may be secured by maritime liens —

- (a) wages and other sums due to the master, officer and other members of the ship's complement, in respect of their employment on the ship;
- (b) port, canal and other waterway dues and pilotage dues;
- (c) claims against the owner in respect of loss of life or personal injury occurring, whether on land or water, in direct connection with the operation of the ship;
- (d) claims against the owner, based on a wrongful act and not on contract, in respect of loss of or damage to property occurring whether on land or on water, in direct connection with the operation of the ship;
- (e) claims for salvage, wreck removal and contribution in general average.

(2) In subsection (1), 'owner' includes, in relation to a ship, the charterer, manager or operator of such ship.

**70.** The maritime liens set out in section 69 shall take priority over mortgages and preferential rights registered under this Part, or arising under the law relating to bankruptcy, and except as provided in section 72 no other claim shall take priority over them.

**71.** The maritime liens set out in section 69 shall rank as follows —

- (a) maritime liens securing claims for salvage, wreck removal and contribution in general average shall take priority over all other maritime liens which have attached to the ship prior to the time when the operations giving rise to such liens were performed;
- (b) in the case of claims arising under paragraphs (a), (b), (c) and (d) of section 69, the claims rank *pari passu* among themselves;
- (c) in the case of claims arising under paragraph (e) of section 69, the claims rank in the reverse order of the time when the claim secured thereby accrued; and for this purpose claims for salvage shall be deemed to have accrued on the date on which the salvage operation was terminated, and claims for general average shall be deemed to have accrued on the day on which the general average was performed.

**72.** Where a preferential right arises, pursuant to the provisions of the law relating to bankruptcy, in respect of a ship in the possession of —

- (a) a ship builder, in order to secure claims for the building of the ship; or
- (b) a ship repairer, in order to secure claims for the repair of the ship, affected during such possession,

such rights shall be postponed to all the maritime liens set out in section 69 but may take precedence over any mortgage or other preferential right registered under this Part so long as the ship is in the possession of the ship builder or ship repairer, as the case may be.

**73.** The maritime liens set out in section 69 shall arise whether the claims secured by such liens are against the owners, the demise or other charterer, manager or operator of the ship and such liens shall (subject to the provisions of section 77) remain attached to the ship, notwithstanding any change of ownership or of registration.

**74.** A maritime lien shall not be attached to a ship to secure a claim under paragraph (c) or (d) of section 69 where such claim arises out of or results from the radioactive properties (or a combination of the radioactive properties with toxic, explosive or other hazardous properties) of nuclear fuel or of radioactive products or waste.

**75.** (1) The maritime liens relating to a ship set out in section 69 shall be extinguished after a period of one year from the time when the claims secured thereby arose unless, prior to the expiry of such period, the ship has been arrested and the arrest has led to a forced sale pursuant to the provisions of the rules of court or any other law for the time being in force relating to the sale of property in admiralty proceedings.

(2) The one year period referred to in subsection (1) shall not be subject to interruption or suspension except that time shall not run during the period the lien holder is legally prevented from arresting the vessel.

**76.** Prior to the forced sale of a ship as described in section 75, the executing officer shall give or cause to be given thirty days written notice of the time and place of such sale to —

- (a) all holders of mortgages and other preferential rights registered under this Part which have not been issued to bearer;

- (b) the holders of such mortgages and rights as have been issued to bearer, whose claims have been notified to the officer;
- (c) the holders of maritime liens set out in section 69, whose claims have been notified to the officer; and
- (d) the Registrar.

**77.** (1) In the event of the forced sale of a ship as described in section 75 and in accordance with the provisions of this Part —

- (a) all mortgages and other preferential rights registered under this Part, except those assumed by the purchaser with the consent of the holders thereof; and
- (b) all liens and other encumbrances of whatsoever nature but not including a charter party or contract for the use of the ship,

shall cease to attach to the ship.

(2) No charter party or contract for the use of the ship shall be deemed a lien or encumbrance for the purpose of this section.

**78.** The costs awarded by the court and arising out of the arrest and subsequent sale of a ship shall be paid first out of the proceeds of such sale, and the balance of such proceeds shall be distributed among —

- (a) the holders of maritime liens under section 69;
- (b) the holders of preferential rights under section 72; and
- (c) the holders of mortgages and other preferential rights registered under this Part,

in accordance with the provisions of this Part and to the extent necessary to satisfy their claims.

**79.** When a ship, registered in any country or a territory thereof, has been the subject of a forced sale in Seychelles the executing officer shall, at the request of the purchaser, and on being satisfied that the provisions of this Part have been complied with, issue a certificate to the effect that the ship is sold free of all mortgages, liens and other encumbrances (except those assumed by the purchaser), provided that the proceeds of such forced sale have been deposited with the authority competent to distribute such proceeds to the persons entitled therefor.

## **PART VI**

### **LOCAL VOYAGES**

**80.** (1) The Minister may exempt a particular ship or a particular class or description of ships from any requirement of this Part which would otherwise apply in relation to the ship.

- (2) An exemption under subsection (1) may be given in respect of —



- (a) a particular period;
- (b) one, or more than one, particular local voyage; or
- (c) generally.

**81.** (1) Subject to section 80, this section applies in relation to a ship which under the regulations —

- (a) requires in respect of a local voyage —
  - (i) any local safety certificate; or
  - (ii) any local load line certificate; or
- (b) requires a local Certificate of Registry to be in force when the ship engages in a local voyage.

(2) The Harbour Master may before a ship, in relation to which the section applies, goes to sea on a local voyage direct the master of the ship to produce to him for inspection —

- (a) the local safety certificate, the local load line certificate or appropriate exemption certificate required by the Regulations; or
- (b) as the case may be, the Certificate of Registry required by the Regulations and authorising the use of the ship in the trade concerned,

and the Harbour Master may refuse to give clearance to the ship until the appropriate certificate is so produced.

(3) A master of a ship who refuses, or fails without reasonable cause, to comply with a direction given under subsection (2) is guilty of an offence.

**82.**(1) Subsection (1) of section 81 applies for the purposes of this section as it applies for the purposes of section 81.

(2) Where a ship in relation to which this section applies engages in local trading and at any time when it does so there is not in force in relation to the ship —

- (a) the local safety certificate, local load line certificate or appropriate exemption certificate required by the Regulations; or
- (b) as the case may be, the Certificate of Registry required by the Regulations and authorising the use of the ship in the trade concerned,

the owner and master of the ship are each guilty of an offence.

(3) For the purposes of this section, a ship is deemed to be engaged in local trading where the ship takes on board passengers or cargo at a port or place in Seychelles to be carried to or landed at a port or place in Seychelles.

**83.** (1) The Minister may, by order published in the *Gazette*, issue directions with respect to the local procedures to be followed —

- (a) in relation to the clearance of ships before going to sea on a local voyage; and
- (b) for reporting the completion, or the completion of any stage, of a local voyage by a ship.

(2) Where any of the requirements of directions given under subsection (1) with respect to the clearance of a ship or respecting the completion, or the completion of any stage, of a local voyage by a ship is not complied with the owner and master of the ship are each guilty of an offence.

(3) The Harbour Master or any customs, trades tax or police officer may stop, search and detain any ship if he has reasonable cause to believe that an offence against section 82 or subsection (2) of this section is about to be or has been committed in relation to the ship.

(4) Any person aggrieved by the detention of a ship under the powers conferred by subsection (3) may appeal to the Minister, who may order the release of the ship or confirm its detention.

(5) Directions issued under subsection (1) —

- (a) may make different provision in relation to —
  - (i) different ships or classes or descriptions of ship; or
  - (ii) local voyages between different places;
- (b) may specify circumstances in which it shall be lawful to refuse to give clearance to any ship; and
- (c) shall not affect the exercise of the power under section 81 (2).

**84.** (1) The Minister may by regulations make provision for and in relation to, or confer powers on any named authority to make orders to give directions for or in relation to —

- (a) the manner of survey or inspection of ships;
- (b) the period or periods within which ships shall be surveyed or inspected;
- (c) the circumstance in which, at the request of the owner of a ship, a survey or inspection may be carried out;
- (d) the issue of Certificates of Registry and their cancellation;
- (e) any matter for which provision may be made in Regulations in relation to a ship registered under Part III.

(2) Regulations made under subsection (1) shall not apply in relation to —

- (a) a ship registered under Part III;
- (b) a ship registered in a foreign country;
- (c) a pleasure vessel, that is to say a vessel —
  - (i) exclusively used for pleasure; and
  - (ii) not used for hire, reward or any commercial purpose;
- (d) a vessel that is licensed under the Control of Hire Craft Act;
- (e) a fishing vessel registered under the law for the time being in force requiring the registration of any such vessels.

## **PART VII**

### **SAFETY**

#### *Conventions and their Implementation*

**85.** (1) Subject to this Act and to any other law, the Collisions Convention, the Load Line Convention and the Safety Convention shall have the force of law in Seychelles

(2) Where the President is satisfied —

- (a) that the government of any country has ratified, acceded to or denounced any Convention referred to in subsection (1); or
- (b) that any such Convention has been applied or has ceased to apply to any country,

he may, by notice published in the *Gazette*, make a declaration to that effect.

(3) The President may, by instrument in writing, certify that an amendment to any Convention referred to in subsection (1) is an amendment that is objected to, or that it is not accepted, by Seychelles.

(4) A notice published pursuant to subsection (2) or a certificate given pursuant to subsection (3) shall be received in any proceedings as evidence of the matter so declared or, as the case may be, so certified.

(5) The Regulations may make provision for, or in relation to the implementation of, or giving effect to, any Convention referred to in subsection (1).

**86.** (1) Where, in respect of a ship that is —

- (a) registered under this Act; and
- (b) a Safety Convention ship,

there is a failure to comply with a requirement of the Safety Convention, the master and the owner of the ship are each guilty of an offence.

(2) Where, in respect of a ship that is —

- (a) registered under this Act ; and
- (b) a Load Line Convention ship,

there is a failure to comply with a requirement of the Load Line Convention, the master and the owner of the ship are each guilty of an offence.

(3) Where, in respect of —

- (a) a ship that is registered under this Act; or
- (b) any other ship or vessel that is within the territorial waters of Seychelles,

the owner or the master, of the ship or vessel, or any other person, fails to comply with a requirement of the Collisions Convention, the master or owner of the ship or vessel, or that other person, as the case may be, is guilty of an offence.

(4) Where, in respect of a ship to which subsection (1) or (2) applies, there is a failure to comply with a requirement of the Safety Convention or, as the case may be, the Load Line Convention then, without prejudice to any liability which is or may be incurred under subsection (1) or (2) in respect of the failure, the Registrar may suspend the Certificate of Registry of the ship until the failure is rectified.

### ***Local Certificates***

**87.** (1) The Minister may by regulations make provision, or provide for the making of provision with respect to —

- (a) prescribing safety requirements and providing for surveys and inspections and the issue of local safety and load line certificates, in respect of any ship —
  - (i) that is registered under this Act;
  - (ii) that is not a Safety Convention ship; and
  - (iii) that is engaged in international voyages or local voyages; and
- (b) prescribing the period during which any such certificate is to remain in force, and providing for the renewal and cancellation of any such certificate.

(2) The Regulations may confer powers on any named authorities to make orders to give directions for or in relation to any matter referred to in subsection (1).

### ***Proceeding to Sea***

- 88.** (1) Subject to subsection (2), this section applies in relation to a ship that is —
- (a) a Load Line Convention ship;
  - (b) a Safety Convention ship; or
  - (c) a ship which, under the Regulations, requires in respect of an international voyage —
    - (i) any local safety certificates; or
    - (ii) any local load line certificates.

(2) A ship which —

- (a) is not subject to—
  - (i) the Load Line Convention; or
  - (ii) the Safety Convention; or
- (b) does not require a local safety certificate or local load line certificate,

at the time of its departure on any voyage shall not become subject to this section on account of any deviation from its intended voyage due to stress of weather or any other cause of force majeure.

(3) The Harbour Master may, before a ship in relation to which this section applies, goes to sea on an international voyage direct the master of the ship to produce to him for inspection the appropriate certificate in respect of the ship, and the Harbour Master may refuse to give clearance to the ship until certificate is so produced.

(4) A master of a ship who refuses, or fails without reasonable cause, to comply with a direction given under subsection (3) is guilty of an offence.

(5) Nothing in this section affects any control which may be exercised in respect of a Load Line Convention ship or a Safety Convention ship under Article 21 of the Load Line Convention or, as the case may be, Regulation 19 of Chapter 1 of the Safety Convention.

(6) For the purposes of this section, 'appropriate certificate' means, in respect of a ship —

- (a) to which subsection (1) (a) refers, an International Load Line Certificate (1986) or, where appropriate, an International Load Line Exemption Certificate, required by that Convention to be in force in respect of the ship;
- (b) to which subsection (1) (b) refers, the Safety Convention certificates (including exemption certificates where appropriate), required by that Convention to be in force in respect of the ship; or
- (c) to which —

- (i) subsection (1) (c) (i) refers, the local Safety Certificates (including exemption certificates where appropriate), required by the Regulations to be in force in respect of the ship; or
- (ii) subsection (1) (c) (ii) refers, a local Load Line Certificate, or a local Load Line Exemption Certificate required by the Regulations to be in force in respect of the ship,

and where more than one of the paragraphs in subsection (1) apply in relation to a ship, the ‘appropriate certificate’, in relation to that ship, means the certificates specified in the relevant paragraphs of this subsection.

**89.** (1) This section applies in relation to any ship that is at a port or place in Seychelles.

(2) Where, whether on complaint, representation or otherwise, the Harbour Master has reason to believe that a ship in relation to which this section applies is unsafe, he may cause the ship to be detained until he is satisfied that the ship can go to sea without danger to the crew or any passengers on the ship, having regard to the voyage proposed.

(3) A ship is deemed to be unsafe for the purposes of this section if, by reason of —

- (a) the defective condition of the hull, machinery or equipment;
- (b) undermanning;
- (c) overloading or improper loading; or
- (d) any other matter,

the ship cannot proceed to sea without danger to the crew or any passengers on the ship, having regard to the voyage proposed.

(4) In considering for the purposes of this section whether or not a ship is unsafe, regard shall be had -

- (a) to the Load Line Convention;
- (b) to the Safety Convention;
- (c) to the STCW Convention; or
- (d) to the Regulations,

where applicable in relation to the ship concerned.

**90.** (1) Where a ship is detained pursuant to section 89, the Harbour Master shall give notice in writing to the owner or master setting out the reasons for the detention.

(2) Where a ship that is registered in a country other than Seychelles is detained pursuant to section 89, the Harbour Master shall, in addition, so inform the Minister and the

Minister shall cause the consul or other diplomatic representative of the country, resident in Seychelles, (or if no representative is so resident, in the country nearest to Mahe) in which the ship is registered to be informed of the detention and of the reasons for the detention.

**91.** (1) This section applies in relation to —

- (a) a ship registered under this Act;
- (b) a ship which, under the Regulations, requires, in respect of a local voyage, a local Certificate of Registry; or
- (c) a ship registered in a country other than Seychelles.

(2) Where —

- (a) a ship referred to in subsection (1) (a) goes to sea on any voyage;
- (b) ship referred to in subsection (1) (b) goes to sea on a local voyage; or
- (c) a ship referred to in subsection (1) (c) goes to sea on a local voyage,

and the ship is unsafe,

- (i) any person who has sent, or attempted to send; and
  - (ii) the master of the ship who has taken, or attempted to take,
- the unsafe ship to sea are each guilty of an offence

(3) It is a defence to a prosecution for an offence under subsection (2) if the accused person proves that —

- (a) he used all reasonable means to ensure that the ship was being sent or taken to sea in a safe state; or
- (b) having regard to the circumstances, the sending or taking of the ship to sea, was reasonable and justifiable.

(4) The provisions of section 89 (3) and (4) apply for the purposes of this section as they apply for the purposes of section 89.

**92.** (1) This section applies in relation to —

- (a) a ship registered under this Act;
- (b) a ship such as is referred to in section 91 (1) (b); or
- (c) any other ship.

(2) Where —

- (a) a ship referred to in subsection (1) (a) goes to sea on any voyage;
- (b) a ship referred to in subsection (1) (b) goes to sea on a local voyage or;
- (c) a ship referred to in subsection (1) (c) goes to sea on a local voyage,

and the ship —

- (i) does not carry the equipment sufficient to meet the requirements of any of the following instruments which apply in relation to the ship namely —

- (A) the Regulations;
- (B) the Collision Convention
- (C) the Load Line Convention;
- (D) the Safety Convention,

and required by those instruments to be carried on or fitted to the ship on the voyage; or

- (ii) carried any such equipment, so required to be carried or fitted, which is not in good order and ready for use,

the master and owner of the ship are each guilty of an offence.

### ***General Safety and Precautions***

**93.** (1) The master of a ship, not being an exempt ship, at sea within the territorial waters of Seychelles shall make by radio a report —

- (a) in the prescribed manner; and
- (b) to the prescribed officer,

of any serious danger to navigation which comes to his notice while the ship is so at sea.

(2) The master of a ship who refuses or fails without reasonable excuse, to comply with subsection (1) is guilty of an offence.

(3) The Minister may, by order published in the *Gazette*, exempt any ship, or class or description of ships, from the requirements of subsection (1), and the reference in subsection (1) to an 'exempt ship' shall be construed accordingly.

**94.** (1) Subjection to subsection (2), the master of the ship, not being an exempt ship, who refuses or fails without reasonable excuse, when the ship is at sea within the territorial waters of Seychelles, to make by radio —

- (a) in the prescribed manner;



(b) to the prescribed officer; and

(c) within the prescribed periods,

reports of the position of the ship and of the movements of the ship is guilty of an offence.

(2) The Minister may, by order published in the *Gazette*, exempt any ship, or class or description of ships, from the requirements of subsection (1), and the reference in subsection (1) to 'an exempt ship' shall be construed accordingly.

**95.** A person who, except in the case of a ship that is in distress and requires assistance, exhibits a signal that is prescribed in the Collisions Convention as being a signal used to designate a vessel that is in distress and that requires assistance is guilty of an offence.

**96.** (1) This section applies in relation to —

(a) a ship registered under this Act;

(b) a ship such as is referred to in section 91 (1) (b); or

(c) a ship which is within the territorial waters of Seychelles.

(2) The master of a ship in relation to which this section applies, shall render assistance to any person who is found at sea in distress.

(3) A master of a ship in relation to which this section applies, who without reasonable cause (the burden of proof of which is on him) fails to comply with subsection (2) is guilty of an offence.

(4) It is a defence in a prosecution for an offence under subsection (3) if the master proves that compliance with the requirement of subsection (2) would have caused serious danger to his ship or to any person therein.

**97.** (1) In every case of collision between two ships it shall be the duty of the person in charge of each ship, if and in so far as he can do so without danger to his own ship, crew and passengers (if any) —

(a) to render the other ship, her master, crew and passengers (if any) such assistance as is practicable and necessary in order to save them from danger caused by the collision;

(b) to stay by the other ship until he has ascertained that she has no need of further assistance; and

(c) to give to the person in charge the name of his own ship and of the port to which she belongs and also the names of the ports from which she comes and to which she is bound.

(2) Where a person in charge of a ship fails without reasonable cause to comply with subsection (1), he is guilty of an offence.

**98.** Compliance by the master of a ship with the requirement of section 96 or 97 of this Act or with Regulation 10 of the Safety Convention, shall not affect his right, or the right of any other person, to salvage.

### ***Load Line and Loading***

**99.** For the purposes of sections 100 and 101 ‘Load Lines’ means the lines marked on a ship in accordance with and for the purpose of —

- (a) the Load Line Convention; or
- (b) the Regulations,

and indicating the maximum depth to which the ship may be safely loaded.

**100.** (1) A person who wilfully conceals, alters or defaces any load line marked on a ship is guilty of an offence.

(2) The owner or master of a ship who suffers or permits any load line marked on a ship to be concealed, altered or defaced is guilty of an offence.

**101.** (1) This section applies in relation to —

- (a) a Load Line Convention ship that is registered under this Act and marked with a load line;
- (b) a Load Line Convention ship that is marked with a load line but not registered under this Act; or
- (c) a ship marked with a load line for the purpose of the Regulations.

(2) A ship referred to —

- (a) in subsection (1) (a) or (c); or
- (b) in subsection (1) (b) which is within a port in Seychelles,

shall not be so loaded that if the ship is in salt water and has no list, the appropriate load line on each side of the ship is submerged.

(3) Subject to subsection (5), where any ship in relation to which this section applies is loaded in contravention of subsection (2) the owner and master are each guilty of an offence.

(4) Where any ship in relation to which this section applies is loaded in contravention of subsection (2) and goes to sea —

- (a) the master of the ship; and
- (b) any other person who, having reason to believe that the ship is so loaded, sends or is a party to sending the ship to sea,

are each guilty of an offence, without prejudice to any offence under subsection (3).

(5) It is a defence to a prosecution for an offence under subsection (3) if the accused proves that the contravention was due solely to deviation or delay and that the deviation or delay was caused solely by stress of weather or other circumstances which neither the master nor the owner of the ship could have prevented or forestalled.

(6) Without prejudice to any proceeding under this section, any ship which is loaded in contravention of subsection (2) may be detained pursuant to section 89 and where appropriate, section 90 applies in relation to any such detention.

### ***Grains and Bulk Cargoes***

**102.** The Minister may make regulations relating to —

- (a) the safe carriage and storage of bulk cargoes having due regard to the Code of Safety Practice for Bulk Cargoes issued by the International Maritime Organization and amendments thereto or replacements thereof;
- (b) the safe carriage and storage of grain in compliance with the International Convention for the Safety of Life at Sea, 1974, and amendments thereto or replacements thereof, as they come into force for Seychelles;
- (c) the requirements to be complied with when cargo is carried in any uncovered space on the deck of a load line ship.

**103.** (1) Where grain is loaded on board a Seychelles ship or is loaded in Seychelles on board any ship, all necessary and reasonable precautions shall be taken to prevent the grain from shifting; and, if such precautions are not taken, the owner or the master or any agent of the owner who was charged with the loading or with sending the ship to sea laden with the grain, is guilty of an offence, and the ship shall be deemed for the purposes of this Act to be unsafe by reason of improper loading.

(2) Any person authorized by the Shipping Master to ensure the observance of the provisions of this section may go on board any Seychelles ship or any ship that is in port in Seychelles and inspect any grain loaded in the ship and the manner in which it is stowed and shall have all the powers of a Surveyor of Ships under this Act.

(3) Where any ship, loaded with grain outside Seychelles without necessary and reasonable precautions having been taken to prevent the grain from shifting, enters any port in Seychelles so laden, the owner or master is guilty of an offence and the ship shall be deemed for the purposes of this Act to be unsafe by reason of improper loading.

**104.** No offence is committed under section 103 (3) where the ship would not have entered any such port but for stress of weather or any other cause or force majeure, which neither the master, the owner nor the charterer if any, could have prevented or forestalled.

### ***Dangerous Goods and Safety***

**105.** In sections 106, 107, 108 and 109 'dangerous goods' means any goods listed as dangerous goods in the International Maritime Dangerous Goods Code (IMDGC) published by the International Maritime Organisation, London, 1977, or any such code so published subsequently, from time to time.

**106.** The master or owner of a ship at a port or place in Seychelles may —

- (a) refuse to take on board any package which he suspects may contain dangerous goods;
- (b) open and inspect any package which he suspects may contain dangerous goods; and
- (c) discharge, destroy, render innocuous or otherwise deal with any goods which —
  - (i) in his opinion are dangerous goods; and
  - (ii) have been shipped on board the ship without his knowledge and consent,

and shall not be subject to any liability of any kind for doing so.

**107.** (1) A person who sends or attempts to send by any ship, or (not being the owner or master of the ship) carries or attempts to carry in any ship, any dangerous goods without —

- (a) distinctly marking their nature on the outside of the package containing the goods; and
- (b) at or before the time of sending the goods to be shipped, or taking them on board the ship, giving written notice to the master or owner of the ship of the nature and address of the sender or carrier of the goods,

is guilty of an offence.

(2) Any person who knowingly sends or attempts to send by, or carries or attempts to carry in, any ship dangerous goods under a false description, or falsely describes the sender or carrier of any dangerous goods, is guilty of an offence.

**108.** (1) Where any dangerous goods have been sent or carried, or an attempt has been made to send or carry dangerous goods, on board any ship in contravention of this Act, the court trying an offence under section 107 may order the goods and any packages or container in which they are contained, to be forfeited to the Republic.

(2) The court may exercise the power conferred by subsection (1) notwithstanding —

- (a) that the owner of the goods has not committed any offence in respect of the goods, or is not before the court, or has no notice of the proceedings; or
- (b) that there is no evidence as to the ownership of the goods,

but the court may require such notice as it may direct to be given to the owner or shipper of the goods before they are forfeited.

**109.** Provision may be made in the regulations for regulation in the interests of safety —

- (a) the procedures to be followed in relation to a ship carrying dangerous goods, and proposing to call at a port or place in Seychelles;
- (b) the loading or unloading of ships within the territorial limits of Seychelles, and the storage of dangerous goods; and
- (c) the determination by the Harbour Master or an authorised officer with respect to the requirements for the packing, stowage, marking and carriage of dangerous goods in ships, other than Safety Convention ships.

***Passengers***

**110.** (1) This section applies in relation to —

- (a) a ship registered under this Act;
- (b) a ship such as is referred to in section 91 (1) (b); or
- (c) any other ship engaged on a local voyage.

(2) Where in the opinion of the Harbour Master or an authorized officer there could be danger to the safety, comfort, health or well-being of any passenger on a ship in relation to which this section applies, by reason of the manner in which the ship is —

- (a) equipped;
- (b) manned;
- (c) carrying-
  - (i) cargo;
  - (ii) livestock; or
  - (iii) ballast; or
- (d) provided with —
  - (i) passenger or hospital accommodation;
  - (ii) sanitary, health or medical services; or
  - (iii) provisions, water or stores,

the Harbour Master or the authorized officer may notify the master or the ship accordingly.

(3) Where notification is given under subsection (2), the carriage of passengers in the ship in respect of which the notification is given is prohibited until such time as the Harbour

Master or, as the case may be, the authorized officer, is satisfied that passengers may be carried without danger to their safety, comfort, health or well-being.

(4) The master of a ship carrying passengers who takes the ship to sea while the carriage of passengers is prohibited under subsection (2) is guilty of an offence.

**111.** The Regulations may, in relation to a ship carrying passengers, make provision for and in relation to —

- (a) the accommodation of passengers;
- (b) the manner of notification of the carriage of unberthed passengers;
- (c) provisions, water, medical stores and medical inspection;
- (d) the carriage of medical staff and the provision of hospital accommodation;
- (e) sanitary facilities;
- (f) sale of alcohol;
- (g) passenger lists;
- (h) the cargo which may be carried and the method of stowing cargo;
- (i) the maintenance of good order in respect of the passengers;
- (j) the prevention of wilful damage and injury to the machinery or equipment of a ship by a passenger;
- (k) the prevention of any obstruction to any crewman in the execution of his duty; or
- (l) the prevention of the molesting of or interference with any person on board the ship.

**112.** Regulations made pursuant to section 111 shall apply only in relation to —

- (a) a ship registered under this Act; or
- (b) a ship such as is referred to in section 91 (1) (b); or
- (c) any other ship engaged on a local voyage.

## **PART VIII**

### **SEAWORTHINESS OF SHIPS**

**113.** In this Part 'unseaworthy ship' means a ship that is by reason of the defective condition of its hull, equipment or machinery, or by reason of undermanning, overload or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which the ship is intended.

**114.** (1) Any person who sends or attempts to send any Seychelles or foreign ship to sea from any port in Seychelles in such an unseaworthy state that the life of any person is likely to be thereby endangered is guilty of an offence, unless he proves either —

(a) that he used all reasonable means to ensure that the ship was sent to sea in a seaworthy state; or

(b) that sending the ship to sea in such an unseaworthy state was in the circumstances reasonable and justifiable.

(2) Any master of a ship, Seychelles or foreign, who knowingly takes such a ship to sea from any port in Seychelles in such an unseaworthy state that the life of any person is likely to be thereby endangered, is guilty of an offence, unless he proves that taking the ship to sea in such an unseaworthy state was in the circumstances reasonable and justifiable.

(3) Prosecution under this section shall not be instituted except with the consent of the Attorney-General.

**115.** (1) In every contract of service express or implied, between the owner of a ship and the master or any seaman thereof, or in any instrument of apprenticeship whereby any person is bound to serve on board ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship that the owner of the ship and the master and every agent charged with the loading of the ship, or the preparing of the ship for sea, or the sending of the ship to sea, shall use all reasonable means to ensure the seaworthiness of the ship at the time when the voyage commences and to keep the ship in a seaworthy condition during the voyage.

(2) Nothing in this section shall subject the owner of a ship to any liability by reason of the ship sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable.

**116.** (1) Where, whether on a complaint or representation made to him or otherwise, the Harbour Master or a surveyor has reason, to believe that any Seychelles ship, or any foreign ship at a port in Seychelles is an unseaworthy ship, he shall, if the complaint or representation is made in sufficient time before the sailing of the ship, ascertain whether or not the ship ought to be detained.

(2) Where the Harbour Master or surveyor is satisfied that the ship is an unseaworthy ship, he may —

(a) in the case of any ship, cause the ship to be detained; and

(b) in the case of a Seychelles ship, cause its Safety Certificates to be suspended, until he is satisfied that the ship is fit to proceed to sea.

(3) Where the ship is detained pursuant to subsection (2), the Harbour Master may adopt any measure or means he thinks suitable or necessary to prevent the ship from sailing while it is an unseaworthy ship.

**117.** (1) The Harbour Master, if he has reason to believe (whether on a complaint or otherwise) that a ship in any port in Seychelles is an unseaworthy ship, may by order provisionally detain it for the purpose of being surveyed.

(2) Where a ship has been provisionally detained by order under subsection (1) —

- (a) a written statement of the ground of the detention of such ship shall forthwith be served on the master of the ship;
- (b) in the case of a foreign ship, a copy of such order shall forthwith be served on the consular officer for the country to which the ship belongs at or nearest to the port in which the ship may be;
- (c) the Harbour Master may, if he thinks fit, appoint some competent person or persons to survey the ship and report thereon to him;
- (d) the owner or master of the ship may, at any time before any person or persons appointed under paragraph (c) to survey the ship make such a survey, require such person or persons to be accompanied by such person as the owner or master may select from the list of assessors approved for the purpose of inquiries under section 170 or 206 for the port at which the ship is detained and in that case, if all such persons agree the Harbour Master shall cause the ship to be detained or released accordingly as the circumstances may require but without prejudice to any appeal under subsection (4) or, if they do not agree, shall act as if such requisition has not been made;
- (e) in the case of a foreign ship, the consular officer referred to in paragraph (b) may, on the request of the owner or master of the ship, require that any person or persons appointed under paragraph (c) shall be accompanied by such person as the consular officer selects and, if all such persons agree, the Director shall cause the ship to be detained or released as the circumstances may require (but without prejudice to any appeal under subsection (4) or, if they do not agree, shall act as if such requisition had not been made).

(3) The Harbour Master, on receiving the report, on a ship referred to in subsection (2), may —

- (a) order the ship to be released; or
- (b) if in his opinion the ship is unseaworthy, subject to subsection (4), order her to be finally detained, either absolutely or until the compliance with such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, or the manning of the ship as he thinks necessary for the protection of human life, and may vary or add to any such order.



(4) Before an order for the final detention of a ship under subsection (3) is made, a copy of the report on the ship referred to in paragraph (c) of subsection (2) shall be served upon the master of the ship and within seven days of such service the owner or master of the ship may appeal in the prescribed manner to the Minister.

(5) Where a ship has been provisionally detained under subsection (1), the Harbour Master may at any time, if he thinks it expedient, refer the matter to the Marine Board constituted under Part XIV.

(6) The Harbour Master may at any time, if satisfied that a ship detained under this section is not unseaworthy order her to be released either upon or without any condition.

**118.** (1) An order for the detention of a ship, whether provisional or final, and any order varying such order, shall be served as soon as may be on the master of the ship.

(2) A ship detained under this Act shall not be released by reason of the Seychelles registry of such ship being closed.

**119.** (1) Every marine officer and surveyor shall have the same power as the Harbour Master has under section 117 to order the provisional detention of a ship for the purpose of survey or for ascertaining the sufficiency of her crew, and of appointing a person or persons to survey the ship; and if he thinks that a ship so detained by him is not unseaworthy he may order the release of that ship.

(2) Any officer detaining a ship under subsection (1) shall forthwith report to the Harbour Master any order made by him for the detention or release of the ship.

(3) Any person surveying a ship under section 117 (2) (c), and any officer detaining a ship under subsection (1) of this section, shall, for the purpose of such survey and detention, have the same power as a person authorised or appointed to conduct an inquiry under section 170 or a marine inquiry under Part XI, and the provisions of this Act with respect to a person so authorised or appointed shall apply accordingly; and the powers exercisable by such person or officer shall include power to muster the crew of the ship.

**120.** (1) If it appears that there was no reasonable and probable cause, by reason of the condition of a ship or the act or default of the owner thereof, for the provisional detention under this Part of a ship as an unseaworthy ship, the Government shall be liable to pay to the owner of the ship —

- (a) his costs of and incidental to the detention and survey of the ship; and
- (b) compensation for any loss or damage sustained by him by reason of the detention and survey.

(2) If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was at the time of such detention unseaworthy, the owner of the ship shall be liable to pay to the Government the costs of and incidental to the detention and survey of the ship and such costs shall, without prejudice to any other remedy, be recoverable in the same manner as salvage is recoverable.

(3) For the purposes of this Act, the costs of and incidental to any proceeding before a court or the Marine Board constituted under Part XIV, and a reasonable amount in respect of the remuneration of the persons appointed as surveyors under section 117 (2) (c), or any persons appointed to represent the Government, shall be part of the costs of the detention and survey of the ship.

(4) Any dispute as to the amount of the costs of the detention and survey of a ship may be referred to a Judge of the Supreme Court who shall, on the request of the Minister, ascertain and certify the proper amount of those costs.

(5) An action for any costs or compensation payable by the Government under this section may be brought against the Attorney-General.

**121.** (1) Where a complaint is made to the Harbour Master, a marine officer or a surveyor, that a Seychelles ship is unseaworthy, such officer may require the complainant to give security to the satisfaction of such officer, for any costs and compensation which he may become liable to pay as mentioned in subsection (3).

(2) The security referred to in subsection (1) shall not be required where the complaint relating to a ship —

(a) is made by one-fourth, being not less than three of the seamen belonging to the ship; and

(b) is not in the opinion of the Harbour Master, marine officer or surveyor, as the case may be frivolous or vexatious,

but in such case the Harbour Master, marine officer or surveyor, if the complaint is made in sufficient time before sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained.

(3) Where a ship is detained in consequence of any complaint under subsection (1), and the circumstances are such that the Government is liable under section 120 to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Government all such costs and compensation as the Government incurs or is liable to pay in respect of the detention and survey of the ship.

**122.** (1) If in any proceedings against any seaman of any ship for the offence of desertion or absence without leave, it is alleged by one-fourth, or if their number exceeds twenty by not less than five, of the seamen belonging to the ship—

(a) that the ship is by reason of un-seaworthiness, overloading, improper loading, defective equipment, or any other reason, not in a fit condition to proceed to sea; or

(b) that the crew accommodation in the ship is insufficient or does not comply with the requirement imposed by any regulations made under section 142,

the court having cognizance of the case shall take such means as are in its power to satisfy itself concerning the truth of the allegation, and for that purpose —

(i) shall receive the evidence of the person making the allegation;

- (ii) may summon any other witnesses whose evidence it thinks desirable to hear;
- (iii) shall, if satisfied that the allegation is groundless, adjudicate the case; and
- (iv) shall, if satisfied that the allegation is not groundless, before adjudication cause the ship to be surveyed.

(2) A seaman charged with desertion or with absence from his ship without leave shall not have a right to apply for a survey under this section unless he has, before leaving the ship, complained to the master of the circumstances alleged by him to justify a survey of the ship.

**123.** (1) For the purposes of section 122, the court shall require —

- (a) any surveyor; or
- (b) if a surveyor cannot be obtained without reasonable expense or delay, or is not in the opinion of the court competent to deal with the special circumstances of the case, then, any other impartial surveyor appointed by the court and having no interest in the ship, her freight or cargo, to survey the ship which is the subject of an allegation under that section, and to answer any question concerning such ship which the court thinks fit to ask.

(2) A surveyor appointed under subsection (1) to survey any ship shall survey the ship, make a written report thereon to the court, and include in his written report an answer to every question put to him by the court.

(3) On receiving a report under subsection (2), the court shall —

- (a) communicate the report to the parties.; and
- (b) unless the opinions expressed in the report are proved to the satisfaction of the court to be erroneous, determine the question before it in accordance with those opinions.

(4) Any person carrying out a survey of a ship under this section shall have for the purposes thereof all the powers conferred on an inspector by section 8.

**124.** (1) The costs, if any, of a survey of a ship made under section 123 shall be determined by the Harbour Master according to a prescribed scale of fees.

(2) If it is proved that the ship is in a fit condition to proceed to sea, or that the accommodation therein is sufficient or complies with such requirements as may be prescribed, as the case may be, the costs of the survey shall be paid by the person upon whose demand or in consequence of whose allegation the survey was made and such costs may be deducted by the master or owner of the ship from the wages due or to become due to that person, and shall be paid to the Government.

(3) If it is proved that the ship is not in a fit condition to proceed the sea, or that the accommodation therein is not sufficient or does not comply with such requirements as may be prescribed, as the case may be, the master or owner of the ship shall pay the costs of the survey to the Government, and in addition be liable to pay to the seamen who has been charged in any proceedings referred to in section 122 such compensation as the court may award.

## **PART I**

### **MASTER AND SEAMEN**

#### ***Introduction***

**125.** (1) Subject to this Part, sections 131 to 175 apply unless otherwise specified in relation to —

- (a) a ship that is registered under this Act; and
- (b) any class or description of ships identified in an order made under subsection (2) to the extent that the order so provides.

(2) The Minister may make an order for the purposes of subsection (1) (b) which shall be published in the *Gazette*.

**126.** (1) Subject to subsection (3), the Minister may, by order published in the *Gazette*, exempt a particular ship or a particular class or description of ships from any requirement of this Part which otherwise applies in relation to the ship.

(2) An exemption under subsection (1) may be given in respect of —

- (a) a particular period;
- (b) one, or more than one, particular voyage; or
- (c) generally.

(3) No exemption shall be given under subsection (1) in relation to the requirement of section 135.

(4) The Minister may give an exemption under subsection (1) in respect of the manning requirements under section 131 only if he is satisfied that, by reason of the ship's size and conditions of voyage, those requirements are unreasonable or impracticable.

#### ***Certification***

**127.** In sections 128 to 130 'crewman' means a master or a seaman.

**128.** A crewman may be qualified in one, or more than one, of the grades which may be prescribed.

#### ***Qualifications***

**129.** Where the Minister is satisfied that certificates of competency or service are issued in any other country on similar principles as those applicable in relation to the issue of like certificates under this Division, the Minister may, by order published in the *Gazette* —

- (a) declare that the said certificates shall be of the same force as if they had been issued under this Act;
- (b) declare that all or any of the provisions of this Act shall apply to the certificates referred to in the order; and
- (c) impose such conditions with respect to the certificates as are prescribed in the order.

**130.** The Regulations may make provision for and in relation to —

- (a) the standards of competency to be attained by a crewman and other conditions to be satisfied in order for a crewman to attain a particular grade;
- (b) the manner in which the attainment of any standard or the satisfaction of any other condition is to be evidenced;
- (c) the manner and conduct of any examinations and the conditions for admission to examinations;
- (d) the appointment and remuneration of examiners;
- (e) the authority that may issue, and the issue, form and recording of certificates of competency and other documents;
- (f) the endorsement of certificates of competency and other documents;
- (g) the revocation of certificates of competency;
- (h) the replacement of lost certificates of competency;
- (i) savings in respect of existing certificates of competency; and
- (j) the issue of certificates of service and the effect of any such certificate.

### ***Manning Levels***

**131.** (1) Subject to this section, the scale of qualified persons to be carried on a ship when engaged in any prescribed trade shall be as prescribed.

(2) Subject to subsection (3), the Marine Board may issue in writing a dispensation permitting a specified person to serve in the specified ship in a capacity for which he does not hold the appropriate certificate.

(3) The power of the Marine Board to issue any dispensation under subsection (2) is subject to the conditions set out in Article VIII of the S.T.C.W. Convention.

(4) For the purpose of the application, pursuant to subsection (3) of Article VIII of the S.T.C.W. Convention, the reference in that Article to 'Administration' or 'the Administrator' shall be deemed to be a reference to the Marine Board.

**132.** Subject to section 131, a person who goes to sea to serve on a ship as a person of a particular grade and who does not hold the appropriate certificate for that grade is guilty of an offence.

**133.** Subject to section 131, an owner or master of a ship who suffers or permits the ship to go to sea on a voyage without carrying the prescribed scale of qualified persons in respect of that voyage is guilty of an offence.

### ***Crew Agreements***

**134.** The Regulations may make provision, for and in for relation to a ship referred to in section 125, with respect to —

- (a) the conditions and particulars to be included in crew agreements;
- (b) the form of a crew agreement and the manner in which an agreement shall be made;
- (c) the manner in which a crew agreement shall be —
  - (i) amended; or
  - (ii) lodged with the Shipping Master;
- (d) the circumstances in which a crew agreement or a copy of an agreement, shall be carried in a ship;
- (e) the requirements for a crew agreement, or a copy of an agreement, to be delivered to an authorised officer;
- (f) the requirements for a crew agreement or a copy of an agreement, to be made available for perusal by an authorised officer;
- (g) the conditions under which a person not under 16 years of age but less than 18 years of age may enter into a crew agreement;
- (h) the notice required to be given to the Shipping Master before a crew agreement is entered into or terminated;
- (i) the procedures and practices to be followed on the termination of a crew agreement; and
- (j) the circumstances under which, other than by reason of termination of a crew agreement, a seaman may be left behind from a ship outside Seychelles.

**135.** The provisions of the Employment Act shall have effect with respect to the employment of persons under the minimum age of employment in a ship.

**136.** A person who demands or receives, directly or indirectly, from another person seeking employment as a seaman on any ship any remuneration or reward, whether in cash or otherwise, for providing such employment to that other person is guilty of an offence.

### ***Wages***

**137.** Subject to this Act, a seaman on a ship shall be paid wages in accordance with the terms of a crew agreement.

**138.** An employer who refuses, or fails without reasonable cause, to deliver to a seaman employed on a ship and covered by a crew agreement an exact account of the —

- (a) wages due to the seaman under the crew agreement; and
- (b) deduction (if any) made from those wages,

is guilty of an offence.

**139.** A provision in a crew agreement, whether express or implied, which purports to modify, vary or negative the rights of a seaman employed on a ship referred to in section 125 applies is void and of no effect.

**140.** The regulations may make provision in relation to a ship referred to in section 125 with respect to —

- (a) the deductions which may be made from the wages due to a crewman;
- (b) the manner in which deductions may be made;
- (c) the manner in which wages are to be paid;
- (d) the manner in which wages are to be accounted for where a seaman leaves a ship otherwise than on termination of an agreement;
- (e) the form and manner in which accounts of wages are to be prepared by an employer and delivered to a seaman;
- (f) the form of allotment notes; and
- (g) the circumstances in which allotments may be made.

### ***Crew Accommodation***

**141.** (1) A ship referred to in section 125 shall have accommodation exclusively reserved for the use of the crew.

(2) The accommodation referred to in subsection (1) shall be known as the crew accommodation.

(3) The crew accommodation of a ship shall be of the prescribed standard.

(4) An owner or master of a ship who suffers or permits the ship to go to sea without crew accommodation of the prescribed standard is guilty of an offence.

**142.** The Regulations may make provision for and in relation to —

- (a) the crew accommodation requirements for new and existing ships;
- (b) the minimum space per man which must be provided by way of sleeping accommodation in a ship for a seaman and the maximum number of persons by whom a specified part of such sleeping accommodation may be used;
- (c) the position in a ship in which the crew accommodation or any part of the crew accommodation is to be located;
- (d) the standards to be observed in a ship in the construction, equipment, ventilation, lighting, heating and furnishing of crew accommodation;
- (e) the provisions of washing, sanitary, toilet, messing and hospital facilities for seaman in a ship;
- (f) the standards of maintenance of crew accommodation in a ship;
- (g) the prohibition on restriction of the use of crew accommodation in a ship for purposes other than those for which it is designed.

### ***Welfare***

**143.** (1) An employer or master of a ship referred to in section 125 shall ensure that the provisions and water supplied for the use of a seaman are as prescribed.

(2) When three or more seamen are of the opinion that the provisions or water supplied for the use of seamen in a ship referred to in section 125 are not as prescribed, they may complain to the Shipping Master.

(3) Where such a complaint is made the Shipping Master shall forthwith cause the complaint to be investigated.

(4) For the purpose of an investigation under this section the Shipping Master may cause the provisions or water to be examined.

(5) Where, after an investigation under this section, the Shipping Master is of the opinion that the provisions or water are not as prescribed, he shall direct the employer or the master to replace them.

(6) An employer or master shall comply with a direction given under this section and if he fails to do so he is guilty of an offence.



**144.** (1) The Minister may make regulations for securing, as far as is practicable, safe working conditions and safe means of access for masters and seamen employed in Seychelles ships, and requiring the reporting of injuries sustained by them.

(2) Without prejudice to the generality of subsection (1), regulations under this section may —

- (a) require the maintenance, inspection and testing of any equipment and impose conditions on its use;
- (b) require, prohibit, or regulate the use of any material or process;
- (c) require the provision and use of any protective clothing or equipment;
- (d) limit the hours of employment of seamen in any specified operation or in any specified circumstances;
- (e) make provision for the discharge, by persons appointed from among the persons employed in a ship, of functions in connection with the arrangements to be made under regulations.

**145.** An owner or master of a ship referred to in section 125 and not exempt under section 126 who suffers or permits the ship to go to sea without carrying the prescribed number of qualified first-aid attendants, medicines and medical and surgical stores is guilty of an offence.

**146.** (1) Where, in the opinion of a seaman, the seaman has cause to complain about —

- (a) the master of a ship;
- (b) any other seaman on a ship; or
- (c) the conditions on board a ship,

he may complain to the master of the ship.

(2) Where a seaman —

- (a) has made a complaint under subsection, and
- (b) is dissatisfied with —
  - (i) the action taken by the master of the ship on that complaint; or
  - (ii) the failure of the master of the ship to take any action,

the seaman may —

- (A) state his dissatisfaction to the master of the ship; and

- (B) request the master of the ship to make adequate arrangements for the seaman to complain to the Shipping Master as soon as the service of the ship permits.

(3) A master of the ship to whom a request has been made under subsection (2) who refuses, or fails without reasonable cause, to make the adequate arrangements referred to in that subsection is guilty of an offence.

**147.** (1) Where —

- (a) a person employed as a seaman in a ship under a crew agreement entered into in Seychelles, or engaged as a master in Seychelles, is left behind in any country outside Seychelles or is taken to such a country on being shipwrecked; or
- (b) a person who becomes so employed under a crew agreement entered into outside Seychelles, or so engaged outside Seychelles, is left behind in Seychelles or is taken to Seychelles on being shipwrecked,

the person who last employed him as a seaman or engaged him as a master shall make such provision for his return and his relief and maintenance until his return as is prescribed, and the regulations may provide for the determination of the place to which the seaman or the master is to be returned.

(2) The provision is to be made to include the prepayment of expenses incurred in bringing a shipwrecked seaman or master ashore and maintaining him until he is brought ashore and the payment of the expenses of the burial or cremation of a seaman or master who dies before he can be returned.

(3) A person who fails to make the provision referred to in subsection (1) is guilty of an offence.

**148.** Where expense is incurred in respect of a matter for which a person is required to make provision under section 147, then, unless it can be proved that the seaman or master would not have been left behind but for his own wrongful act or neglect —

- (a) if the expense is incurred by, or on behalf of the Republic, the Republic; or
- (b) if the expense is incurred by the seaman or master, the seaman, or as the case may be, the master,

may recover the expense from the person who is required to make that provision.

**149.** Where a person left behind in or taken to any country as mentioned in section 147 (1) remains there after the end of the period of three months the person who last employed him as a seaman or engaged him as a master shall not be liable to make provision for his return or for any matter arising after the end of that period, unless the person has before the end of that period been under an obligation imposed on him by the Regulations to make provision with respect to the seaman or master.

**150.** (1) The master of a ship in which there is any property of a deceased seaman, who refuses, or fails without reasonable cause, to deliver up the property in the prescribed manner to the Shipping Master, is guilty of an offence.

(2) Where any property of a deceased seaman has come into the possession of the Shipping Master, he shall deal with the property as prescribed.

(3) After deduction of any costs or expenses incurred in respect of a deceased seaman or the property of a deceased seaman, the assets or the proceeds of the assets of the deceased seamen held by the Shipping Master shall be deposited in court to be dealt with according to law and the Shipping Master shall thereupon be discharged from any liability in respect of the assets.

**151.** The regulations may make provision for and in relation to —

- (a) the quality and quantity of the provisions and water to be supplied for the use of seamen on a ship;
- (b) the manner of checking and inspecting provisions and water supplied for the use of seamen on a ship;
- (c) the manner and conduct of medical examinations of seamen on a ship and of persons seeking employment as seamen on a ship;
- (d) the medicines and medical and surgical stores (including books containing instructions and advice) to be carried in a ship and the manner in which such medicines, and stores are to be carried, or stored and used in a ship;
- (e) the appointment and certification of first-aid attendants and the circumstances in which first-aid attendants are to be carried on a ship;
- (f) the manner in which medical expenses incurred in respect of a seaman on a ship while at a place outside the country may be recovered from an employer;
- (g) the circumstances and the manner in which the Shipping Master shall make provision for the relief, maintenance and return to a proper return port of a seaman, on a ship;
- (h) the manner in which any wages due to a distressed seaman and any property left on board a ship by a distressed seaman are to be dealt with;
- (i) the manner in which any expenses incurred in bringing ashore a seaman who has been shipwrecked, or in maintaining him after he has been brought ashore, may be recovered from the person who last employed him as a seaman; and
- (j) the manner in which the property of a deceased seaman is to be —
  - (i) held in custody; or
  - (ii) sold, converted into cash or otherwise disposed of.

### ***Discipline***

**152.** (1) This section applies where a master or seaman —

- (a) does any act which causes, or is likely to cause —
  - (i) the loss or destruction of, or serious damage to; or
  - (ii) the death of, or serious injury to, a person on board a ship;
- (b) fails to do anything required to be done by him to preserve —
  - (i) a ship from loss, destruction, or serious damage; or
  - (ii) any person on board the ship from death or serious injury.

(2) Where the act, or failure to act by the master or seaman referred to in subsection (1) —

- (a) is deliberate; or
- (b) amounts to a breach or neglect of duty or disobedience to a lawful command; or
- (c) the master or seaman is under the influence of alcohol or a drug,

master or, as the case may be, the seaman is guilty of an offence.

**153.** Where a seaman on a ship —

- (a) persistently and wilfully —
  - (i) neglects his duty; or
  - (ii) disobeys lawful commands; or
- (b) combines with other seaman to —
  - (i) disobey a lawful command; or
  - (ii) neglect his duty; or
  - (iii) impede the navigation of the ship or the progress of a voyage,

he is guilty of an offence.

**154.** Where —

- (a) a seaman from a ship is absent without leave;
- (b) his absence is —
  - (i) due to his recklessness; or

- (ii) deliberate and without reasonable cause; and
- (c) the ship –
  - (i) is thereby delayed; or
  - (ii) goes to sea without him,

the seaman, is guilty of an offence.

**155.** Notwithstanding any other provision of this Act, where —

- (a) a person is carried to sea in a ship without the consent of the master or of any other person authorised to give consent to his being so carried; or
- (b) a distressed seaman is carried on a ship for the purpose of being returned to his proper return port,

he is for the purposes of sections 152 to 154 and sections 156 to 160 deemed to be a seaman on the ship.

**156.** It is a defence to a charge for an offence against section 152 if the person charged proves that —

- (a) at the time of the alleged act or failure to act, he was under the influence of a drug taken by him for medical purposes; and
- (b) either —
  - (i) he took a drug on medical advice and complied with any directive given as part of that advice; or
  - (ii) he had no reason to believe that the drug might have the influence it had.

**157. (1)** The master who finds that a seaman has committed an offence against discipline shall make a report of his findings in the prescribed form to the Shipping Master.

(2) Where —

- (a) two or more reports under subsection (1) have been made within the prescribed time in respect of a seaman; or
- (b) a seaman has committed an offence under section 152, 153 or 154,

the Shipping Master may declare the seaman to be a suspended person.

**158. (1)** Where —

- (a) the Shipping Master has declared a seaman to be a suspended person; and

- (c) the period of
- (d) suspension exceeds 12 months,

the seaman may, within 30 days of receiving the prescribed notification of his suspension or where he is at sea at the time of receiving the prescribed notification, within 30 days after his arrival at any port in Mahe, appeal to the Supreme Court.

(2) Where an appeal is made under subsection (1), the Supreme Court shall make such orders as the justice of the case requires.

(3) Section 211(2) shall apply to an appeal under this section.

**159.** (1) The Shipping Master shall keep a list known as the List of Suspended Persons.

(2) Where a seaman is suspended for a period-

- (a) of 12 months or less; or
- (b) exceeding 12 months, and—
  - (i) no appeal to the court is made within the period of 30 days referred to in section 158; or
  - (ii) an appeal is made under that section and the court orders that the appeal be dismissed,

the Shipping Master shall include the name of the seaman in the List of Suspended Persons.

**160.** The Regulations may make provision for and in relation to —

- (a) misconduct on board a ship which is an offence against discipline;
- (b) the procedures under which a master may find that a seaman has committed an offence against discipline;
- (c) the manner in which a declaration of suspension shall be made and the manner in which the declaration shall be notified to —
  - (i) a suspended person; and
  - (ii) the person who last employed him as a seaman;
- (d) the manner in which the name of a suspended person shall be included in a list of suspended persons; and
- (e) the manner in which a list of suspended persons is —
  - (i) to be kept; and
  - (ii) to be made available for inspection by any person appearing to the Shipping Master to be interested.

### *General*

**161.** A person who, without the consent of —

- (a) the master of a ship; or
- (b) a person authorised by the master to give that consent,

goes to sea or attempts to go to sea in a ship is guilty of an offence.

**162.** A person, not being the holder of an office referred to in section 5 or an authorised officer, who —

- (a) without the consent of the master of a ship or of a person authorised by the master to give that consent goes on board a ship in port in Seychelles; or
- (b) remains on board a ship after being requested to leave by the master, the Harbour Master, the Shipping Master, a police officer, a customs officer or a trades tax officer,

is guilty of an offence.

**163.** The master of a ship may, cause any person on board the ship to be put under restraint if and for so long as it appears to him necessary or expedient in the interest or safety or for the preservation of good order or discipline on board the ship.

**164.** The master of a ship registered under this Act who refuses or fails without reasonable cause to make a return in the prescribed form to the Shipping Master of any —

- (a) birth occurring on; or
- (b) death occurring, or presumed to have occurred, on,

the ship, is guilty of an offence.

**165.** (1) In this section, 'ship' means a ship registered in a country other than Seychelles.

(2) The master of a ship who refuses, or fails without reasonable cause to make a return in the prescribed form to the Shipping Master of —

- (a) birth occurring in; or
- (b) death occurring or presumed to have occurred in,

the ship on a voyage to a port or place in Seychelles, is guilty of an offence.

**166.** (1) The Shipping Master may issue to a person who is a citizen of Seychelles a card to be known as a Discharge Book.

(2) A person to whom a Discharge Book has been issued who refuses, or fails without reasonable cause —

- (a) to keep the book securely; and
- (b) to produce it when so required to such persons in such circumstances as are prescribed,

is guilty of an offence.

**167.** (1) The Shipping Master shall cause to be kept at Victoria a book to be known as the Register of Seamen.

(2) The Shipping Master shall cause to be entered into the Register of Seamen —

- (a) particulars of any period during which a person is a suspended person; and
- (b) such other particulars as may be prescribed.

(3) Any person may inspect the Register of Seamen at any time during the hours approved by the Shipping Master.

**168.** (1) The master of a ship shall keep a book to be known as the Official Log Book.

(2) Subject to this Act, the master of a ship who fails without reasonable cause —

- (a) to keep the Official Log Book in the prescribed manner; and
- (b) to carry the Official Log Book in the ship,

is guilty of an offence.

(3) Any person who wilfully destroys or mutilates or renders illegible any entry in an Official Log Book is guilty of an offence.

**169.** (1) An employer or the master of a ship shall make and, in the prescribed manner, maintain a list of the crew of the ship.

(2) A list referred to in subsection (1) is to be known as a Crew List.

**170.** (1) Where —

- (a) person dies or suffers a serious injury in a ship; and
- (b) master of the ship fails, without reasonable cause, as soon as is reasonably practicable, to notify the Shipping Master of the death or serious injury,

the master of the ship is guilty of an offence.



(2) Subject to section 171(2), where —

- (a) a person dies or suffers a serious injury in a ship; or
- (b) a seaman belonging to a ship dies or suffers a serious injury away from the ship,

an inquiry into the circumstances surrounding the death or serious injury shall, unless the Minister otherwise directs, be held by the Marine Board or by a person so authorised by the Marine Board at the next port in Seychelles at which the ship calls.

(3) No inquiry shall be held under this section in a case where an inquest by a coroner, is to be, or is required to be, held under any law of Seychelles.

**171.** (1) For the purpose of holding an inquiry under section 170, the Marine Board or the person authorised pursuant to that section, as the case may be, may —

- (a) in the case of the Board, through a person appointed by it for the purpose, or the person so authorised, go on board a ship at any time and inspect the ship or any article on board the ship;
- (b) summon any person to appear before the Board or, as the case may be, the person so authorised; and
- (c) require the production of any document which in the opinion of the Board or, as the case may be, the person so authorised, is relevant to the inquiry.

(2) Where an inquiry has been held the Marine Board or the person who held it shall make a report in writing of the findings to the Minister who may make a copy of the report available —

- (a) in the case of a person who has died —
  - (i) to the next of kin of the deceased person; or
  - (ii) to any other person who requests such a copy and who appears to the Minister to be interested; and
- (b) in the case of a person who has suffered a serious injury —
  - (i) to that person, or to a person acting on his behalf, or
  - (ii) to any other person who requests such a copy and who appears to the Minister to be interested.

**172.** (1) In this section, 'seaman' means a seaman who is absent from a ship at a time when, under a crew agreement, he is required to be on board.

(2) Where a seaman proves —

- (a) that his absence from a ship was due to —

- (i) accident;
- (ii) mistake; or
- (iii) some cause beyond his control; and

(b) that he took all reasonable precautions to avoid being absent,

his absence is not a breach of contract.

(3) Where, in an action for breach of contract arising from the absence of a seaman from a ship, a seaman fails to prove the matters referred to in subsection (2), if special damages are —

- (a) not claimed by his employer, his civil liability is limited to R1,000; or
- (b) claimed by his employer, his civil liability is limited to R 10,000.

**173.** (1) Where it appears to the Minister that due facilities will be given by the government of a country for apprehending and receiving seamen who desert in that country from ships registered under this Act, the Minister may, by order, declare that this section shall apply in relation to that country, subject to any conditions stated in the order.

(2) Where, in Seychelles, a seaman deserts from a ship registered in a country to which, pursuant to subsection (1), this section applies, the master of the ship may apply to the court for aid in apprehending the deserter, and the court and its officers shall give all aid within their power, and for that purpose the court may, on information given on oath, issue a warrant for the deserter to be conveyed on board the ship, or delivered to the master, or owner of the ship or his agent, to be so conveyed.

**174.** Where —

- (a) a ship is at a place in Seychelles or within the territorial waters of Seychelles; and
- (b) the Harbour Master is of the opinion that the owner or the master of the ship or an employer, has failed to comply with a requirement of this Part,

the ship may be detained.

(2) Where the ship is detained under subsection (1), the ship may be detained until such time as the Harbour Master issues a certificate showing that —

- (a) the Harbour Master is satisfied that the owner, the employer and the master have complied with the provisions of this Part; and
- (b) the ship may go to sea without a contravention of any provision of this Part.

**175.** The Regulations may make provision for and in relation to —

- (a) the circumstances, manner and form in which the Shipping Master shall issue and record a Discharge Book;
- (b) the circumstances and manner in which a Discharge Book is to be delivered up to the Harbour Master; and
- (c) the issue and form of Employment Record Books;
- (d) entries to be made in the Register of Seamen;
- (e) endorsements to be made in Employment Record Books;
- (f) the particulars required to be entered in an Official Log Book;
- (g) the person by whom entries in an Official Log Book are to be made, signed or witnessed;
- (h) the procedure to be following in making of entries in an Official Log Book;
- (i) the production, or delivery of an Official Log Book to such person, in such circumstances and within such times as may be specified;
- (j) the particulars to be entered in the Crew List;
- (k) the time during which a Crew List may remain in force;
- (l) the manner of notification to specified persons of changes in a Crew List;
- (m) the place and manner in which a Crew List or copy thereof is to be maintained; and
- (n) the manner in which a Crew List, or a copy thereof, is to be made available on demand to specified persons.

## **PART X**

### **WRECK AND SALVAGE**

#### *Introductory*

**176.** In this Part, unless the context otherwise requires —

“owner” in relation to a vessel wrecked, means any person or persons to whom the vessel wrecked —

- (a) belongs;
- (b) belonged at the time at which it became a vessel wrecked; or
- (c) has belonged at any time after the time at which it became a vessel wrecked;

“receiver”, in aspect of any area, means the person appointed under section 177 to be the Receiver of Wrecks in respect of that area;

“salvage” includes all expenses properly incurred by a salvor in the performance of the salvage services;

“vessel” includes a ship or boat and any other description of vessel whatsoever used in navigation by water;

“vessel wrecked” means any vessel that is wrecked, stranded, sunk or abandoned or which is lying on the sea-bed within the territorial waters of Seychelles and includes wreck;

“wreck” includes —

- (a) jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal waters; and
- (b) any articles or goods of whatever kind, cast ashore within the ebb and flow of the tide, that belonged to or came from any vessel wrecked, stranded or in distress, or any portion of the hull, machinery or equipment of any vessel wrecked.

**177.** The Minister may by notice published in the *Gazette* appoint any person to be the Receiver of Wrecks in respect of any area in Seychelles identified in the notice.

**178.** The receiver in respect of any area is not liable for any loss or damage suffered as a result of —

- (a) any act done; or
- (b) any failure to do anything required to be done,

by him in exercising or performing his functions for the purposes of this Part.

### ***Dangerous Wrecks***

**179.** (1) Where, in the opinion of the Minister a vessel wrecked is, or is likely to be, an obstruction or danger to navigation; or it is in the public interest to do so, the Minister may—

- (a) require the owner of the vessel wrecked to —
  - (i) raise;
  - (ii) remove; or
  - (iii) destroy,

the whole or any part of the vessel or any items of tackle, equipment, cargo, stores or ballast of, or belonging to, the vessel; or

- (iv) to light; or buoy,

any such vessel, part or item until it is raised, removed or destroyed;

- (b) where the owner of a vessel wrecked fails to comply with the requirements made under paragraph (a) raise, remove, destroy or deal with the vessel wrecked or any part or item of the vessel wrecked in such manner as he thinks fit;
- (c) sell, in such manner as he thinks fit, any vessel wrecked or any part or item thereof so raised or removed together with any other property recovered in the raising or removal and, out of the proceeds of sale, pay after deduction of any expenses incurred by him the net proceeds of such sale to the persons entitled thereto; or
- (d) recover from the owner any and all expenses incurred by him in the lighting, buoying, raising, removal or destruction of the vessel wrecked and not recovered from the proceeds of any sale under paragraph (c).

(2) The powers given to the Minister under this section for the removal of vessels wrecked shall be in addition to and not in derogation of any powers given under this Part.

**180.** (1) Where the Minister is satisfied that —

- (a) because of any thing contained within a vessel wrecked, the vessel wrecked is in a condition which makes it a potential danger to life or to property; and
- (b) the vessel wrecked ought to be protected from unauthorised interference,

he may, by notice published in the *Gazette*, declare an area around the vessel to be a prohibited area.

(2) A notice published under subsection (1) shall contain a description of the vessel wrecked, the place where the vessel is and the extent of the area declared to be a prohibited area.

(3) Subject to subsection (4), a person who, without the authority in writing of the Minister, enters a prohibited area is guilty of an offence.

(4) A person is not guilty of an offence under subsection (3) if he enters a prohibited area —

- (a) in the exercise of his functions under or for the purpose of any laws;
- (b) out of necessity due to stress of weather or navigation hazard.

**181.** (1) Where a vessel is wrecked, stranded or in distress on or near any area of the coast of Seychelles, the receiver in respect of the area shall, subject to subsection (2), take such action as he considers necessary for the preservation of —

- (a) the vessel;

(b) the lives of persons belonging to the vessel; and

(c) any wreck coming from the vessel, until it can be removed to a safe place.

(2) The receiver in respect of the area shall not, pursuant to subsection (1), interfere between the master and crew in reference to the management of the vessel unless requested to do so by the master.

(3) For the purposes of subsection (1), the receiver in respect of the area may —

(a) requisition —

(i) the services of any person;

(ii) the services of any vessel; or

(iii) the use of any vehicle, machinery or equipment that is available;

(b) enter and pass, with or without other persons, vehicles, machinery and equipment, over any land; and

(c) deposit wreck on any land.

(4) A person who —

(a) fails to comply with a requisition under subsection (3);

(b) obstructs a receiver in the exercise of any rights or powers under that subsection; or

(c) prevents wreck from remaining on land until it can be removed to a safe place, is guilty of an offence.

**182.** Where the receiver in respect of any area, in relation to a vessel that is wrecked, stranded or in distress —

(a) made a requisition under section 181; or

(b) caused damage to land as a result of the exercise of his powers under that section,

the cost of the requisition or damages shall be a charge on —

(i) the vessel including its cargo and any property on board; and

(ii) any wreck from the vessel, as if it were salvage.

**183.** (1) A person, other than a receiver in respect of any area in the exercise or performance of his functions, or a person acting under the instruction of a receiver, who without the leave of the master, boards or attempts to board a vessel that is wrecked, stranded or in distress is guilty of an offence.

(2) A person attempting to board a vessel in contravention of subsection (1) may be repelled by the master using force as is reasonable in the circumstances.

**184.** A person who, in relation to a vessel that is wrecked or stranded or in danger of becoming wrecked or stranded, or is otherwise in distress —

- (a) impedes or hinders or endeavours in any way to impede or hinder the saving of the vessel or the life of a person belonging to the vessel or any property from it;
- (b) plunders any vessel;
- (c) secrets any wreck or defaces or obliterates any marks thereon; or
- (d) wrongfully removes or carries away any wreck,

is guilty of an offence.

#### *Dealing with Wreck*

**185.** (1) A person including the owner of wreck, who —

- (a) finds or takes possession of any wreck within the jurisdiction of Seychelles; or
- (b) having found or taken possession of any wreck outside that jurisdiction brings the wreck into that jurisdiction,

shall notify, in writing, the receiver in respect of the area where he found or took possession of the wreck or, in the case referred to in paragraph (b), in respect of the area where he brought the wreck into the jurisdiction on finding or taking possession of it outside that jurisdiction.

(2) A person who fails or refuses without reasonable cause (the burden of proof of which is on him) to give the notice required under subsection (1) is guilty of an offence.

**186.** (1) The receiver in respect of any area may —

- (a) take possession of any wreck within that area; or
- (b) by written notice require a person to deliver up to him any wreck within that area.

(2) A person who fails or refuses without reasonable cause (the burden of proof of which is on him) to comply with a notice under subsection (1) is guilty of an offence.

**187.** (1) Where a receiver in respect of an area in the exercise or performance of his functions takes possession of any wreck, he shall, within 48 hours of doing so, transmit to the Collector of Customs a description of the wreck and of any marks by which it is distinguished.

(2) The Collector of Customs shall, as soon as possible after the description of any wreck is transmitted to him pursuant to subsection (1), cause a notice giving that description to be posted in the Customs House.

**188.** (1) The owner of any wreck in possession of a receiver, upon establishing his claim to the wreck to the satisfaction of the receiver within 12 months from the time at which the wreck came into the possession of the receiver, shall, upon paying the salvage, fees and expenses due, be entitled to have the wreck or the proceeds thereof delivered to him.

(2) For the purposes of subsection (1), in the absence of the owner or an agent appointed by him, where —

- (a) any wreck from a foreign vessel that immediately before becoming wreck was not cargo, the diplomatic representative of the country to which the vessel belongs resident in Seychelles or, if no such representative is so resident, resident in the country nearest to Mahe, is deemed to be the agent of the owner; and
- (b) any wreck from a foreign vessel that, immediately before becoming wreck, was cargo owned by a person who was, at the time, a citizen of a country other than Seychelles, the diplomatic representative of the country of which the person was a citizen resident in Seychelles or, if no such representative is so resident, resident in the country nearest to Mahe, is deemed to be the agent of the owner.

**189.** (1) A receiver may, at any time, sell wreck in his custody if in his opinion —

- (a) it is under the value of R1,000;
- (b) it is so much damaged or of so perishable a nature that it cannot with advantage be kept; or
- (c) it is not of sufficient value to pay for warehousing,

and the proceeds of the sale shall, after defraying the expenses thereof, be held in such manner as the receiver so directs for the same purposes and subject to the same claims, rights and liabilities as if the wreck had remained unsold.

(2) When wreck has been in the possession of a receiver for a period of 12 months and no claim to the ownership of the wreck has been proved to the satisfaction of the receiver, he may sell the wreck and pay the proceeds (if any) into the Consolidated Fund.

**190.** (1) Where, in respect of wreck that comes into his possession, a receiver has complied with sections 185 to 189, he is discharged from liability in respect of that wreck.

(2) The discharge from liability of a receiver under subsection (1) shall not prejudice or affect any question that may be raised by third parties concerning the right or title to any wreck.

**191.** Where a dispute arises as to the title to any wreck, it may be determined as if it were a dispute as to salvage under sections 195 to 200.



**192.** A person who, without the prior written approval of the Minister, removes from the jurisdiction of Seychelles —

- (a) any vessel that has been wrecked, stranded or abandoned; or
- (b) any wreck that is found or has been brought, within the jurisdiction,

is guilty of an offence.

### *Salvage*

**193.** Where —

- (a) within the jurisdiction of Seychelles, any services are rendered in saving life from a vessel; or
- (b) outside the jurisdiction of Seychelles, any services are rendered in saving life from a vessel that is registered under this Act,

and a vessel, or any cargo, machinery or equipment from the vessel, is saved, the salvor is entitled to the payment of salvage by the owners of the vessel, cargo, machinery or equipment.

(2) Salvage in respect of the saving of life is payable in priority to all other claims for salvage.

(3) Where —

- (a) salvage is payable in respect of the saving of life; and
- (b) the value of the vessel, cargo, machinery or equipment saved (if any) is insufficient to pay the amount of salvage payable,

the Minister may, in his discretion, pay to the salvor from funds appropriated for the purposes such sum as he thinks fit in whole or part satisfaction of the amount of salvage.

**194.** Where a vessel is wrecked, stranded or in distress within the jurisdiction of Seychelles and services are rendered by a person —

- (a) assisting the vessel;
- (b) saving cargo or property from the vessel; or
- (c) saving any wreck,

salvage is payable to the salvor by the owner of the vessel, cargo, property or wreck.

### *Procedure in Salvage*

**195.** Where there is a dispute as to salvage, whether in respect of the saving of life or of property and the dispute is not settled by agreement, arbitration or otherwise, the dispute shall be determined by the Court.

**196.** (1) Where salvage is due to a person under this Part, the receiver concerned shall —

(a) in the case of salvage due in respect of services rendered in —

- (i) assisting a vessel;
- (ii) saving life from the vessel; or
- (iii) saving cargo or property from the vessel,

detain the vessel, the cargo or property; and

(b) in the case of salvage due in respect of the saving of any wreck, and the wreck is not sold as unclaimed, detain the wreck.

(2) Where a vessel, cargo or property is detained under subsection (1), the receiver concerned shall —

- (a) notify the owner of any detained vessel, cargo or property, if the owner is known to him, of its detention; and
- (b) retain possession of the detained vessel, cargo or property until payment is made for the salvage or until otherwise ordered by the court.

(3) A receiver may release any detained vessel, cargo or property on receipt of adequate security.

**197.** (1) Where a dispute as to salvage has been referred to the court, the receiver concerned shall deal with any vessel, cargo or property detained under section 196 as the court orders.

(2) Where, subject to subsection (1), in the case of vessels, cargo, or property detained under section 196 the amount of salvage due to a salvor is not disputed, and the amount due is not paid within 20 days of the date agreed for payment, the receiver may sell the detained vessel, cargo or property.

(3) After payment of—

- (a) any fees payable to, and any expenses incurred by, the receiver in respect of the vessel, cargo or property and of its sale; and
- (b) salvage,

the balance proceeds (if any) of the sale of detained vessel, cargo or property shall be paid to the person legally entitled to the proceeds.

**198.** (1) Where —

- (a) services are rendered for which salvage is claimed and the salvor voluntarily agrees to abandon his lien on the vessel, cargo or property alleged to be salvaged; and

(b) the master or owner, whether principal or agent —

- (i) enters into a written agreement to abide the decisions of the court or of a court of competent jurisdiction in another country; and
- (ii) gives security on that behalf in an amount agreed on by the parties to the agreement,

the agreement shall bind the vessel, cargo and property, and the respective owners of the vessel, cargo and property, and the owners for the time being thereof, for the salvage that may be adjudged to be payable to the extent of the security given.

(2) Where security has been given for the performance of an agreement under this section, the person with whom the security is lodged shall deal with it as the court adjudicating on the agreement directs.

(3) Where an agreement that corresponds to an agreement under this section is made under the corresponding provisions of the law in force in another country, and that agreement provides that the parties thereto will abide by the decision of a court of competent jurisdiction in Seychelles, the court shall have power to adjudicate on and enforce the agreement.

(4) The court shall have power to enforce, and shall assist a court of competent jurisdiction in another country in enforcing an agreement made under this section or under the corresponding provisions of the law of any other country.

**199.** (1) Where two or more persons claim payment of the salvage, the court may, on the application of a claimant, cause the amount of salvage to be apportioned amongst the persons entitled to it in such a manner as it thinks fit.

(2) Where a dispute arises under subsection (1), between the owner of, or the master of, or any other person in the service of a foreign vessel, the court shall, in apportioning salvage, have regard to the laws of the country to which the vessel belonged at the time the salvage services were rendered.

**200.** An action in respect of salvage services may not be brought after the end of 2 years from the date when the salvage services were rendered.

**201.** Where a receiver has —

- (a) attended at the site of a stranded vessel or wreck;
- (b) taken possession of any wreck under this Part;
- (c) acted in pursuance of his powers under this Part in relation to a vessel that is wrecked, stranded or in distress,

fees as prescribed shall be payable to the receiver.

**202.** (1) Where —

- (a) a receiver is entitled to fees payable under section 201; or
- (b) a receiver has incurred costs and expenses in acting in pursuance of his powers under this Part, and those costs and expenses are not otherwise recovered,

the receiver may institute proceedings for the payment of fees or recovery of costs and expenses, as the case may be.

(2) In addition to his rights and remedies under subsection (1), a receiver has, in respect of costs and expenses incurred under this Part, the same rights and remedies as a salvor has in respect of salvage.

(3) In the event of a dispute concerning the nature or amount of costs and expenses incurred by a receiver under this Part, the matter shall be determined by the Minister, whose decision is final.

**203.** The Regulations may make provision for and in relation to —

- (a) the manner in which notice or wreck found or taken possession of shall be given to a receiver;
- (b) the manner in which a receiver shall give notice that he has taken possession of wreck;
- (c) the manner in which a receiver may sell, deal with or otherwise dispose of any wreck in his possession; and
- (d) the fees and expenses, and the payment thereof, for services rendered by a receiver.

## **PART XII**

### **SHIPPING CASUALTIES**

**204.** (1) Where any of the following casualties have occurred, that is to say —

- (a) the loss or presumed loss, stranding grounding, abandonment of, or damage to a ship;
- (b) a loss of life caused by fire on board, or by any accident to, a ship or ship's boat, or by any accident occurring on board a ship or ship's boat;  
or
- (c) any damage caused by a ship,

and, at the time it occurred, the ship was registered under this Act, or a ship in relation to which section 81 applies, or the ship or boat was within Seychelles or the territorial waters thereof,

- (i) the owner or master of the ship shall, as soon as practicable report the casualty to the Harbour Master, provide to him or to such other person as he may specify a report in writing; and
  - (ii) the Minister may—
    - (A) cause a preliminary investigation into the casualty to be held by a person appointed for the purpose by the Minister; and
    - (B) whether or not preliminary investigation into the casualty has been held, cause a Marine Inquiry to be held.
- (2) If the owner or master fails without reasonable cause to comply with subsection (1) (i) he is guilty of an offence.
- (3) Nothing in subsection (1) shall preclude the Harbour Master from investigating the casualty and making such order as he may deem just or necessary in the interest of safety of shipping, protection of life or the environment, and where the orders are not complied with by the owner or master of the vessel, from taking such measure as may be just or necessary in the circumstances.

**205.** Where the Minister causes a preliminary investigation to be carried out under section 204 the person carrying out the preliminary investigation —

- (a) may —
  - (i) go on board any ship involved in the casualty;
  - (ii) require any person to answer questions relating to the casualty; and
  - (iii) require the production to him of any certificate relating to any ship involved in the casualty; and
- (b) shall upon conclusion of the investigation send to the Minister a report containing a full statement of the case and of his opinion thereon, accompanied by such report on or extracts from the evidence and such observations as he thinks fit.

**206. (1)** Where the Minister causes a Marine Inquiry to be held under section 204 he shall—

- (a) appoint a person to conduct the Marine Inquiry; and
- (b) nominate two assessors to assist that person.

(2) In any case where a question as to the cancellation or suspension of a certificate of competency is likely to arise, the assessors nominated pursuant to subsection (1) (b) shall hold certificate of equivalent or higher rank to those held by the person whose certificate may be cancelled suspended; but the proceedings before a Marine Inquiry shall not be challenged on the ground of alleged failure to comply with the requirement of this subsection.

(3) The person appointed and any assessor nominated under subsection (1) may —

- (a) go on board any ship;
- (b) require any person to answer questions relating to the casualty; and
- (c) require the production to him of any document or certificate relating to any ship involved in the casualty.

(4) On the conclusion of an inquiry under section 204 the person appointed under subsection (1) shall make a full report in writing to the Minister setting out the results of the inquiry.

(5) The Regulations may make provision with respect to proceedings in any Marine Inquiry.

**207.** (1) Where, as a result of a Marine Inquiry, the person conducting the inquiry is satisfied that a master or a qualified officer or seaman —

- (a) is unfit to discharge his duties because of —
  - (i) incompetence;
  - (ii) misconduct; or
  - (iii) any other reasons;
- (b) has been seriously negligent in the discharge of his duties; or
- (c) has failed to give assistance and information required by section 97, and,
- (d) in a case coming under paragraph (a) or (b), is further satisfied that the unfitness or negligence caused or contributed to the casualty,

that person may —

- (i) order the cancellation or suspension of any certificate of competency of the master, qualified officer or other seaman; or
- (ii) censure the master, qualified officer or other seaman.

**208.** (1) Subject to subsection (5), where it appears to the Marine Board that a person who is the holder of a certificate issued under regulations made pursuant to section 130 is unfit to be the holder of such a certificate, whether by reason of incompetence or misconduct or for any other reason, the Board may give the holder notice in writing that it is considering the cancellation or suspension of the certificate.

(2) The notice must state the reasons why it appears to the Marine Board that the holder is unfit to be the holder of such a certificate and must state that within a period specified in the notice, or such longer period as the Board may allow, the holder may make written representations to the Board or make oral representations to the Board.

(3) After considering any representations made in accordance with subsection (2) the Board shall decide whether or not to cancel or suspend the certificate and shall give the holder written notice of its decision.

(4) Where the decision is to cancel or suspend the certificate the notice shall state the date from which the cancellation is to take effect, or the date from which and the period for which the suspension is to take effect, and shall require the holder to deliver the certificate to the Marine Board not later than the date so specified.

(5) The Marine Board shall not exercise the power under subsection (1) on the basis of any behaviour which has been taken into account in a Marine Inquiry conducted pursuant to section 206.

**209.** Where a certificate is ordered to be cancelled or suspended or is cancelled or suspended and the holder fails to deliver up the certificate as required under this Part, he is guilty of an offence.

**210.** (1) Where a Marine Inquiry has been held under this Part, the Minister may order the whole or part of a case to be reheard, and shall do so if —

- (a) new and important evidence which could not be produced at the inquiry has been discovered; or
- (b) there appears to the Minister to be other grounds for suspecting that a miscarriage of justice may have occurred.

(2) Where a certificate has been cancelled or suspended under this Part by a Marine Inquiry under section 207 or by the Marine Board under section 208, the Minister may —

- (a) on the recommendation of the Marine Inquiry or the Marine Board; or
- (b) if he is of the opinion that the circumstances of the case require it,

order the issue to the master, qualified officer or other seaman concerned a new certificate of a lower grade in place of the cancelled or suspended certificate.

**211.** (1) Subject to subsection (2), where under this Part —

- (a) the certificate of a master, qualified officer or other seaman is cancelled or suspended;
- (b) any such person is censured;
- (c) the costs or part of the costs of an inquiry are awarded by a Marine Inquiry against any person; or
- (d) the Marine Inquiry has found that the casualty has been caused or contributed to by the wrongful act of any person,

the master, qualified officer or other seaman in the case of (a) or (b), and in the case of (c) or (d) any person who has appeared at the hearing and is affected by the decision of the Marine Inquiry, may appeal to the Supreme Court and the Court may make such order as the justice of the case requires.

(2) The Chief Justice may make rules of court regulating the procedure in appeals under subsection (1) and until such rules are made the procedure relating to appeals to the Supreme Court from a decision of a Magistrates' Court in civil proceedings shall apply.

## **PART XII**

### **LIMITATION AND DIVISION OF LIABILITY**

#### *Limitation of Liability*

**212.** (1) In this Part —

“gold franc” means a unit consisting of 65.5 milligrams of millesimal fineness of 900;

“motor ship” includes a steamship and other ship propelled by machinery;

“sailing ship” means a ship having sufficient sail area to be capable of being navigated under sail whether fitted with mechanical means of propulsion or not;

“ship” includes every description of lighter, barge or like vessel, however propelled, and any structure launched and intended for use in navigation as a ship or a part of a ship, and any vessel belonging to the Defence Forces.

(2) The Minister may, from time to time, by notice published in the *Gazette*, specify the amounts which, for the purposes of this Part, are to be taken as equivalent to any specified number of gold francs.

(3) Where money has been paid into court in respect of any liability to which a limit is set by this Part, the ascertainment of that limit shall not be affected by a subsequent variation of the amounts specified under subsection (2) unless the amount so paid was less than the limit as ascertained in accordance with the order then in force under the subsection.

(4) For the purposes of this Part —

(a) the tonnage of a motor ship shall be the registered tonnage of the ship, with the addition of any engine-room space deducted from the purpose of ascertaining that tonnage, and the tonnage of a sailing ship shall be the registered tonnage of the ship;

(b) where a foreign ship has been or can be measured according to this Act, her tonnage shall be that ascertained by the measurement;

(c) the tonnage of a ship that is less than 300 tons shall be deemed to be 300 tons; and



- (d) the tonnage of any Seychelles ship not registered under this Act shall be ascertained in the same way as the tonnage of a foreign ship.

(5) Where a foreign ship has not been, and cannot be, measured according to this Act, the Minister shall, on receiving from or by the direction of the court hearing the case, in which the tonnage of the ship is in question, such evidence concerning the dimensions of the ship as it may be practicable to furnish, give a certificate under his hand stating what would in his opinion have been the tonnage of the ship if she had been so measured, and the tonnage so stated shall be deemed for the purposes of this Part to be the tonnage of the ship.

(6) Sections 214, 215 and 216 apply to any persons, other than the owner's, who are responsible for the fault of the ship, as though 'owners' included those persons and all persons responsible for the navigation and management of the ship pursuant to a charter or demise.

(7) An insurance effected against the happening, without the owners actual fault or privity, of any or all of the events in respect of which the liability of owners is limited under this Part is not invalid by reason of the nature of the risk.

**213.** (1) Where any of the following occurrences take place without the actual fault or privity of the owners or a ship, whether a Seychelles ship or foreign ship, namely, where any —

- (a) loss of life or personal injury is caused to any person being carried in the ship;
- (b) damage or loss is caused to any goods, merchandise or other things whatsoever on board the ship;
- (c) loss of life or personal injury is caused to any person not carried in the ship, through —
  - (i) the act or omission of any person, whether on board the ship or not, in the navigation or management of the ship, in the loading, carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers, or
  - (ii) any other act or omission of any person on board that ship;
- (d) loss or damage is caused to any property, other than property described in paragraph (b), or any rights are infringed, through —
  - (i) the act or omission of any person, whether on board the ship or not, in the navigation or management of the ship, in the loading, carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers; or
  - (ii) any other act or omission of any person on board that ship,

the owners of the ship shall not be liable for damages beyond the following amounts, namely —

- (i) in respect of loss of life or personal injury, either alone or together with such loss, damage or infringement as is mentioned in

paragraphs (b) and (d), an aggregate amount not exceeding an amount equivalent to 3,100 gold francs for each ton of the ship's tonnage; and

- (ii) in respect of such loss, damage or infringement as is mentioned in paragraph (b) and (d), whether or not there be in addition loss of life or personal injury, an aggregate amount not exceeding an amount equivalent to 1,000 gold francs for each ton of the ship's tonnage.

(2) The limits set by this section to the liabilities mentioned therein apply to the aggregate of those liabilities which are incurred on any distinct occasion, and shall so apply in respect of each distinct occasion without regard to any liability incurred on any other occasion.

(3) For the purposes of subsection (1), where any obligation or liability arises —

- (a) in connection with the raising, removal or destruction of any ship which is sunk, stranded or abandoned, or of anything on board such a ship; or
- (b) in respect of any damages (however caused) to harbour works, basins or navigable waterways,

the occurrence giving rise to the obligations or liability shall be treated as one of the occurrences mentioned in paragraphs (b) and (d) of subsection (1) and the obligation or liability as a liability to damages.

(4) The application of this section to any liability shall not be excluded by reason only that the occurrences giving rise to the liability was not due to the negligence of any person.

(5) Nothing in this section applies to any liability in respect of loss of life or personal injury caused to, or loss of or damage to any property or infringement of any right of, a person who is on board or employed in connection with the ship under a contract of service with all or any of the persons whose liabilities are limited by this section, if that contract is governed by the law of any foreign country and that law either does not set any limit to that liability or sets a limit exceeding that set by this section.

**214.** (1) Where any liability is alleged to have been incurred by the owner of a ship in respect of any occurrence in respect of which his liability is limited by section 213 and several claims are made or apprehended in respect of that liability, the court may —

- (a) on the application of the owner, determine the amount of his liability, and distribute that amount among several claimants (if appropriate);
- (b) stay any proceedings pending in any other court, in relation to the same matter; and
- (c) proceed in such manner and subject to such rules of court as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not apply to be joined in the proceedings within a certain time, and as to requiring security from the owner, and as to the payment of any costs, as the court thinks just.

(2) In making any distribution in accordance with this section, the court may, if it thinks fit, postpone distribution of such part of the amount to be distributed as it deems appropriate having regard to the claims that may be established before the court of any country outside Seychelles.

(3) No lien or other right in respect of any ship shall affect the proportions in which, under this section, any amount is distributed amongst several claimants.

**215.** (1) The persons whose liability in connection with a ship is limited or excluded by this Part shall include any charterer and any person interested in, or in possession of, the ship, and in particular any manager or operator of the ship.

(2) In relation to a claim arising from the act or omission of any person in his capacity as master or member of the crew or (otherwise than in that capacity) in the course of his employment as a servant of the owners of any such person as is mentioned in subsection (1) —

- (a) the persons whose liability is so limited or excluded shall also include the master, member of the crew or servant, and, in a case where the master or member of the crew is the servant of a person whose liability would be limited apart from this paragraph, the person whose servant he is; and
- (b) the liability of the master, member of the crew or servant himself shall be so limited notwithstanding his actual fault or privity in that capacity.

**216.** (1) Where a ship or other property, is arrested in connection with a claim which appears to the court to be founded on a liability to which a limit is set by section 213 or security is given to prevent or obtain release from such an arrest, the court may, and in the circumstances mentioned in subsection (3) shall, order the release of the ship, property or security if the conditions 'specified in subsection (2) are satisfied, but where the release is ordered the person on whose application it is ordered shall be deemed to have submitted to the jurisdiction of the court to adjudicate on the claim.

(2) The conditions referred to in subsection (1) are —

- (a) the security which in the opinion of the court is satisfactory (in this section referred to as 'guarantee') has previously been given, whether in Seychelles or elsewhere, in respect of liability or any other liability incurred on the same occasion, and the court is satisfied that, if the claim is established, the amount for which the guarantee was given, or such part thereof as corresponds to the claims would be actually available to the claimant; and
- (b) that either the guarantee is for an amount not less than the paid limit, or further security is given which, together with the guarantee, is for an amount not less than that limit.

(3) The circumstances referred to in subsection (1) are that the guarantee was given in a port, which, in relation to the claim, is the relevant port, or, as the case may be, a relevant port, that is in a Convention country.

(4) For the purposes of this section —

- (a) a guarantee given by giving a security in more than one country, is deemed to have been given in the country in which security was last given;
- (b) any question whether the amount of any security is (either by itself or together with any other amount) not less than any limit set by section 213 shall be decided as at the time when the security is given; and
- (c) where part only of the amount for which a guarantee was given will be available to the claimant, that part shall not be taken to correspond to his claim if any other part may be available to a claimant in respect of a liability to which no limit is set as mentioned in subsection (1).

(5) In this section —

“Convention country” means a country in respect of which the International Convention relating to the Limitation of the Liability of Owners of Sea-going Ships signed in Brussels on the 10th October 1957, is in force, including any country to which that Convention extends by virtue of Article 14 thereof;

“relevant port” —

- (a) in relation to any claim means the port where the event giving rise to the claim occurred, or, if that event did not occur in a port, the first port of call after the event occurred; and
- (b) in relation to a claim for loss of life or personal injury or damage of cargo, includes the port of disembarkation or discharge.

### ***Division of Liability***

**217.** (1) Where, by the fault of two or more ships, damage or loss is caused to one or more of those ships, any of their cargoes or freight, or to any property on board, the liability to make good the damage or loss shall be in proportion to the degree in which each ship was in fault, but

- (a) if having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally;
- (b) nothing in this section operates so as to render any ship liable for loss or damage to which the fault of the ship has not contributed; and
- (c) nothing in this section affects the liability of any person under a contract of carriage or any contract, or shall be construed as imposing upon any contract or by any law, or affecting the right of any person to limit his liability in the manner provided by law.

(2) In this section, “freight” includes passage money and hire, and any reference to damage or loss caused by the fault of a ship includes a reference to any salvage or other expenses consequent upon that fault, recoverable at law by way of damages.

**218.** (1) Where loss of life or personal injury is suffered by any person on board a ship owing to the fault of that ship and of any other ship or ships, the liability of the owner of the ships shall be joint and several.

(2) Subsection (1) shall not be construed as depriving any person of any right of defence on which, independently of this section, he might have relied in any action brought against him by the person injured, or any person entitled to sue in respect of the loss of life, nor shall it affect the right of any person to limit his liability in cases to which this section relates in the manner provided by law.

**219.** (1) Where loss of life or personal injury is suffered by any person on board a ship owing to the fault of that ship and any other ship or ships, and a proportion of the damage is recovered against the owners of one of the ships that exceeds the proportion in which the ship was in fault, they may recover by way of contribution the amount of the excess from the owners of the other ship or ships to the extent to which those ships were respectively in fault.

(2) No amount shall be recovered if, by reason of any statutory or contractual limitation of or exemption from liability or for any other reason, it could not have been recovered in the first instance as damages by the person entitled to sue therefore.

(3) In addition to any other remedy provided by law, the person entitled to any contribution under this section shall have for the purposes of recovering contribution subject to this Act, the same rights and powers as the persons entitled to sue for damages in the first instance.

**220.** (1) Where, without the actual fault or privity of the owners of any dock or any harbour or port authority, any loss or damage is caused to any ship or to any goods, merchandise or other things whatsoever on board any ship or ships, those owners shall not be liable to damages beyond an aggregate amount not exceeding an amount equivalent to 1,000 gold francs for each ton of tonnage of the largest ship registered under this Act that at the time of such loss or damage occurring is in or has within the proceeding 5 years been within, the area over which such dock owner or port or harbour authority performs any duty or exercises any power.

(2) For the purpose of this section, a ship shall not be taken to have been within the area over which a port or harbour authority performs any duty or exercises any power by reason only that it has been built or fitted out within such area, or where it has taken shelter within such area, or where it has taken shelter within or passed through such area on voyage between two places both situated outside that area, or that it has loaded or unloaded mail or passengers within that area.

(3) This section does not impose any liability in respect of any case where no such liability exists apart from this Act.

(4) The limitation of liability under this section shall relate to the whole of any losses and damages which may arise upon any one distinct occasion, although the loss or damages may be sustained by more than one person, and shall apply whether the liability arises at common law or under any Act, and notwithstanding anything contained in any Act.

(5) In this section, “owner of any dock” includes any person or authority having control and management of any dock and ship using the same, as the case may be.

### **PART XIII**

#### **LEGAL PROCEEDINGS**

##### ***Offences and Limitations***

**221.** (1) An offence under a provision of this Act specified in column 1 of the Second Schedule is punishable as indicated in the corresponding entry in column 2.

(2) Subject to any special provision of this Act, no conviction for an offence shall be made under this Act in proceedings instituted in Seychelles, unless those proceedings are commenced within one year after the commission of the offence.

**222.** (1) No action shall be maintainable to enforce any claim of or lien against a ship or her owners in respect of any damages or loss to another ship, her cargo or freight, or any property on board her, or damages for loss of life or personal injuries suffered by any person on board her, caused by the fault of the former ship, whether such ship be wholly or partly in fault, unless proceedings therein are commenced within two years from the date when the damage or loss or injury was caused.

(2) No action shall be maintainable under this Act to enforce any contribution in respect of an overpaid proportion, of any damages for loss of life or personal injuries unless proceedings therein are commenced within one year from the date of payment.

(3) Any court having jurisdiction to deal with an action to which this section relates may, in accordance with the rules of court, extend any such period, to such extent and on such conditions as it thinks fit, and shall, if satisfied that there has not during such period been any reasonable opportunity of arresting the defendant ship within the jurisdiction of the court, or within the territorial waters of the country to which the plaintiffs ship belongs or in which the plaintiff resides or has his principal place of business, extend any such period to an extent sufficient to give such reasonable opportunity.

(4) For the purposes of this section, the expression 'freight' includes passage money and hire, and references to damage or loss caused by the fault of a vessel shall be construed as including references to any salvage or other expenses, consequent upon that fault, recoverable at law by way of damages.

**223.** Nothing in this Act shall —

(a) authorise —

(i) proceedings in respect of any claim against the Republic; or

(ii) the arrest, detention or sale of any Government ship or any vessel belonging to the Defence Force; or

- (b) give to any person any lien on any Government ship or on any vessel belonging to the Defence Forces or on any cargo or other property belonging to the Republic.

### ***Jurisdiction***

**224.** (1) For the purpose of giving jurisdiction under this Act, every offence under this Act shall be deemed to have been committed either in the place in which the same actually was committed or in any place in which the offender may be.

(2) Any proceedings for an offence under this Act may be instituted in the Supreme Court or, subject to the limitations set out in the Criminal Procedure Code, in a Magistrates' Court and any other proceedings under this Act, unless otherwise provided, shall be instituted in the Supreme Court.

**225.** (1) A court which has jurisdiction in any part of the coast of Seychelles shall have jurisdiction over any ship being on or lying or passing off that part, and over all persons on board the ship, in the same manner as if the ship or persons were within the limits of the original jurisdiction of the court.

(2) The jurisdiction conferred by subsection (1) is in addition to and not in derogation of any jurisdiction or power of a court under any other law.

**226.** (1) A person who does an act or makes an omission on board a ship registered under this Act is liable to be prosecuted for any offence for which he could be prosecuted in respect of the act or omission if it were done or made in Seychelles and, in any such prosecution, it is not a defence to prove that the act was done or the omission made beyond the territorial waters of Seychelles.

(2) For the purposes of a prosecution pursuant to subsection (1), any court, which would have jurisdiction in respect of the offence if the act or omission concerned were done or made in Seychelles, shall have jurisdiction in respect of the offence.

## **PART XIV**

### **GENERAL**

**227.** (1) There shall be a Marine Board consisting of such members as the Minister may, from time to time, in writing appoint.

(2) The Minister may, in writing designate any member to be chairman of the Board.

(3) A person appointed under subsection (1) —

(a) subject to subsection (4), holds office for —

(i) three years; or

(ii) such lesser period as may be specified by the Minister in the instrument of appointment; and

(b) is eligible for re-appointment.

- (4) The Minister may —
  - (a) at any time;
  - (b) without giving reason; and
  - (c) with or without notice,

terminate the appointment of a person appointed under subsection (1).

**228.** (1) The Regulations may make provision with respect to —

- (a) the manner in which the Marine Board shall exercise or perform any of its functions under this Act;
- (b) the manner in which the business and meetings of the Board shall be conducted; and
- (c) the payment of fees and allowances to, and the reimbursement of expenses of, members of the Board.

(2) Subject to Regulations made pursuant to subsection (1)(b), the Marine Board may determine its own procedures.

**229.** (1) A declaration required by this Act may be made before the Registrar, a Magistrate, a notary public or a diplomatic or consular representative of Seychelles.

(2) A declaration required by this Act may be made on behalf of a corporation by any person authorized in that behalf under the common seal of the corporation.

**230.** When under this Act any person is required to make a declaration on behalf of himself or of any corporation, or any evidence is required to be produced to the Registrar and it is shown to the satisfaction of the Registrar that for any reasonable cause that person is unable to make the declaration, or that the evidence cannot be produced, the Registrar may, on the production of such other evidence and subject to such terms as he may see fit, dispense with the declaration or evidence.

**231.** (1) A person who, in a declaration made under or for the purposes of this Act, or in any document or other evidence produced to the Registrar —

- (a) wilfully makes or assists in making, or procures to be made a false statement concerning the title to, or ownership of, or the interest existing in, a ship registered under this Act; or
- (b) utters, produces or makes use of any declaration or document containing any false statement, knowing the same to be false,

is guilty of an offence.



(2) Where, in a declaration made under or for the purposes of this Act, a person wilfully makes a false statement in relation either to his being a qualified person or to another person being a qualified person, the ship in respect of which that false statement has been made is liable to forfeiture to the extent of the interest in the ship of the declarant or unless it is proved that the declaration was made without authority, of a person on behalf of whom the declaration was made.

**232.** (1) All certificates or other documents (including endorsements on certificates or other documents) to which this section applies are admissible in evidence in the manner provided by section 233.

(2) This section applies to —

- (a) a certificate or other document issued, granted, given or made under this Act or purporting to be issued, granted, given or made under this Act and signed, or purporting to be signed, by any person required or authorised by this Act to issue, grant give or make such certificate or document;
- (b) an endorsement made, or purporting to be made, under this Act and signed, or purporting to be signed, by any person required or authorised by this Act to make any such endorsement; and
- (c) a certificate given or made by the Registrar asserting the negative of any circumstance, fact or thing.

**233.** (1) Where a certificate or other document is by this Act declared to be admissible in evidence, it shall, on its production from proper custody, be admissible in evidence in any court, and, subject to all just exceptions, shall be conclusive evidence of the matters stated in it.

(2) A copy of any certificate or other document referred to in subsection (1) or an extract from any such certificate or document is also admissible in evidence if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer or person to whom custody of the certificate or other document is entrusted.

(3) Any person who is by this Act required or authorised to issue, grant, give or make any certificate or other, shall furnish a certified extract from the certificate or document to any person applying at a reasonable time for such certified copy or certified extract.

**234.** (1) Where a ship has become liable to forfeiture under this Act, the Minister may cause the ship to be seized and detained and may bring the ship for adjudication before the court.

(2) The court may, where a ship has been brought before it for adjudication under subsection (1), on such terms and conditions as it thinks just, order that the ship be forfeited to the Republic.

**235.** Where a court adjudges a person convicted of any offence against this Act to pay any fine or other moneys and that person is the master of a ship registered under this Act or the owner of the ship, and the fine or other moneys are not paid within the time and in the manner limited by the conviction or specified in the order of the court, the court may, in addition to any other power it may have to compel payment, direct the amount remaining unpaid to be levied by distress or by the sale of the ship or the equipment of the ship, as the case requires.

**236.** (1) For the purpose of seeing that the provisions of this Act and any of the Conventions referred to in section 85 (1) or any other Convention having the force of law pursuant to an order under section 240 are complied with, the Harbour Master or an authorized officer in relation to any of those provisions, may exercise all or any of the prescribed powers.

(2) For the purposes of the effective exercise or performance of his functions under this Act or for the purposes of any of the Conventions referred to in subsection (1), the Harbour Master or an authorised officer may exercise all or any of the prescribed powers.

(3) The Harbour Master may, if he considers it necessary in consequence of an accident or for any other reason, require a ship to be taken into dock for a survey of its hull or machinery.

(4) The power under subsection (1), (2) or (3) may be exercised by the Harbour Master in respect of a ship registered under this Act notwithstanding that the ship is outside the jurisdiction of Seychelles.

(5) A person exercising a power under subsection (1) or (2) shall not unnecessarily delay a ship.

(6) Any person who obstructs a person in the exercise of his powers under this section or who fails to comply with a requirement made under subsection (3) is guilty of an offence.

(7) For the purposes of subsections (1) and (2), a prescribed power is a power —

- (a) at all reasonable times, to go on board a ship and inspect the ship or any part of the ship, or any part of the machinery, boats, equipment of the ship, or any articles on board the ship;
- (b) to require the production of, and to inspect any document or certificate carried in the ship in pursuance of this Act or any of the Conventions referred to in subsection (1); or
- (c) to require any person to answer questions relevant to the exercise of a power, being exercised pursuant to paragraph (b) for a purpose referred to in subsection (1) or (2).

**237.** (1) The Minister may, in the exercise of his powers under section 60, appoint as many corporations and unincorporated bodies of persons, to be surveyors of ships as, in his opinion, are necessary for the purpose of carrying out the provisions of this Act.

(2) Where a corporation or an unincorporated body of persons is appointed under subsection (1), it shall, if the Minister so directs, nominate a person to carry out surveys, issue certificates and do all other things necessary on its behalf.

(3) A nomination under subsection (2) shall be notified to the Principal Secretary to the Ministry and on receiving such notification the Principal Secretary shall cause to be published in the *Gazette* notice of the matter in the notification.

(4) The power under this section includes a power to appoint corporations and unincorporated bodies or persons, outside Seychelles to be surveyors of ships.

(5) The Minister may, by notice published in the *Gazette*, cancel any notice published in the *Gazette* pursuant to subsection (3).

**238.** The Minister may, by notice published in the *Gazette*, designate any person to be an authorized officer for the purposes of this Act or for the purposes of any provision of this Act.

**239.** (1) This section applies in relation to —

- (a) the holder of an office referred to in section 5 (2);
- (b) a member of the Marine Board;
- (c) a person designated pursuant to section 238.

(2) A person in relation to whom this section applies is not liable for any act or omission done or made by him in good faith under or for the purposes of this Act.

## **PART XV**

### **CONVENTIONS**

**240.** (1) The President may, by order published in the *Gazette*, declare that any Convention relating to shipping, other than a Convention referred to in section 85 as having the force of law in Seychelles, shall have effect in Seychelles, subject to the conditions, limitations or reservations, (if any), stated in the order and the Convention shall have effect accordingly.

(2) The President may, by order published in the *Gazette*, declare that an amendment to any Convention having, pursuant to an order under subsection (1), effect in Seychelles is an amendment which does to the extent stated in the order, or does not as the case may be, have effect in Seychelles.

(3) In this section, 'Convention' includes any Treaty or Agreement relating to shipping; and a Convention, Treaty or an Agreement which relates to the prevention, reduction or control of pollution of the sea or other waters by matter from ships shall be deemed to be a Convention, Agreement or Treaty, as the case may be, relating to shipping.

**241.** An order under section 240 may make provision for or in relation to, the implementation of, or giving effect to any Convention of the kind referred to in that section.

## **PART XVI**

### **REGULATIONS, REPEALS, SAVINGS AMENDMENTS AND TRANSITIONAL**

**242.** (1) The Minister may make Regulations prescribing all matters that are required or permitted by this Act to be prescribed or that are necessary or convenient to be prescribed for the carrying out or giving effect to this Act and in particular for prescribing —

- (a) the manner of doing, and the fees payable in respect of, any matter or thing that is required or permitted to be done under this Act;
- (b) forms to be used for or in connection with this Act;
- (c) the means by which, and the conditions subject to which, a ship or class of ships may be exempted from compliance with the Regulations or any provisions of the Regulations;
- (d) procedures to be followed for the clearance of a ship leaving Seychelles, otherwise than on a local voyage;
- (e) offences and penalties in relation thereto, not exceeding a fine of R10,000 or imprisonment for a term of 12 months or both; and
- (f) savings with respect to anything done under the legislation in force before the commencement of this section.

(2) The Regulations may amend the First and Second Schedules.

**243.** (1) The laws referred to in Part I of the Third Schedules are repealed.

(2) The savings in Part II of the Third Schedule shall have effect.

(3) The Act specified in column I of Part III of the Third Schedule is amended to the extent stated in the corresponding entry in column 2 of that Part.

**244.** The Minister, by Regulations made under this section, may make whatever provisions seems necessary or desirable for a smooth transition from arrangements with respect to shipping existing before the commencement of this Act to arrangements under this Act.

## PART XVII MARINE POLLUTION

**245.** (1) The provisions of this Act shall be without prejudice to the laws relating to the protection of the Marine Environment or any incident involving pollution from shipping.

(2) Where there is no law or where such law is deficient in Seychelles relating to the protection of the Marine environment or any incident involving pollution from shipping the Minister may in consultation with the Minister responsible for environment make regulations for the protection of the marine environment and other activities relating to the safety of shipping.

(3) Regulations made under subsection (2) may create offences and provide penalties therefor —

- (a) not exceeding fines of R200,000 or imprisonment not exceeding 5 years;
- (b) for forfeiture of vessel;

(c) any may also provide for continuing offences for each day the offence is continued after conviction.

(4) The Harbour Master may issue directions to the owner or master of any vessel to prevent the occurrence of environmental damage and to minimize harmful effects to the marine environment, and to repair as far as possible any such damage.

(5) The owner or master of a vessel who fails to comply with any directions given under subsection (3) is guilty of an offence and liable to a penalty of a fine of R200,000 or imprisonment not exceeding 5 years.

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## **FIRST SCHEDULE**

### **LOCAL VOYAGE**

#### ***(PART A)***

Praslin	Felicite	Ile aux Recifs
La Digue	Marianne	Silhouette
Curieuse	Fregate	North Island
Aride	Les Soeurs	Le Cousin
Denis	Ile aux Vaches	La Cousine

#### ***(PART B)***

African Banks	Alphonse
Remire or Eagle Island	Bijoutier
Daros and St Joseph	St Francoise or Francis
Group	
Poivre Island	Platte
Desroches	Coetivy
Maire Louise	Zemire Reef
Deneufs	Bertraud Reef
Boudeuse or King Rose	La Perle Reef
Etoile	

#### ***PART C***

Providence and Cerf	
Island	Farquhar
St. Pierre	Cosmoledo Group

Astove  
Providence Reef +  
Banks

Assumption  
Aldabra

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## SECOND SCHEDULE

### PENALTIES

1

2

Section	Imprisonment or fine or both
22 (3)	R500 fine
22 (4)	R100 fine
27 (3)	R5000 fine together with 6 months imprisonment
27 (4)	R1000 fine
29 (5)	R1000 fine
32 (9)	R400 fine together with 3 months imprisonment
33 (2)	R200 fine
42 (1)	R10,000 fine together with 12 months imprisonments
45 (2)	R1000 fine
45 (3)	R1000 fine
46 (2)	R1000 fine
51 (1)	R10,000 fine together with 12 months imprisonment
53 (3)	R10,000 fine together with 12 months imprisonment
81 (3)	R500 fine
82 (2)	R10,000 fine together with 12 months imprisonment
83 (2)	R500 fine
86 (1)	R1,000 fine
86 (2)	R100 fine
86 (3)	R1,000 fine
88 (4)	R1,000 fine
91 (2)	R10,000 fine together with 12 months imprisonment
92 (2)	R10,000 fine together with 12 months imprisonment
93 (2)	R8,000 fine together with 10 months imprisonment
94 (1)	R10,000 fine together with 10 months imprisonment
95	R10,000 fine

96 (3)	R20,000 fine	
1		2
Section	Imprisonment or fine or both	
97 (2)	R10,000 fine	
100 (1)	R10,000 fine together with 12 months of imprisonment	
101 (3)	R20,000 fine	
101 (4)	R20,000 fine together with 12 months imprisonment (for any other person)	
103 (1)	R15,000 fine together with 18 months imprisonment	
103 (3)	R15,000 fine together with 18 months imprisonment	
107 (1)	R20,000 fine together with 12 months imprisonment	
107 (2)	R20,000 fine together with 12 months imprisonment	
110 (4)	R15,000 fine	
114 (1)	R20,000 fine together with 24 months imprisonment	
114 (2)	R20,000 fine together with 24 months imprisonment	
132	R 5000 fine together with 6 months imprisonment	
133	R10,000 fine together with 12 months imprisonment (for 'owner')	
136	3 years imprisonment	
138	R5000 fine	
141 (4)	R1000 fine	
143 (6)	R1000 fine	
145	R5000 fine	
146 (3)	R1000 fine	
147 (3)	R5000 fine	
150 (1)	R3000 fine	
152(2)	R50,000 fine together with 9 years imprisonment (for 'master')	
153	R25,000 fine together with Rs1000 fine	
154	R1,000 fine	
161	R1,000 fine	
162	R2000 fine	
164	R10,000 fine	
165 (2)	R10,000 fine	
166 (2)	R500 fine	

Section	Imprisonment or fine or both
168 (2)	R10,000 fine
168 (3)	R15,000 fine together with 12 months imprisonment
170 (1)	R20,000 fine
180 (3)	R5000 fine together with 6 months imprisonment
181 (4)	R10,000 fine together 12 months imprisonment
183 (1)	R10,000 fine together 12 months imprisonment
184 (4)	R20,000 fine together with 24 months imprisonment
185 (2)	R20,000 fine together with 24 months imprisonment
186 (2)	R10,000 fine together with 12 months imprisonment
192	R20,000 fine together with 24 months imprisonment
204 (2)	R5000 fine together with 6 months imprisonment
209	R5000 fine
231 (1)	R20,000 fine together with 36 months imprisonment
236 (6)	R5000 fine together with 6 months imprisonment

### **THIRD SCHEDULE**

#### **REPEALS, SAVINGS AND AMENDMENTS**

##### ***Part I - Repeals***

British Ship (Life Saving Appliances) Act	Cap.205 (1971 Ed)
British (Masters' and Mates' Certificates) Act	Cap.206 (1971 Ed)
Inquiry into Wrecks Act	Cap.211 (1971 Ed)
Local Trading Vessels Act	Cap.212 (1971 Ed)
Master' and Mates' Certificates Act	Cap.213 (1971 Ed)
Merchant Shipping (Engineers' Certificate) Act	Cap.214 (1971 Ed)
Merchant Shipping (Interpretation) Act	Cap.215 (1971 Ed)
Merchant Shipping (Powers of Exemption and Dispensation) Act	Cap.216 (1971 Ed)
Superintendent of Mercantile Marine Act	Cap.217 (1971 Ed)
Unseaworthy Foreign Ship Act	Cap.218 (1971 Ed)
Unseaworthy Vessels Act	Cap.219 (1971 Ed)



Wrecks, Casualties and Salvage Act	Cap.220 (1971 Ed)
Merchant Shipping (Temporary Provisions) Act 1976	Act 21 of 1976
Inter-Island Traffic Decree	Decree No.15 of 1979

## ***Part II - Savings***

**1.** (1) A certificate issued or issued to a master or a seaman pursuant to any Act referred to in Part I and in force at the commencement of this Schedule, shall —

- (a) have, on and after that commencement, the same effect as a certificate or competency, having similar effect, issued or granted under this Act;
- (b) subject to paragraph (c), be valid for the same period for which it would have been valid if this Act has not been enacted; and
- (c) be subject to the provisions of this Act relating to the certificates of competency.

(2) A person, who pursuant to sub-paragraph (1), holds a certificate of competency is subject to the duties and liabilities of such a holder under this Act.

**2.** (1) In this paragraph —

“registered ship” means a ship which, immediately prior to the commencement of this Schedule, is registered under the 1976 Act as a Seychelles Ship;

“ 1976 Act” means the Merchant Shipping (Temporary Provisions) Act 1976 repealed by Part I of this Schedule.

(2) On and after the commencement of this Schedule, a registered ship, shall be deemed to be ship registered under this Act, and the Registrar shall make the necessary entries in the Register to record the registration.

(3) A registered ship which is a Government ship shall be entered in the Register, pursuant to sub-paragraph (2) as such

(4) Where the owner, or each of the owners, of a registered ship, at the commencement of the Schedule, is not a qualified person, then, subject to sub-paragraph (3) the ship shall be deemed to be designated ship in respect of which an order has been published, on that commencement , in the *Gazette* for the purposes of section 17 (3).

(5) Where, immediately prior to the commencement of this Schedule —

- (a) a bill of sale for the transfer of a ship; or
- (b) a mortgage,

lawfully subsists in respect of a registered ship, the bill of sale and the mortgage shall have effect on and after the commencement as if they were respectively a bill of sale or a mortgage for the purposes of this Act.

(6) Any certificate issued or given pursuant to the 1976 Act in respect of a registered ship which is—

(a) a Load Line Convention Ship; or

(b) a Safety Convention Ship,

subsisting immediately prior to the commencement of the Schedule shall, and after that commencement, be deemed to be a certificate given pursuant to this Act; and the period of the validity of the certificate for the purpose of any requirement relating to its renewal, or otherwise, shall be ascertained by reference to the date of the issue or grant of the certificate pursuant to the 1976 Act.

3. Any person appointed before the commencement of this Schedule to an office referred to in section 5 and holding that office at the commencement shall, on and after that commencement, be deemed to have been appointed to that office pursuant to that section.

4. Nothing in this Schedule shall be construed as affecting the operation of sections 27 A or 28 of the Interpretation and General Provisions Act in relation to any Act repealed under Part I of this Schedule.

### **Part III - Amendments**

Column 1

Column 2

The Commercial Code Act

Article 190 of the Commercial Code of Seychelles set out in the First Schedule is amended by deletion of the second sentence

thereof.

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## **LAWS OF SEYCHELLES**

### **CHAPTER 127A**

### **MERCHANT SHIPPING ACT**

### **SUBSIDIARY LEGISLATION**

#### **Section 16(3)**

### **MERCHANT SHIPPING ACT (EXEMPTION) ORDER**

SI. 66 of 1995

*[6th June, 1995]*

1. This Order may be cited as the Merchant Shipping (Exempt Ship) Order.
2. A ship that is exclusively engaged in local voyages is an exempt ship for the purposes of section 16 of the Act.

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SECTIONS 16 AND 242

**MERCHANT SHIPPING (REGISTRATION OF NON-GOVERNMENT SHIPS)**

**REGULATIONS**

*[6th June, 1995]*

**ARRANGEMENT OF REGULATIONS**

**PART I - PRELIMINARY**

1. Citation
2. Interpretation

**PART II - PROCEDURE FOR REGISTRATION**

3. Application for registration
4. Declaration of ownership
5. Registration
6. Tonnage certificate and certificate of registry
7. Provisional certificate of registry
8. Change of ownership
9. Registry of alterations
10. Bill of Sale
11. Transfer
12. Transmission
13. Mortgage
14. Discharge of mortgage
15. Transfer of mortgage

SI. 58 of 1995  
SI. 75 of 1998

16. Transmission of interest in mortgage

17. Change of registered ships

**PART III - FOREIGN SHIPS WHILST WITHIN THE SEYCHELLES OR THE  
TERRITORIAL WATERS THEREOF**

18. Marking of ships

**PART IV - FEES**

19. Fees

**PART V - TRANSITIONAL**

20. Transitional

Schedule

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**PART I - PRELIMINARY**

1. These regulations may be cited as the Merchant Shipping (Registration of Non-Government Ships) Regulations.

2. In these Regulations —

“certificate of registry” means a certificate by that name granted pursuant to section 27 of the Act;

“mortgage” means an instrument of security of the kind referred to in section 63(1) of the Act;

“ship” means a ship other than a Government ship and includes a yacht;

“the Registrar” means a person appointed as Registrar of Shipping pursuant to section 5 of the Act;

“tonnage certificate” means a certificate granted pursuant to section 21 of the Act.

**PART II - PROCEDURE FOR REGISTRATION**

3. (1) An application for registration of a for ship shall be in Form RS01 in the Schedule.

(2) Subject to subregulation (3), an application under subregulation (1) shall be accompanied by —

(a) a certificate signed by the builder of the ship and containing —

- (i) a description of the ship;
    - (ii) the estimated tonnage of the ship;
    - (iii) the date and place of construction of the ship; and
    - (iv) the name of the person (if any) on whose account the ship was built;
  - (b) where the ship has been registered under a law of a foreign country, evidence that registration in that country has ceased;
  - (c) evidence that the applicant is the owner of the ship;
  - (d) a list of not less than three alternative names, numbered in order of preference, under which the ship is proposed to be registered; and
  - (e) a declaration of ownership.
- (3) Where a certificate referred to in subregulation 2 (a) cannot be obtained, the applicant shall —
- (a) make a declaration to that effect; and
  - (b) annex the declaration to the application under subregulation (1).
- 4.** A declaration of ownership shall be in Form RS02 in the Schedule.
- 5.** (1) Where the Registrar is satisfied that the ship may be registered, he shall—
- (a) allot a registry number to the ship; and
  - (b) enter into the Register —
    - (i) the registry number so allotted; and
    - (ii) the name of the ship;
    - (iii) such particular of the construction or origin of the ship as appears to him to be relevant;
    - (iv) the name and description of each owner and the ship; and
    - (v) the proportions in which the owners, if more than one, own the ship; and
  - (c) grant a certificate of registry in respect of the ship.
- (2) On registration of a ship the Registrar shall retain —
- (a) the certificate of the builder;

- (b) any evidence as to title to the ship which was annexed to the application for registration;
- (c) the declaration of ownership; and
- (d) any other document or certificate which he considers should be so retained.

(3) A charterer of a bare boat may, subject to the conditions of the first registry mortgages of interests in the vessel, but not the vessel as a whole, for a period not exceeding the period of the charter.

- 6.** (1) A tonnage certificate in relation to a ship shall be in Form RS03 in the Schedule.
- (2) A certificate of registry of a ship shall be in Form RS04 in the Schedule.

**7.** A provisional certificate of registry of ship shall be in Form RS05 in the Schedule.

**8.** Where a change occurs in the registered ownership of a ship, the Registrar shall—

- (a) enter into the Register the details of the change; and
- (b) endorse, or cause to be endorsed, upon the certificate of registry of the ship the details so entered.

**9.** Where the Registrar causes the alteration of a ship to be registered, he shall enter into the Register —

- (a) reference to the new tonnage certificate of the altered ship; and
- (b) the number of the new certificate of registry granted under section 33 (5) of the Act.

**10.** A bill of sale for the transfer of ship shall be in Form RS06 and Form RS07 in the Schedule.

**11.** A declaration of transfer shall be in Form RS08 in the Schedule.

**12.** A declaration of transmission shall be Form RS09 in the Schedule.

**13.** A mortgage shall be in Form RS10 in the Schedule.

**14.** A discharge of mortgage shall be in Form RS11 or Form RS11(a) in the Schedule.

**15.** A transfer of mortgage shall be in Form RS12 or Form RS12(a) in the Schedule.

**16.** A declaration of transmission of interest in mortgage shall be in Form RS13 in the Schedule.

**17.** (1) Where the owner of a ship that is registered under the Act seeks to change the name of the ship, he may apply to the Registrar.

- (2) An application under subregulation (1) shall be in Form RS14 in the Schedule.
- (3) Where the Registrar approves an application under this regulation, he shall —
  - (a) notify the applicant;
  - (b) enter the new name of the ship into the Register; and
  - (c) cause the new name of the ship to be endorsed upon the certificate registry of the ship.

**17A.** A certificate of survey shall be in the Form RS15 in the Schedule.

**17B.** A ship's carving and marking note shall be in Form RS16 in the Schedule.

**17C.** A deposit of a mortgage with an authorised officer abroad shall be in Form RS17 in the Schedule.

**17D.** An application by a charterer of a bare boat for parallel registration of a foreign ship in the Seychelles Register shall be in Form RS18 in the Schedule.

**17E.** An application by a charterer of a bare boat for parallel registration of a Seychelles ship in a foreign register shall be in Form RS19 in the Schedule.

**17F.** An application for the approval of the Minister for the parallel registration of a Seychelles ship in a foreign register shall be in Form RS20 in the Schedule.

**17G.** The approval of the Minister for parallel registration of a Seychelles ship shall be in Form RS21 in the Schedule.

**17H.** A common declaration, in the case of parallel registration of a ship, shall be in Form RS22 in the Schedule.

**17I.** The certificates of Seychelles Parallel Registry shall be in Form RS23 in the Schedule;

### **PART III - MARKING OF A SHIP**

- 18.** (1) A ship shall be marked permanently ships and conspicuously on —
- (a) each side of her bow by her name;
  - (b) her stern, by her name and followed by “Port Victoria”, and
  - (c) each side of her bow/stern and of her stern post and midships by a scale of decimetres or of metres and decimetres denoting her draught of water;
- (2) The marking referred to in subregulation (1) (a) and (b) shall be in —
- (a) white or yellow letters on a dark ground; or

- (b) black letters on a light ground;

being letters of length of not less than one decimetre and of proportionate breadth.

- (3) The marking referred to in subregulation (1) (c) shall be —
  - (a) in white or yellow figures on a dark ground; or
  - (b) in black figures on a light ground, being figures that are;
  - (c) welded on or cut or painted into the ship;
  - (d) of a length of not less than one decimetre and of proportionate breadth;
  - (e) where the scale is in decimetres, at each interval of two decimetres; and
  - (f) where the scale is in metres and decimetres, at each intervening two decimetre interval.
- (4) In the case of figures denoting the scale of draught of a ship the —
  - (a) capital letter 'M' shall be placed after each metre figure in the manner and style of each metre figure.
  - (b) topmost figure of the scale shall show —
    - (i) the metre; and
    - (ii) except where the figure marks a full metre interval, the decimetre, denoted by the figure; and
  - (c) the lower line of each figure shall coincide with the draught line denoted by each figure.

#### **PART IV - FEES**

**19.** The fees listed in Part II of the Schedule are payable in respect of matters referred to in the Schedule. The symbol \$ denotes United States of America Dollars.

#### **PART V - TRANSITIONAL**

- 20.** A certificate, licence, instrument or document having a like or similar effect to a—
- (a) certificate of registration;
  - (b) a provisional certificate of registration;
  - (c) a bill of sale;



- (d) a declaration certificate of transfer;
- (e) a declaration of transmission;
- (f) a registered mortgage,

in force immediately prior to the entry into force of these Regulations remains in force unless earlier concluded or revoked,

- (g) for a period of one year from the appointed day; or
- (h) until the date of the expiration of that certificate, licence, instrument or document, whichever is the earlier.

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## **SCHEDULE**

### **PART I**

### **FORMS**

## **PART II**

### **FEES**

#### **1. Initial Registration Fees**

##### **(a) Any Vessel**

- |      |  |   |
|------|--|---|
| i)   | Less than 10,000 GT  | US\$1.00/GT with a minimum of<br>US\$500.00                               |
| ii)  | for each ton in excess of<br>10,000 GT not in<br>excess of 50,000 GT | US\$10,000 plus<br>US\$0.45/GT for each ton<br>in excess of 10,000 GT     |
| iii) | for each ton in excess of<br>50,000 GT or more                       | US\$30,000.00 plus US\$<br>0.20/GT for each ton in<br>excess of 50,000 GT |

<b>(b) Yachts</b>	US\$500.00
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#### **2. Annual Tonnage Fees**

- |      |   |             |
|------|---|-------------|
| i)   | Less than 1,600 GT  | US\$0.50/GT |
| ii)  | for each ton in excess of<br>1,600 GT but not in excess<br>of 5,000GT   | US\$0.40/GT |
| iii) | for each ton in excess of<br>5,000 GT but not in excess<br>of 10,000 GT | US\$0.20/GT |
| iv)  | for each ton in excess of<br>10,000 GT or more                          | US\$0.10/GT |
| v)   | Yachts  | US\$300.00  |

**3. Annual Tax**

No annual tax levied.

**4. Rebate**

Owners registering second or more ships within 12 months of first registration are entitled to 30% rebate for registered vessels.

**5. Mortgages**

i)	Mortgage registration	US\$300.00
ii)	Transfer of mortgage	US\$200.00
iii)	Cancellation of mortgage	US\$100.00

**6. Certificates**

All statutory certificates US\$150.00 each.

NOTE: Annual tonnage fees are due on 31<sup>st</sup> January each year.

Where a ship is registered after 13<sup>th</sup> January in any year, the annual fees payable are calculated for every month or part thereof at the rate of one-twelfth of the annual fee.

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Sections 18 and 242

**MERCHANT SHIPPING (REGISTRATION OF GOVERNMENT SHIPS)** S.I. 59 of 1995

**REGULATIONS**

*[6th June, 1995]*

**PART I - PRELIMINARY**

**1.** These Regulations may be cited as the Merchant Shipping (Registration of Government Ships) Regulations.

**PART II - PRECEDURE FOR REGISTRATION**

**2.** (1) An application for registration of a Government ship shall be made to the Registrar in writing and shall be signed —

(a) where the ship belongs to the Government by —

- (i) the head of the Department; or
    - (ii) the head of the authority;
  - which has responsibility for the ship; and
  - (b) in any other case, by the person who holds the ship on behalf of or for the benefit of the Government.
- (2) An application for registration of a Government ship shall contain —
  - (a) the name of the ship;
  - (b) a description of the ship;
  - (c) where the date and place of construction of the ship are —
    - (i) known a statement of that date and that place; or
    - (ii) not known a statement to that effect, giving such particulars relating to the construction of the ship as are known;
- (3) An application for registration of a Government ship shall have annexed to it —
  - (a) such certificate or other evidence of title as are referred to in the particulars of title; and
  - (b) the tonnage certificate of the ship.
- (4) Registrar, if satisfied that a Government ship may be registered, shall register the ship by entering into the Register —
  - (a) her name;
  - (b) the registry number allotted to her;
  - (c) the name of owner; and
  - (d) the particulars contained in —
    - (i) the application for registration; and
    - (ii) her tonnage certificate.
- (5) On registration of a Government ship the Registrar shall retain —
  - (a) the application for registry; and
  - (b) the certificate or other evidence of title referred to in subregulation (3) (a).

3. The provisions of regulations 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of the Merchant Shipping (Registration of Non-Government Ships) Regulations shall mutatis mutandis apply to Government Ships registered under these Regulations.

4. (1) A Government ship that was, immediately before the entry into force of these Regulations, registered under the Merchant Shipping (Temporary Provisions) Act, 1976, shall be deemed to be registered under this Act.

(2) A certificate, licence, instrument or document having a like or similar effect to a—

- (a) Certificate of registration;
- (b) a provisional certificate of registration;
- (c) a bill of sale;
- (d) a declaration of certificate of transfer;
- (e) a declaration of transmission;
- (f) a registered mortgage,

in force immediately prior to the entry into force of these Regulations remains in force unless earlier concluded or revoked,

- (g) for a period of one year from the coming into force of these Regulations; or
- (h) until the date of expiration of that certificate, licence, instrument or document,

whichever is the earlier.

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Section 55(1)

## **MERCHANT SHIPPING (TONNAGE) REGULATIONS**

*[29th May, 1995]*

S.I. 55 of 1995  
SI. 65 of 1998

### **ARRANGEMENT OF REGULATIONS**

#### **PART 1**

#### **PRELIMINARY**

1. Citation
2. Interpretation

#### **PART II**

#### **APPLICATION, ASCERTAINMENT OF TONNAGE AND CERTIFICATION FOR NEW SHIPS AND EXISTING SHIPS**

3. Application of Part II

#### **A - ASCERTAINMENT OF TONNAGE**

##### Regulation

4. Method of measurement
5. Calculation of volumes
6. Gross Tonnage
7. Net Tonnage
8. Miscellaneous tonnage

#### **B - CERTIFICATION**

9. Issue of Certificate
10. Cancellation of Certificate
11. Change of Net Tonnage

#### **PART III**

##### **FOREIGN SHIPS WHILST WITHIN THE SEYCHELLES OR THE TERRITORIAL WATERS THEREOF**

12. Application of foreign tonnage certificates
13. Ascertainment of Tonnage and Certification of New foreign ships

#### **PART IV**

##### **PENALTIES**

14. Penalties

Schedule 1

Schedule 2

Schedule 3

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#### **PART 1 – PRELIMINARY**

1. These Regulations may be cited as the Merchant Regulation Shipping (Tonnage) Regulations.
2. In these Regulations, unless the context otherwise requires —  
“Administration” means the Government of the State whose flag the ship is flying;  
“amidships” means the mid point of the length;

“breadth” means 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;

“cargo spaces” means enclosed spaces which are included in the computation of gross tonnage and are appropriated for the transport of cargo to be discharged from the ship and which are permanently marked with the letters "CC" (Cargo Compartment), such letters being not less than 100 millimetres in height and so positioned as to be readily visible;

“Certifying Authority” means the Marine Board or any person appointed by or under the Merchant Shipping (Appointment of Surveyors) Regulations, for the purpose of these Regulations;

“Contracting Government” means the government of a country which has accepted the International Convention on Tonnage Measurement of Ships, 1969;

“Convention” means the International Convention on Tonnage Measurement of Ships, 1969;

“enclosed spaces” means all those spaces, other than excluded spaces, which are bounded by the ship's hull, by fixed or portable partitions or bulkheads, or by decks or coverings other than permanent or moveable awnings. No break in a deck, nor any opening in the ship's hull, in a deck or in a covering of a space, or in the partitions or bulkheads of a space, nor the absence of a partition or bulkhead, shall preclude a space from being included in the enclosed spaces; and for the purposes of this definition “excluded spaces” means any of the following spaces —

- (a) that part of an enclosed space within an erection opposite an end opening and extending from the opening to an athwartship line at a fore and at distance from the opening shall have a breadth equal to or greater than 90 per cent of the breadth of the deck at the line of the opening and shall extend from deck to deck or to a curtain plate of a depth not exceeding by more than 25 millimetres the depth of the adjacent deck beams, as specified in figure 1 of Schedule 1 provided that:
  - (i) where at any point the width of the enclosed space, because of any arrangement except convergence of the outside plating, as specified in figure 3 of Schedule 1, becomes less than 90 per cent of the breadth of the deck at the line of the opening, the excluded space shall extend only to an athwartship line intersecting that point, as specified in figures 2 and 4 of Schedule 1;
  - (ii) where the opposite ends of two enclosed spaces are separated by a gap, which is completely open except for bulkwarks or open rails and of fore and aft length less than half the least breadth of the deck at the gap, then no part of the enclosed spaces shall be excluded, as specified in figures 5 and 6 of Schedule 1;
- (b) a space under an overhead deck covering open to the sea and weather, having no other connection on the exposed sides with the body of the ship than the stanchions

necessary for its support. In such a space, open rails or a bulkwark and curtain plate may be fitted or stanchions fitted at the ship's side, provided that the distance between the top of the rails or the bulkwark and the curtain plate is not less than 0.75 metres or one-third of the height of the space, whichever is the greater, as specified in figure 7 of Schedule 1;

- (c) a space in a side-to-side erection between opposite side openings not less in height than 0.75 metres or one-third of the height of the erection, whichever is the greater. If the opening in such an erection is provided on one side only, the space to be excluded from the volume of enclosed space shall be limited inboard from the opening to a maximum of one half of the breadth of the deck in a way of the opening, as specified in figure 8 of Schedule 1;
- (d) a space in an erection immediately below an uncovered opening in the deck overhead, provided that such an opening is exposed to the weather and the space excluded from enclosed spaces is limited to the area of the opening, as specified in figure 9 of Schedule 1;
- (e) a recess in the boundary bulkhead of an erection which is exposed to the weather and the opening of which extends from deck to deck without means of closing, provided that the interior width is not greater than the width at the entrance and its extension into the erection is not greater than twice the width of its entrance, as specified in figure 10 of Schedule 1;
- (f) notwithstanding the provisions of sub paragraphs (a) to (e) inclusive, any space listed in those subparagraphs which fulfils at least one of the following conditions shall be treated as an enclosed space —
  - (i) the space is fitted with shelves or other means for securing cargo or stores;
  - (ii) the openings are fitted with any means of closure;
  - (iii) the construction provides any possibility of such openings being closed;

“existing ship” means a ship which is not a new ship;

“length” means the greater of the following distances:-

- (a) the distance between the fore side of the stem and the axis of the rudder stock; or
- (b) a distance measured from the fore of the stem, being 96 per cent of the distance between that point and the aft side of the stern,

the said points and measurement being taken respectively at and along a waterline at 85 per cent of the least moulded depth of the ship. In the case of a ship having a rake of keel the waterline shall be parallel to the designed waterline;

“Load Line Rules” means the Load Line Rules as set out in the Load Line Convention and which under Section 85(1) of the Act is applicable to Seychelles and includes in relation of any ship not registered in the Seychelles any corresponding rules of the country in which the ship is registered;



“moulded depth” means —

- (a) the vertical distance measured from the top of the keel to the underside of the upper deck or side. In wood and composite ships the distance is to be 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 to be 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 gunwales were of angular design;
- (c) where the upper 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 line parallel with the raised part; for the purposes of this definition: (i) “upper deck” means the uppermost complete deck exposed to weather and sea, which has permanent means of weather-tight closing of 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 stepped upper 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 upper deck; and (ii) “weathertight” means that in any sea conditions water will not penetrate into the ship;

“moulded draught” means —

- (a) for ships assigned load lines in accordance with the Load Line Rules, the draught corresponding to the Summer Load Line (other than timber load lines);
- (b) for passenger ships the draught corresponding to the deepest subdivision load line assigned therein;
- (c) for ships to which no load line has been assigned but the draught of which is restricted by the Minister, the maximum permitted draught;
- (d) for other ships, 75 per cent of the moulded depth amidships as defined in this regulation;

“new ship”, means a ship the keel of which is laid, or which is at a similar stage of construction, after the commencement of the Act and for the purposes of this definition “a similar stage of construction” means the stage at which—

- (i) construction identifiable with a specific ship begins; and
- (ii) assembly of that ship has commenced comprising at least 50 tonnes or one per cent of the estimated mass of all structural material whichever is the less;

“passenger” means any person carried in a ship except —

- (a) a child under one year of age;
- (b) the master and members of the crew or other persons employed or engaged in any capacity in the business of the ship;

“oil tanker” means a ship constructed or adapted to carry oil in bulk in its cargo spaces and includes combination carriers; for the purposes of this definition “combination carrier” means a ship designed to carry either oil or solid cargoes in bulk;

“pleasure yacht” means a vessel primarily used for sport or recreation;

“surveyor” means a surveyor of ships appointed under sections 60 and 237 of the Act and includes a person in respect of whom a nomination given pursuant to section 237(3) of the Act has been notified in the Gazette and has not been cancelled.

## **PART II**

### **APPLICATION, ASCERTAINMENT OF TONNAGE AND CERTIFICATION FOR NEW SHIPS AND EXISTING SHIPS**

**3.** This Part and Schedules 1, 2 and 3 shall apply to the following ships registered or to be registered in the Seychelles under Part III of the Act —

- (a) new ships
- (b) existing ships which undergo alterations or modifications which result in a substantial variation in their existing gross tonnage;
- (c) existing ships, if the owner so requests;
- (d) all ships with effect from 18th July, 1996.

#### **A - ASCERTAINMENT OF TONNAGE**

**4.** (1) The owner and the master of the ship to be measured shall make it available for measurement by a surveyor and afford all necessary facilities for its survey and measurement and shall produce such plans, drawings, specifications and other documents relating to the ship that the surveyor may require for his use or retention.

(2) The gross and net tonnages shall be determined in accordance with regulations 6 and 7 provided that in the case of novel types of craft with constructional feature which render the application of the provisions of these Regulations unreasonable or impracticable, the gross and net tonnages shall be determined as required by the Minister.

(3) All measurements used in the calculations of volumes shall be taken and expressed in metres to the nearest centimetre.

(4) Gross and net tonnages shall be expressed as whole numbers, decimals being rounded off downwards.

**5** (1) All volumes included in the calculation of gross and net tonnages shall be measured, irrespective of the fitting of insulation or the like, to the inner side of the shell or

structural boundary plating in ships constructed of metal, and to the outer surface of the shell or to the inner side of the structural boundary surfaces in ships constructed of any other material.

(2) Volumes of appendages shall be included in the total volume.

(3) Volumes of space open to the sea shall be excluded from the total volume.

(4) The method of accuracy of the calculations shall be to the satisfaction of the Minister and shall be sufficiently detailed to facilitate checking.

6. The gross tonnage (GT) of a ship shall be determined by the following formula:  $GT = K1 V$  where:  $V$  = total volume of all enclosed spaces of the ship in cubic metres,  $K1 = 0.2 + 0.02 \log_{10} V$  or as specified in Schedule 2.

7. The net tonnage (NT) of a ship shall be determined by the following formula: Net Tonnage

$$NT = K2 V_c \frac{(4d)^2}{(3D)} + K3 (N1 + \frac{N2}{10})$$

$$(3D) \quad 10$$

where:  $V_c$  = total volume of cargo spaces in cubic metres

$K2 = 0.2 + 0.02 \log_{10} V_c$  or as specified in Schedule 2

$$K3 = 1.25 \frac{Gt + 10,000}{10,000}$$

$GT$  = gross tonnage calculated in accordance with regulation 6

$D$  = moulded depth amidships in metres

$d$  = moulded draught amidships in metres

$N1$  = number of passengers in cabins with not more than 8 berths

$N2$  = number of other passengers

Provided that:

(a) the factor  $\frac{(4d)^2}{(3D)}$

shall not be taken as greater than unity;

(b) the term  $K2 V_c \frac{(4d)^2}{(3D)}$

shall not be taken as less than 0.25 GT;

(c)  $N1$  and  $N2$  shall be taken as zero when  $N1 + N2$  is less than 13;

(d)  $NT$  shall not be taken as less than 0.03 GT.

8. (1) Segregated ballast oil tankers. Where segregated ballast tanks complying with Regulation 13 of Annex 1 of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating to that Convention are provided in oil tankers, an entry may be made on the International Tonnage Certificate (1969) indicating the total tonnage of these tanks. The tonnage of such segregated ballast tanks shall be calculated according to the following formula:

$K1 \times V6$

Where:  $K1 = 0.2 + 0.02 \log_{10} V$  or as specified in Schedule 2.

$V$  = the total volume of all enclosed spaces of the ship in cubic metres.

$V6$  = the total volume of segregated ballast tanks in cubic metres measured in accordance with regulation 5.

(2) Deck Cargoes:

Where cargo is carried in any uncovered space on deck the tonnage of the space so occupies to be taken into account for the purposes of Section 102 of the Act, (payment of dues where goods are carried in spaces not forming part of the gross or net tonnages) shall be determined by the formula:

Deck Cargo Tonnage =  $0.353$  (mean length x mean breadth x mean height).

## **B - CERTIFICATION**

**9.** The Certifying Authority shall, upon receipt of the appropriate fee, issue to the owner of every ship registered in the Seychelles under this Act, the tonnages of which have been ascertained in accordance with regulations 6 and 7, an International Tonnage Certificate in the form set out in Schedule 3 certifying the tonnages of the ship and containing the following particulars—

- (a) the name, port of registry and official number of the ship;
- (b) its length, breadth and moulded depth;
- (c) its gross and net tonnages;
- (d) the date of which the keel was laid or the ship was at a similar stage of construction or date on which the ship underwent alterations or modifications of a major character.

**10.** (1) Where alterations are made in the arrangement, construction, capacity, use of spaces, total number of passengers, assigned load line, or permitted draught of the ship such as would cause an increase in the gross or net tonnage, the existing International Tonnage Certificate (1969) shall cease to be valid and shall be delivered up to and cancelled by the Marine Board.

(2) When a ship is transferred from the Seychelles Register, the International Tonnage Certificate (1969) shall cease to be valid except when the transfer is to the Administration of a State which is a Contracting Government in which case the certificate may remain in force for a period not exceeding 3 months or until the new Administration issues another International Tonnage Certificate (1969) whichever is the earlier. The Marine Board shall transmit to the Administration of that Government as soon as possible after the transfer has taken place a copy of the certificate carried by the ship at the time of transfer and copy of the relevant tonnage calculations.

**11.** (1) When alterations in the values of  $V$ ,  $V_c$ ,  $d$ ,  $N1$  or  $N2$  as defined in regulations 6 and 7 result in an increase in the net tonnage a new International Tonnage certificate (1969) incorporating the increase net tonnage shall be issued.

(2) In the case of passenger ship assigned subdivision load lines in accordance with the Load Line Convention only one net tonnage shall be applied. Where the draught corresponding to the Summer Load Line differs from that corresponding to the deepest subdivision load line the net tonnage shall be the greater of the two values determined in accordance with regulation 7 by applying the differing draughts.

(3) (a) Subject to the subparagraph (b), where alterations in the values of V, V<sub>c</sub>, d, N1 or N2 as defined in regulations 6 and 7, or changes in the position of the load lines result in a decrease in the net tonnage, a new International Tonnage Certificate (1969) incorporating the decreased net tonnage shall not be issued until 12 months have elapsed from the date on which the current certificate was issued.

(b) A new International Tonnage Certificate 1969 may be issued when —

- (i) a ship which was registered outside the Seychelles is re-registered in the Seychelles;
- (ii) a ship undergoes alterations or modifications of a major character, such as the removal of a superstructure, which requires an alteration of the assigned load line; or
- (iii) the ship is a passenger ship employed in special trades for the carriage of large numbers of special trade passengers, such as the pilgrim trade.

### **PART III**

#### **FOREIGN SHIPS WHILST WITHIN THE SEYCHELLES OR THE TERRITORIAL WATERS THEREOF.**

**12.** (1) An International Tonnage Certificate 1969 issued under the authority of another Contracting Government to a foreign ship in accordance with the Convention shall be accepted and regarded for all purposes covered by the Convention as having the same validity as one issued under Part II of these Regulations. Whilst such a ship is within the Seychelles or the territorial waters thereof it may be subject to inspection by a person duly authorised by the Minister in that behalf for the purpose of verifying —

- (a) that the ship is provided with a valid International Tonnage Certificate 1969; and
- (b) that the main characteristics of the ship correspond to the data given in the certificate.

(2) Any such inspection shall not cause any delay to the ship.

(3) If the inspection reveals that the main characteristics of the ship differ from those entered in the International Tonnage Certificate 1969 so as to lead to an increase in the gross tonnage or the net tonnage, the Administration of the State whose flag the ship is flying shall be informed without delay.

**13.** (1) In respect of new ships, the Certifying Authority may —

- (a) at the request of the Administration of a Contracting Government, ascertain the gross and net tonnages of a new foreign ship in accordance with Part II of these Regulations and issue to the owner an International Tonnage Certificate, (1969). In such cases the certificate shall be endorsed 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, the copy of the certificate and the calculating of the tonnages shall be transmitted to the requesting Government as soon as possible;
- (b) at the request of an owner of a new foreign ship flying the flag of an Administration of a non-contracting Government ascertain the gross and net tonnages of the ship in accordance with Part II of these Regulations and issue a certificate of Seychelles Tonnage Measurement.

In such cases the certificate will bear the endorsement "for use only whilst within the Seychelles or the territorial waters thereof".

(2) In respect of existing ships the Certifying Authority may, at the request of the Administration of a Contracting Government, ascertain the gross and net tonnages of an existing foreign ship in accordance with Part II of these Regulations and issue to the owner an International Tonnage Certificate (1969). In such cases the certificate shall be endorsed 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 a copy of the certificate and the calculations of the tonnages shall be transmitted to the requesting Government as soon as possible.

(3) The Certifying Authority may, at the request of the owner of any existing foreign ship, flying the flag of a non-contracting Government, ascertain the gross and net tonnages of the ship in accordance with Part II of these Regulations. In such cases a Seychelles Tonnage Certificate shall be issued.

## **PART IV**

### **PENALTIES**

**14.** Any owner or master who fails without reasonable cause to deliver up a certificate for cancellation as required by regulation 10(1) shall be guilty of an offence and liable on conviction to a fine not exceeding SR.10,000.

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*(Continued Schedule next page)*

## SCHEDULE 1

### FIGURES REFERRED TO IN DEFINITION OF ENCLOSED SPACE IN REGULATION 2

In the following figures: O = excluded space

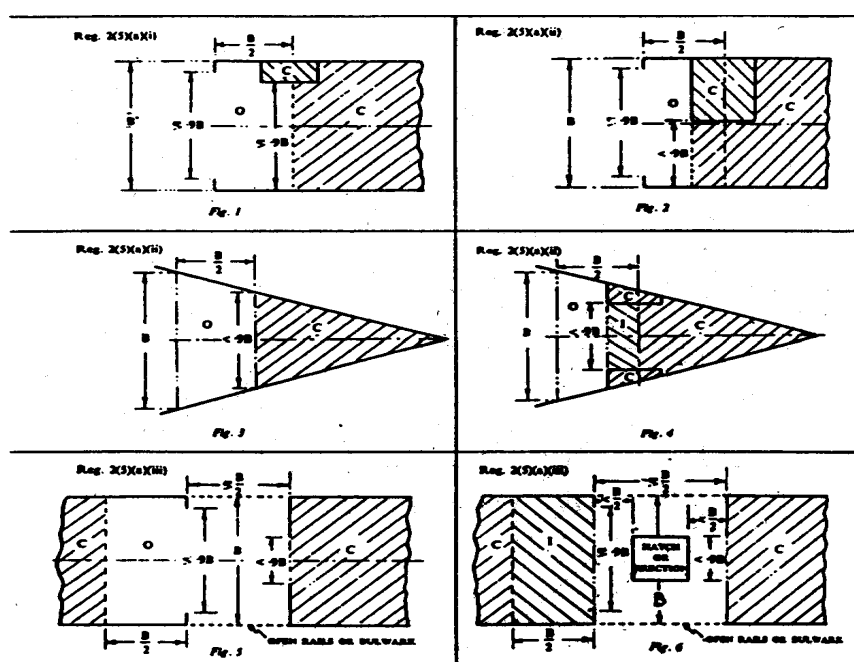
C = enclosed space

I = space to be considered as an enclosed space

Hatched in parts to be included as enclosed spaces.

B = breadth of the deck in way of the opening.

In ships with rounded gunwales the breadth is measured as indicated in Figure 11.



Reg. 25(b)

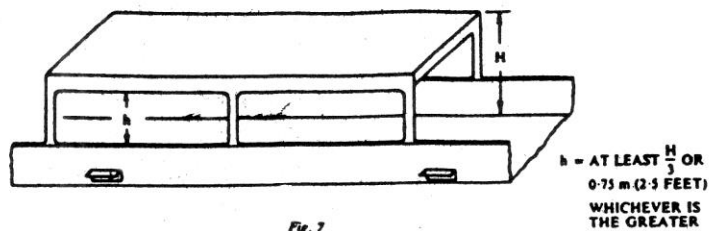


Fig. 7

Reg. 25(c)

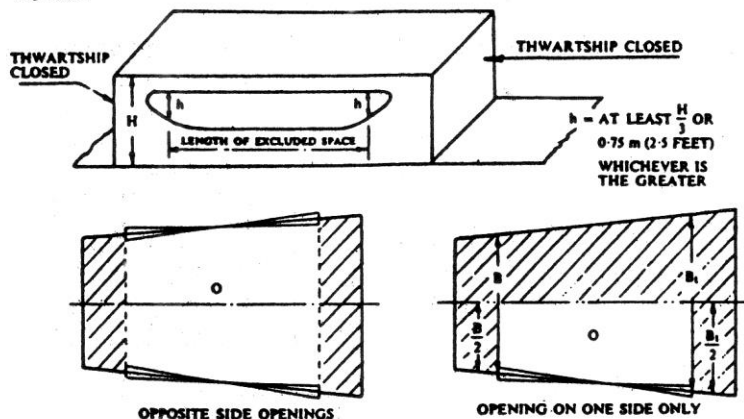


Fig. 8

Reg. 25(d)

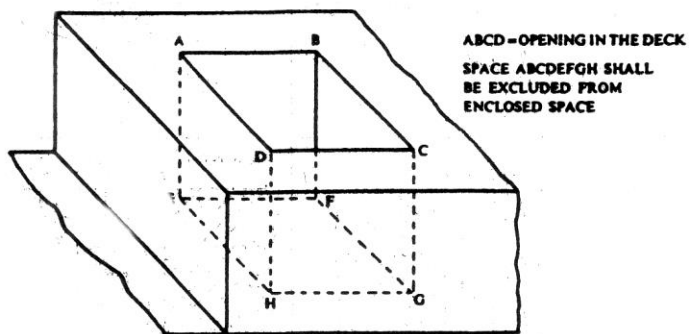


Fig. 9



Reg. 2(S)(c)

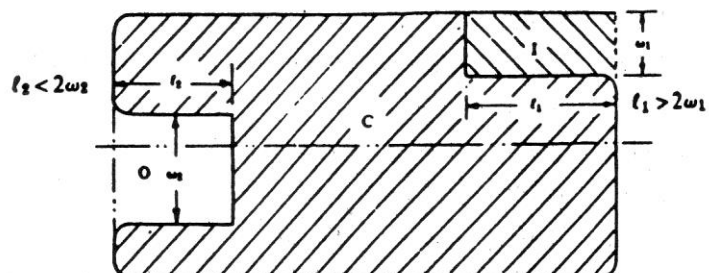


Fig. 10

SHIPS WITH ROUNDED GUNWALES

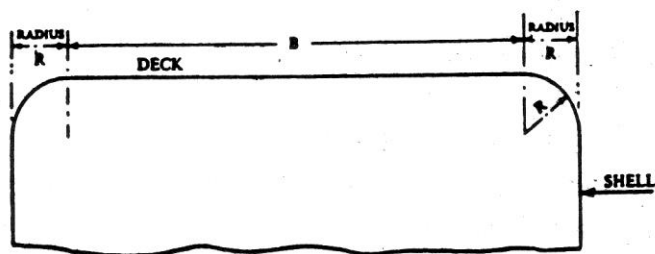


Fig. 11

## SCHEDULE 2

**COEFFICIENTS K1 AND K2 REFERRED TO IN REGULATIONS 6, 7 AND 8; V OR Vc  
= VOLUME IN CUBIC METRES**

<b>V or Vc</b>	<b>K1 or K2</b>	<b>V or Vc</b>	<b>K1 or K2</b>	<b>V or Vc</b>	<b>K1 or K2</b>	<b>V or Vc</b>	<b>K1 or K2</b>
10	0.2200	45 000	0.2931	330 000	0.3104	670 000	0.3165
20	0.2260	50 000	0.2940	340 000	0.3106	680 000	0.3166
30	0.2295	55 000	0.2948	350 000	0.3109	690 000	0.3168
40	0.2320	60 000	0.2956	360 000	0.3111	700 000	0.3169
50	0.2340	65 000	0.2963	370 000	0.3114	710 000	0.3170
60	0.2356	70 000	0.2969	380 000	0.3116	720 000	0.3171
70	0.2369	75 000	0.2975	390 000	0.3118	730 000	0.3173
80	0.2381	80 000	0.2981	400 000	0.3120	740 000	0.3174
90	0.2391	85 000	0.2986	410 000	0.3123	750 000	0.3175
100	0.2400	90 000	0.2991	420 000	0.3125	760 000	0.3176
200	0.2460	95 000	0.2996	430 000	0.3127	770 000	0.3177
300	0.2495	100 000	0.3000	440 000	0.3129	780 000	0.3178
400	0.2520	110 000	0.3008	450 000	0.3131	790 000	0.3180
500	0.2540	120 000	0.3106	460 000	0.3133	800 000	0.3181
600	0.2556	130 000	0.3023	470 000	0.3134	810 000	0.3182
700	0.2569	140 000	0.3029	480 000	0.3136	820 000	0.3183
800	0.2581	150 000	0.3035	490 000	0.3138	830 000	0.3184
900	0.2591	160 000	0.3041	500 000	0.3140	840 000	0.3185
1000	0.2600	170 000	0.3046	510 000	0.3142	850 000	0.3186
2000	0.2660	180 000	0.3051	520 000	0.3143	860 000	0.3187
3000	0.2695	190 000	0.3056	530 000	0.3145	870 000	0.3188
4000	0.2720	200 000	0.3060	540 000	0.3146	880 000	0.3189
5000	0.2740	210 000	0.3064	550 000	0.3148	890 000	0.3190
6000	0.2756	220 000	0.3068	560 000	0.3150	900 000	0.3191
7000	0.2769	230 000	0.3072	570 000	0.3151	910 000	0.3192
8000	0.2781	240 000	0.3076	580 000	0.3153	920 000	0.3195
9000	0.2791	250 000	0.3080	590 000	0.3154	930 000	0.3194
10000	0.2800	260 000	0.3083	600 000	0.3156	940 000	0.3195
15000	0.2835	270 000	0.3086	610 000	0.3157	950 000	0.3196
20000	0.2860	280 000	0.3089	620 000	0.3158	960 000	0.3196
25000	0.2880	390 000	0.3092	630 000	0.3160	970 000	0.3197

30000	0.2895	300 000	0.3095	640 000	0.3161	980 000	0.3198
35000	0.2909	310 000	0.3098	650 000	0.3163	990 000	0.3199
40000	0.2920	320 000	0.3101	660 000	0.3164	100 000	0.3200



Coefficients K1 or K2 at intermediate values of V or Vc shall be obtained by linear interpolation.

### SCHEDULE 3

#### REPUBLIC OF SEYCHELLES

Merchant Shipping Act (Cap. 127A)

#### INTERNATIONAL TONNAGE CERTIFICATE (1969)

Issued by the Port and Marine Services Division of the Ministry of Environment and Transport and computed on the basis of the regulations of the International Convention on Tonnage Measurement of Ships, 1969, under the Authority of the Government of the Republic of Seychelles.

NAME SHIP	OF	OFFICIAL NUMBER	PORT OF REGISTRY	DATE*	IMO Number

\*Date on which the keel was laid or the ship was at a similar stage of construction or the date on which the ship underwent alterations or modifications or a major character, as appropriate.

#### MAIN DIMENSIONS

Length Regulation 2(8)	Breadth (regulation 2(3))	Moulded depth amidships to upper deck(Regulation 2(2))
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**THE TONNAGES OF THE SHIP ARE:**

**GROSS TONNAGE:**

**NET TONNAGE:**

Date and place of original measurement:

Date and place of re-measurement:

This is to certify that the tonnages of this ship have been determined in accordance with the provision of the International Convention of Tonnage Measurement of Ships, 1969.

Issue at \_\_\_\_\_ on \_\_\_\_\_

The undersigned declares that he is duly authorised by the said Government to issue this certificate.

**Signature and Designation**

**SPACES INCLUDED IN TONNAGE**

GROSS TONNAGE			NET TONNAGE		
Name of Space	Location	Length	Name of space	Location	Length
			NUMBER OF PASSENGERS (Regulation 4(1)) Number of passengers in cabins with not More than 8 Berths Number of other passengers		
EXCLUDED SPACE (Regulation 2(5))  An asterick (*) should be added to those spaces listed above which comprise both enclosed and excluded spaces.			MOULDED DRAUGHT (Regulation 4(2))		
REMARKS:					

Sections 60 and 237  
**Merchant Shipping (Appointment of Surveyors) Regulations**

S.I. 60 of 1995

*[6th June, 1995]*

**1.** These Regulations may be cited as the Merchant Shipping (Appointment of Surveyors) Regulations.

**2.** (1) The following classification societies are appointed on behalf of the Government as surveyors to survey, measure and issue certificates for all ships under and for the purposes of the Act —

American Bureau of Shipping (ABS)

Bureau Veritas (BV)

Nippon Kaiji Kyokai (NKK)

Det Norske Veritas (DNV)

(2) A classification society appointed under subregulation (1) may nominate persons to carry out surveys or issue certificates or do all things necessary on its behalf.

(3) Certificates shall be issued in relation to the following Conventions as amended —

(a) International Load Lines Convention, 1966;

(b) International Convention for the Prevention of Pollution from ships, 1973 as modified by the Protocol of 1978;

(c) International Safety of Life at Sea Convention, 1974;

(d) International Convention on Tonnage Measurement, 1969, and other International Codes relating to the Construction of vessels as the Minister may determine.

**3.** A certificate of survey in force immediately prior to the entry into force of these Regulations remains in force unless earlier concluded or revoked.

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Sections 84(1)(d) and 242

S.I. 63 of 1995

**MERCHANT SHIPPING (LOCAL CERTIFICATES OF REGISTRY)**

**REGULATIONS**

*[6th June, 1995]*

## **ARRANGEMENT OF REGULATIONS**

### **PART I - PRELIMINARY**

1. Citation
2. Application

### **PART II - LOCAL CERTIFICATES OF REGISTRY**

3. Local certificate of registry
4. Application for local certificate of registry
5. Issue of certificate

#### **Regulation**

6. Form of certificate of Registry
7. Directions by Harbour Master
8. Cancellation of local certificates registry
9. Appeal
10. Cancellation of local certificate
11. Notifications in the Gazette
12. Local Register

### **PART III - FEES AND SAVING**

13. Fees
14. Saving

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### **PART I - PRELIMINARY**

1. The Regulations may be cited as the Merchant Shipping (Local Certificates of Registry) Regulations.
2. These Regulations apply in relation to a ship, other than a ship or vessel referred to in section 84(2) of the Act.

### **PART II LOCAL CERTIFICATES OF REGISTRY**

**3.** A ship in relation to which these Regulations apply requires a local certificate of registry to be in force in respect of the ship when the ship engages in a local voyage.

**4.** (1) An application for the issue of a local certificate of registry in respect of a ship —

(a) shall be made —

(i) by the owner or owners of the ship;

(ii) to the Harbour Master; and

(iii) in the manner and form approved by the Harbour Master;

(b) shall indicate the local voyage to be undertaken by reference to the islands from and between which voyages are to be made;

(c) shall indicate whether the ship is to be used to carry cargo or passenger or both; and

(d) shall be accompanied by a report of a surveyor who has surveyed the ship certifying that the ship is fit for navigation on the local voyage proposed to be undertaken.

(2) For the purposes of subregulation (1)(d), a ship shall be surveyed by the Harbour Master or by a person appointed by him in writing to make surveys, or to make a particular survey, for the purposes of these Regulations.

(3) Subject to subregulation (4), where a ship has been measured and registered under the Act or under the law of a foreign country, or has already been measured without having been so registered, the surveyor may, for the purpose of subregulation (1), accept and use any suitable figures of measurement contained in the latest register relating to that ship.

(4) Before acting under subregulation (3), a surveyor shall satisfy himself that there have been no changes of measurement since the making of the register or certificate which he proposes to use, and where any such changes have been made, he shall remeasure the ship to the extent made necessary by those changes.

**5.** (1) Subject to subregulation (2), where he is satisfied that an application in respect of a ship is in conformity with regulation 4, and on payment of the prescribed fee, the Harbour Master shall issue a local certificate of registry in respect of the ship.

(2) Before proceeding to deal with an application under regulation 4 the Harbour Master may, by notice in writing, require the applicant to furnish such information, with respect to any matter specified in the notice, as the Harbour Master may reasonably require to enable him to dispose of the application.

**6.** A local certificate of registry shall be in the form approved by the Harbour Master, and, without prejudice to the insertion of any other particulars, shall —

(a) specify the date of issue of the certificate;

- (b) identify the ship in respect of which the certificate is issued;
- (c) bear distinctive number corresponding to the entry made in the Local Register;
- (d) identify the local voyage in which the ship may be navigated; and
- (e) where appropriate, indicate any restriction on the kind of local trading in which the vessel may be engaged and, if relevant, the maximum number of passengers which the ship may carry.

7. (1) The Harbour Master may, by notice published in the Gazette, give general directions with respect to —

- (a) the survey of ships in respect of which a local certificate of registry has been issued;
- (b) the intervals at which, and the manner in which, any such surveys shall be carried out, and the extent of any such surveys; and
- (c) the furnishing to the Harbour Master of the results of any such survey, and directions so given may make different provision with respect to —
  - (i) different classes or descriptions of ships, whether by reference to their age or otherwise;
  - (ii) ships authorized to navigate on different local voyages; or
  - (iii) ships authorized to engage in different kinds of local trading.

(2) Where the Harbour Master has reason to believe that a ship in respect of which a local certificate of registry has been issued has ceased to be —

- (a) seaworthy;
- (b) fit to be navigated on the local voyages authorized by the local certificate of Registry; or
- (c) suitable for engagement in the kind of local trading authorized by the local certificate of registry,

he may, by notice given to the owner, or any of the owners, of the ship direct that —

- (i) the ship be surveyed in such manner and within such period as is specified in the notice; and
- (ii) the results of the survey be furnished to the Harbour Master within such period as is so specified.

(3) The Harbour Master may by notice given to the owner, or any of the owners, of a ship, suspend the local certificate of registry issued in respect of the ship —



- (a) until the result of any survey required under a direction given under subregulation (1) or (2) are furnished to him; or
- (b) until any works required to be carried out by the report so furnished to make the vessel —
  - (i) seaworthy;
  - (ii) as the case may be, suitable for engagement in the local trading authorised by the certificate of registry,

are carried out.

(4) The Harbour Master may, by notice given to the owner, or to any of the owners, of a vessel revoke any suspension under this regulation of the local certificate of registry issued in respect of the ship.

**8.** The Harbour Master may, by notice given to the the owner, or any of the owners, of a ship cancel the certificate of registry issued in respect of the ship —

- (a) if the owner, or any of the owners, of the ship is convicted of an offence against these Regulations;
- (b) if works of the kind referred to in regulation 7(3) (b) are not completed within a period which the Harbour Master considers reasonable in the circumstances; or
- (c) if, in the opinion of the Harbour Master, the results of any survey carried out pursuant to regulation 7 and furnished to the Harbour Master justify the cancellation.

(2) The Harbour Master may cancel a certificate of registry under this regulation whether or not the certificate has been or is, suspended under regulation 7 (3).

(3) The Harbour Master may, by notice given to the owner, or any of the owners, of a ship revoke any cancellation made under this regulation of the certificate of registry issued in respect of the ship.

**9.** (1) Any person aggrieved by the suspension or cancellation pursuant to regulation 7 or 8 may, within 30 days of being notified of the suspension or cancellation give notice in writing to the Minister of an appeal against the suspension or cancellation, giving in the notice —

- (a) particulars of the grounds of appeal; and
- (b) particulars of any other matter which he wishes the Minister to consider.

(2) The making of an appeal under this regulation does not affect the operation of the suspension or cancellation appealed against pending the decision under subregulation (3) on the appeal.

(3) Where an appeal is made under this regulation, the Minister—

- (a) shall —
  - (i) deal expeditiously with the appeal; and
  - (ii) decide the appeal as the justice of the case requires; and
- (b) make such order as he deems fit to make.

(4) The Harbour Master shall give effect to the decision of the Minister and any order made on an appeal and shall, where it is necessary to do so for that purpose, revoke any suspension or cancellation of a certificate of registry made by the Harbour Master.

(5) The decision of the Minister on an appeal under this regulation is final.

**10.** (1) Where a ship in respect of which a local certificate of registry is in force, is either actually or constructively lost, taken possession of by the enemy, burnt or broken up, the owner or any of the owners of the ship shall, immediately on obtaining knowledge of the event, —

- (a) give notice thereof to the Harbour Master and;
- (b) deliver the certificate of registry to the Harbour Master who shall —
  - (i) on being so notified, cause an entry to be made of the event in the Local Register; and
  - (ii) cancel the certificate of registry so delivered to him.

(2) An owner of a ship who fails to comply with subregulation (1) is guilty of an offence and liable on conviction to imprisonment for 6 months and to a fine of RS5000.

**11.** The Harbour Master shall cause notification to be published in the Gazette of —

- (a) the suspension or cancellation of any local certificate of registry; and
- (b) the revocation of any suspension or cancellation of a local certificate or registry.

**12.** (1) The Harbour Master shall cause to be kept at Port Victoria a register, in such form as the Harbour Master determines, to be known as the Local Register.

(2) The Harbour Master shall cause to be entered in the Local Register —

- (a) particulars of local certificates of registry issued;
- (b) particulars of amendments made to any local certificate of registry;
- (c) the fact of the suspension or cancellation, or revocation of the suspension or cancellation, of a local certificate of registry; and
- (d) such other matter as the Harbour Master determines.

(3) Any person may inspect the Local Register at any time during the hours of official attendance by the Harbour Master on payment of the fee (if any) which is prescribed.

### **PART III FEES AND SAVING**

**13.** The fees listed in the Schedule are payable in respect of the matters referred to in that Schedule.

**14.** A certificate of registry issued in respect of a ship pursuant to the Unseaworthy Vessels (Prevention) Regulations and in force on the commencement of these Regulations shall unless earlier revoked under these Regulations, be deemed to be a local certificate of registry issued under these regulations in respect of the ship for —

- (a) a period of one year from the date of commencement of these Regulations; or
- (b) until the date of the expiration of such certificate of registry,

whichever is the earlier.

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#### **SCHEDULE**

REG. 13

##### **FEES**

Issue of local certificate of Registry	RS.250.00 Per Annum
Inspection of Local Register	RS. 50.00 Per Annum
Issue of a duplicate certificate of registry	RS.200.00 Per Annum

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Sections 87 and 242

### **MERCHANT SHIPPING (LOCAL SAFETY AND LOAD LINE CERTIFICATES) REGULATIONS**

S.I. 62 of 1995

*[6th June, 1995]*

#### **ARRANGEMENT OF REGULATIONS**

##### **PART I - PRELIMINARY**

1. Citation
2. Interpretation

3. International voyage
4. Local voyage
5. Directions as to survey
6. Survey of Local Safety and Load Line Certificate

## **PART II - SUSPENSION AND CANCELLATION OF CERTIFICATE**

7. Suspension of Certificate
8. Cancellation of Certificate
9. Appeal against suspension or cancellation
10. Publication, suspension, cancellation and revocation of certificate

## **PART III - TRANSITIONAL**

11. Existing certificates

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## **PART I - PRELIMINARY**

**1.** These Regulations may be cited as the Merchant Shipping (Local Safety and Load Line Certificate) Regulations.

**2.** In these Regulations —

"Ship" means a ship that —

- (a) is registered under the Act; and
- (b) is not —
  - (i) a Safety Convention ship; or
  - (ii) a Load Line Convention ship.

**3.** A ship requires a safety certificate and a load line certificate, or the appropriate exemption certificate, to be in force in respect of the ship when the ship engages in an international voyage.

**4.** A ship requires a local safety certificate and a local load line certificate, or the appropriate exemption certificate, to be in force in respect of the ship when the ship engages in a local voyage.

**5.** (1) The Harbour Master may, by notice in the Gazette, give directions, with respect to ships, providing for —

- (a) the survey of ships;

- (b) the intervals at which, and manner in which any such survey shall be carried out, and the extent and matters to be taken into account for purposes, of any such survey;
  - (c) the persons or class or description of persons who may carry out any such survey; and
  - (d) the furnishing to the Harbour Master of the results of any such survey.
- (2) Directions given under subregulation (1) may —
- (a) apply all or any of the requirements of the Load Line Convention for the purpose of any survey of ships;
  - (b) make different provision with respect to —
    - (i) different classes or descriptions of ships, whether by reference to their age or otherwise; or
    - (ii) ships engaged or to be engaged on different international or local voyages; and
  - (c) provide for the granting of exemptions and the granting of exemption certificates.
- 6.** (1) Where the Harbour Master is satisfied that a ship -
- (a) has been surveyed in accordance with directions given under regulation 5; and
  - (b) meets the requirements of those directions,
- he shall issue the appropriate certificate being —
- (c) in the case of a ship to which regulation 3 applies,—
    - (i) a Local Safety Certificate (International Voyages);
    - (ii) a Local Load Line Certificate (International Voyages); or
    - (iii) an exemption certificate,
 in such form as the Harbour master determines; or
  - (d) in the case of a ship to which regulation 4 applies -
    - (i) a Local Safety Certificate (Local Voyages); or
    - (ii) a Local Load Line Certificate (Local Voyages) or,
    - (iii) an exemption certificate,

in such form as the Harbour Master determines.

(2) Where the Harbour Master is not satisfied as provided in subregulation (1) he shall refuse to issue a certificate.

## **PART II - SUSPENSION AND CANCELLATION OF CERTIFICATE**

**7.** (1) Where the Harbour Master has reason to believe that a ship, in respect of which a Certificate has been issued under regulation 6, has ceased to be —

- (a) seaworthy, or
- (b) fit to be navigated on international or, as the case may be, local voyages,

he may, by notice given to the owner, or any of the owners, of the ship, direct that —

- (i) the ship be surveyed in such manner and within such period as is specified in the notice; and
- (ii) the results of the survey be furnished to the Harbour Master within such period as is so specified.

(2) The Harbour Master may, by notice given to the owner, or any of the owners, of a ship, suspend a certificate issued in respect of the ship under regulation 6 —

- (a) until the results of any survey required under the direction given under regulation 5 or subregulation (1) of this regulation are furnished to him; or
- (b) until any works required to be carried out by the report so furnished to make the ship —
  - (i) seaworthy; or
  - (ii) fit to be navigated on international voyages or, as the case may be, local voyages,

are carried out.

(3) The Harbour Master may, by notice given to the owner, or any owners, of a ship revoke any suspension under this regulation of a certificate.

**8.** (1) The Harbour Master may, by notice given to the owner, or any of the owners, of a ship cancel a certificate issued under regulation 6 in respect of the ship -

- (a) if works of the kind referred to in regulation 7(2) (b) are not carried out in relation to the ship within a period which the Harbour Master considers reasonable in the circumstances; or

- (b) if, in the opinion of the Harbour Master, the results of any survey carried out pursuant to regulation 6 and furnished to the Harbour Master justify the cancellation.

(2) The Harbour Master may, cancel a certificate under this regulation whether or not the certificate has been or is suspended under regulation 7(2).

(3) The Harbour Master may, by notice given to the owner, or of any of the owners, of a ship revoke any cancellation of a certificate made under this regulation.

**9.** (1) Any person aggrieved by the suspension or cancellation pursuant to regulation 7 or 8 of a certificate may, within 30 days of being notified of the suspension or cancellation, give notice in writing to the Minister of an appeal against the suspension or cancellation, giving in the notice —

- (a) particulars of the grounds of appeal; and
- (b) particulars of any other matter which he wishes the Minister to consider.

(2) The making of an appeal under this regulation does not affect the operation of the suspension or cancellation appealed against pending the decision under subregulation (3) on the appeal.

(3) Where an appeal is made under this regulation, the Minister —

- (a) shall —
  - (i) deal expeditiously with the appeal; and
  - (ii) decide the appeal as the justice of the case requires; and
- (b) may make such order as he deems fit to make.

(4) The decision of the Minister on an appeal under this regulation is final.

(5) The Harbour master shall give effect to the decision of the Minister and any order made on an appeal and shall, where it is necessary to do so for that purpose, revoke any suspension or cancellation of a certificate.

**10.** The Harbour Master shall cause notification to be published in the Gazette of —

- (a) the suspension or cancellation of a certificate;
- (b) the revocation of any such suspension or cancellation.

### **PART III - TRANSITIONAL**

**11.** A certificate, licence, instrument or document having a like or similar effect to a —

- (a) local load line certificate;

- (b) local safety certificate;
- (c) load line certificate;
- (d) safety certificate;
- (e) an exemption certificate;

in force immediately prior to the entry into force of these Regulations remains in force unless earlier cancelled under these Regulations,

- (f) for a period of one year from the date of commencement of these Regulations; or
- (g) until the date of the expiration of that certificate, licence, instrument or document,

whichever is the earlier.

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Sections 87(1) and 242

S.I. 64 of 1995

## **MERCHANT SHIPPING (LOCAL VOYAGES) (SAFETY) REGULATIONS**

*[6th June, 1995]*

**1.** These Regulations may be cited as the Merchant Shipping (Local Voyages) (Safety) Regulations.

**2.** (1) The Marine Board may exempt any ship from exemption from regulation with all or any of the requirements of regulation 3 if it is satisfied that —

- (a) the requirement concerned has been substantially complied with;
- (b) compliance with the requirement is unnecessary or not possible in the circumstances of the case; or
- (c) exemption is otherwise warranted.

(2) An exemption under subregulation (1) may be given in respect of —

- (a) a particular period;
- (b) one, or more than one, particular voyage; or
- (c) generally,

and may be given unconditionally or subject to such conditions as the Marine Board deems fit to impose.

**3.** Where a ship engages in a local voyage —



- (a) the equipment to be carried; and
- (b) the requirements to be met,

shall not be less than as stated in Part I or, as the case may be, Part II of the Schedule.

- (c) all life saving appliances shall be marked with the name and port of registry of the ship; and
- (d) all ships shall be surveyed annually.

**4.** (1) The owner of every ship in relation to which this regulation applies shall mark or cause to be marked a line not less than 250mm long and 25mm wide on each side of the ship, the upper part of which shall be the load line.

(2) The line referred to the subregulation (1) shall be marked in the position indicated by the Harbour Master, and according to his instructions and shall at all times be kept in a distinctly visible state.

- (3) This regulation applies in relation to a ship —
  - (a) that is registered under the Act and is not —
    - (i) a Safety Convention ship; or
    - (ii) a Load Line Convention ship; and
  - (b) any other ship, other than a ship such as is referred to in section 55(2) of the Act.

## **SCHEDULE**

*(Reg. 3)*

### **MINIMUM EQUIPMENT TO BE CARRIED PART I**

Every ship navigating on a local voyage between Mahe and all or any of the islands mentioned in Part A of the First Schedule to the Act shall —

- (a) carry or be fitted with —
  - (i) an efficient compass;
  - (ii) 2 anchors, each fitted with at least 40 metres of chain and each of adequate size;
  - (iii) one length of rope of 100 metres and of adequate size;
  - (iv) an emergency means of steering;
  - (v) one approved type of life jacket for each person the ship is allowed to carry plus and additional 10%;

- (vi) four life buoys, two of which must be fitted with a self igniting light and at least 20 metres of light buoyant rope;
  - (vii) sufficient buoyant apparatus to support every person the vessel is allowed to carry, the buoyant apparatus to be fitted with life lines becketted.
  - (viii) navigation lights as required by the Collisions Convention
  - (ix) a fixed manual pump of adequate size in the engine room and a portable manual pump;
  - (x) fire extinguishers of approved type, to be placed in the engine room and in such places as are easily accessible at all times;
  - (xi) 4 red and flares, 4 parachute distress flares, 2 orange smoke floats and a signal torch capable of transmitting signals up to a distance of 5 miles and a high visibility orange flag 1 metre wide x 2 metre long;
  - (xii) a wireless receiver/transmitter VHF type;
  - (xiii) a deviation card;
  - (xiv) a basic first aid kit;
- (b) comply with the following requirements —
- (i) all hatches on freeboard decks shall have combings of at least 150mm high and be fitted with cleats;
  - (ii) all hatches shall be provided with sufficient hatch boards battens and tarpaulins;
  - (iii) the space allocated to any passenger shall be adequate, sheltered;
  - (iv) cargo or hold space shall not be included as passenger accommodation;
  - (v) no animal shall be carried where passengers are berthed;
  - (vi) vessels carrying passengers shall be provided with a proper water closet;
  - (vii) no inflammable oil, including diesel, kerosene or petrol or explosive of any kind shall be carried in a hold or compartment in which any passengers or crew is berthed; and
  - (viii) such articles may be stowed on the deck clear of the space reserved for passengers and crew due regard being had to the loading and to the safety of the vessel.

## **PART II**

Every ship navigating on a local voyage between Mahe and all or any of the islands mentioned in Parts B and C of the First Schedule to the Act shall in addition to the conditions stipulated in Part 1 of this Schedule:

- (a) carry or be fitted with —
  - (i) inflatable life-rafts capable of carrying the full complement of passengers and crew;
  - (ii) SSB type wireless transceiver;
  - (iii) a ships log-book.

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Sections 130 and 242

S.I. 56 of 1995  
S.I. 29 of 2005  
SI. 56 of 2010

## **MERCHANT SHIPPING (MANNING AND CERTIFICATION) REGULATIONS**

*[29th May, 1995]*

### **ARRANGEMENT OF REGULATIONS PART I - PRELIMINARY**

1. Citation
2. Interpretation
3. Application

### **PART II - MANNING OF SHIPS**

4. Certificates of competency to be held by officers of unlimited trading ships
5. Certificates of Competency to be held by officers of near coastal trading ships.
6. Penalties.
7. Officer deemed duly certified.
8. Power to exempt ships.

### **PART III - CERTIFICATION OF OFFICERS**

9. Grades of certificates of competency.
10. Certificates granted by foreign authorities recognised.
11. Examinations for certificates of competency.
12. Fees on Examination.
13. Mandatory minimum requirements for examination.
14. Grant of certificates on passing examination.
15. Form and record of certificate.
16. Loss or destruction of certificate.

17. Certificate to be given up for cancellation on death.
  18. Forgery etc. of certificate.
  19. Dispensation.
  20. Transitional.
- Schedule I. Mandatory minimum requirements for certification of masters and chief mates of ships of 200 gross registered tons or more.
- Schedule II. Mandatory minimum requirements for certification of chief engineer officers and second engineer officers of ships powered by main propulsion machinery of 3000 kw propulsion powers or more.
- Schedule III. Mandatory minimum requirements for certification of coxswains, mates and masters engaged in near-coastal trade.
- Schedule IV. Mandatory minimum requirements for certification of marine mechanics engaged in near- coastal trade.
- Schedule V. FEES.
- Schedule VI. Areas constituting near-coastal trade area
- Schedule VII. Endorsement of Certificate
- Schedule VIII. Tables.

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## **PART I – PRELIMINARY**

**1.** These Regulations may be cited as the Merchant Shipping (Manning and Certification) Regulations.

**2.** In these regulations —

“authorised person” means a person authorised by the Minister for the purpose of these Regulations;

“unlimited trade area” means trading and going between some places in Seychelles and some place or places situated outside Seychelles;

“unlimited trading ship” means a ship trading in the unlimited trade area;

“gross tonnage” in relation to a ship means its gross tonnage as prescribed in the Merchant Shipping (Tonnage) Regulations 1995;

“hire-craft” means a vessel let out for hire for fishing as a sport or for pleasure purposes only and includes the hiring of any or part thereof;

“Marine Board” means the Marine Board established under section 227 of the Act;

“near coastal trade area” means trading from Mahe to or any of the islands listed in Appendixes A, B, and C of Schedule VI;

“near costal trading ship” mean a ship trading in the near coastal trade area;

“Officer” means the holder of a certificate of competency issued under these regulations;

“passenger ship” means a ship carrying more than twelve passengers for a fee;

“pleasure yacht” means a vessel primarily used for sport or recreation;

“ship” includes any description of watercraft used in navigation not propelled by oars;

“steamship” includes any ship propelled by steam and subject to any modification that may be prescribed by regulation shall include a vessel propelled by electricity or other mechanical power.

**3.** Except as specifically provided and in accordance with such conditions as the Minister may deem fit to impose, none of the provisions of these Regulations shall apply to vessels exclusively employed in the fishing industry or to yachts, to warships or to ships owned or operated by a State and engaged only on governmental non-commercial service.

## **PART II - MANNING OF SHIPS**

**4.** Every unlimited trading ship when going to sea from any place in Seychelles, shall be manned by officers duly certificated under these Regulations according to the following scale and as set out in tables A and B in Schedule VIII —

- (a) the ship shall have a master holding a certificate of competency as master of any ship trading in the unlimited area;
- (b) if the ship is one thousand six hundred gross tons or more there shall be besides the master:-
  - (i) a chief officer holding a certificate of competency not lower than that of first mate of an unlimited trading ship; and
  - (ii) a second officer holding a certificate of competency not lower than that of second mate of an unlimited trading ship;
- (c) if the ship is of less than one thousand six hundred gross tons, there shall be besides the master-
  - (i) a chief officer holding a certificate of competency not lower than that of first mate of an unlimited trading area; and
  - (ii) a watchkeeper holding an appropriate certificate of competency;
- (d) if the ship has a propulsion power of 3000 kw or more, there shall be at least —
  - (i) one first-class engineer;
  - (ii) one engineer who shall be at least a second-class engineer; and
  - (iii) one engineer who shall be at least a fourth-class engineer or

- (e) if the ship has a propulsion power of 750 kw and less than 3000 kw there shall be at least two engineers, one of whom shall be at least a third-class engineer and the other a fourth class engineer.

**5.** Every near coastal trading ship, when going to sea shall be provided with officers duly certificated under these regulations according to the following scale and as set out in Table C in Schedule VIII.

- 6.** (1) Any person who —
- (a) having been engaged as one of the officers mentioned in regulation 4 or 5 as the case may be, goes to sea as such officer without being duly certificated; or
  - (b) employs a person as an officer, in contravention of regulation 4 or 5 as the case may be, without ascertaining that the person so serving is duly certificated,

shall be guilty of an offence and liable for each offence to a fine of one thousand rupees, and imprisonment for six months.

(2) If a ship proceeds to sea from or plies at any port, or attempts to proceed or ply, without the complement of officers required by these Regulations, the owner and master thereof shall be guilty of an offence and liable to a fine of one thousand rupees and imprisonment for six months and the ship may be detained until it is provided with such complement of officers duly certificated under these Regulations.

(3) An authorised person may inspect any ship to which these regulations apply for the purpose of verifying compliance with this regulation.

(4) An authorised person shall notify, in the case of a ship registered outside Seychelles, the nearest maritime consular or diplomatic representative of the country in which the ship is registered, of the breach of the provisions of this Part.

(5) Such notification shall not prevent the ship from being detained until such deficiencies have been rectified.

**7.** An officer shall not be deemed to be duly certificated under these Regulations unless he is the holder for the time being of a valid certificate of competency granted under these Regulations or under any law in force in Seychelles of a grade appropriate to his station in the ship or of a higher grade.

**8.** The Minister may, subject to such conditions as he thinks fits, exempt any ship or class of ship from any of the provisions of this Part.

### **PART III - CERTIFICATION OF OFFICERS**

**9.** (1) Certificates of competency shall be issued in accordance with these Regulations for each of the following grades —

- (a) master of an unlimited trading ship;

- (b) first mate of an unlimited trading ship;
- (c) second mate of an unlimited trading ship;
- (d) third mate of an unlimited trading ship;
- (e) deck officer class III of a near-coastal trading ship;
- (f) deck officer class IV of a near-coastal trading ship;
- (g) deck officer class V of a near-coastal trading ship;
- (h) coxswain of a near-coastal trading ship;
- (i) first class engineer;
- (j) second-class engineer;
- (k) third-class engineer;
- (l) fourth-class engineer;
- (m) marine-mechanic class A;
- (n) marine-mechanic class B;
- (o) marine mechanic Class C;

(2) For the purposes of these Regulations the certificates referred to in each paragraph of subregulation (1) shall be deemed to rank among themselves in the order in which they are mentioned.

**10.** Every officer on board a foreign registered steamship, who has received a certificate of competency from an authority of his country which the Marine Board is satisfied is of corresponding value to any certificate of competency issued under these Regulations is the holder of a certificate of competency in respect of such foreign registered steamship, provided that his certificate is of a grade appropriate to his station in the foreign registered steamship or of a higher grade.

**11.** (1) For the purpose of granting certificates of competency under these Regulations, examinations shall be held by the Marine Board at such times and places as the Board directs.

(2) The Marine Board may make rules for —

- (a) the conduct of the examination;
- (b) the qualification of the applicants;
- (c) the qualification of the examiners;

(d) the endorsements of certificates issued.

**11A.** A application for any examination referred to in regulation 11 or for revalidation of a certificate of competency under regulation 15(4) shall produce a certificate of competency in —

- (a) Fire Prevention and Fire Fighting;
- (b) Elementary First Aid;
- (c) Personal Survival Techniques; and
- (d) Personal Safety and Social Responsibilities,

to the Marine Board at least one month before the date of the examination or revalidation, as the case may be.

**12.** An applicant for examination under regulation 11 shall pay the fees specified in Schedule V.

**13.** (1) The mandatory minimum requirements for examination as master, mate or deck officers unlimited trade shall be as set out in Schedule 1.

(2) The mandatory minimum requirements for examinations as engineers shall be as set out in Schedule II.

(3) The mandatory minimum requirements for examination as master, or coxswain near-coastal trade shall be as set out in Schedule III.

(4) The mandatory minimum requirements for examination as marine mechanic near-coastal trade shall be as set out in Schedule IV.

**14.** The grant of a certificate of competency to every applicant shall be subject to production of evidence of sobriety, experience, ability and good general conduct on board ship and who is duly reported by the examiners to have passed the examination satisfactorily. Such certificate of competency shall be issued by the Marine Board.

**15.** (1) Subject to any special provision in these Regulations, the Minister may prescribe forms, for any book, certificate or paper required under these Regulations.

(2) All certificates of competency shall be issued in duplicate in the form prescribed. The original shall be delivered to the person entitled to the certificate and the duplicate shall be retained by the Marine Board.

(3) The Marine Board shall maintain a record of certificate of competency and of the suspension, cancellation, or alteration of the certificates and any other matter affecting them.

(4) Any certificate may be issued by the Marine Board for five years and such certificates shall be invalid on the expiry of that time unless the holder has obtained an extension of its validity.



(5) Any such certificates and any record under this section shall be admissible as documentary evidence.

**16.** If a person entitled to a certificate of competency proves to the satisfaction of the Marine Board that the certificate issued to him has been lost or destroyed, the Board shall, upon payment of the prescribed fee, if any, issue a copy of the certificate, certified as such. The copy shall have the same effect as the certificate originally issued.

**17.** (1) All certificates of competency issued under these Regulations shall, on the death of the person to whom it was issued, be given up by the person found in possession thereof to the Marine Board to be cancelled.

(2) Any person found in possession of any such certificate after the death of the person to whom the certificate was issued, without good reason to account for such possession and failing to submit the certificate for cancellation, shall be guilty of an offence and liable to a fine of five hundred rupees and to imprisonment for three months.

**18.** Any person who —

- (a) makes, assists in making or procures to be made, any false representation for the purpose of procuring, either for himself or for any other person, a certificate of competency; or
- (b) fraudulently uses a certificate or copy of a certificate of competency which has been forged, altered, cancelled or suspended, or to which he is not entitled; or
- (c) fraudulently lends his certificate of competency or a copy of such certificate or allows such certificate or allows such certificate or copy to be used by any other person,

shall be guilty of an offence and liable, for each offence to a fine of one thousand rupees and to imprisonment for two years.

**19.** (1) The Marine Board may in circumstances of exceptional necessity issue a dispensation permitting a specified officer to serve in a specified ship for a specified period not exceeding six months in a capacity for which he does not hold the appropriate certificate, provided that the person to whom the dispensation is issued shall be adequately qualified to fill the vacant post to the satisfaction of the Board.

(2) The Marine Board shall not grant dispensations to a master or chief engineer officer, except in circumstances of force majeure and then only for a period.

**20.** A certificate of competency that has been issued and is in force on the commencement of these Regulations shall be deemed to be certificates of competency issued under these Regulations and an equivalent certificate of competency as described in Table E of Schedule VIII shall be issued within a year of the entry into force of these Regulations.

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## SCHEDULE I

*Reg.13(1)]*

MANDATORY MINIMUM REQUIREMENTS FOR CERTIFICATION OF MASTERS  
AND CHIEF MATES OF  
SHIPS OF 200 GROSS REGISTER TONS OR MORE

**The Master and chief mate of ships of 1600 gross register tons or more**

1. Every master and chief mate of a sea-going ship of 1600 gross register tons or more shall hold an appropriate certificate.
2. Every candidate for certification shall —
  - (a) satisfy the Marine Board as to medical fitness, particularly regarding eyesight and hearing.
  - (b) meet the requirements for certification as an officer in charge of a navigational watch on ships of 200 gross register tons or more and have approved sea-going service in that capacity—
    - (i) for certification as chief mate, not less than 18 months; however, this period may be reduced to not less than 12 months if the Board requires special training which it considers to be equivalent to at least six months' service as officer in charge of a navigational watch;
    - (ii) for certification as master, not less than 36 months; however, this period may be reduced to not less than 24 months if not less than 12 months of such sea-going service has been served as chief mate, or if the Marine Board requires special training which it considers to be equivalent to such service;
  - (c) have passed the appropriate examination to the satisfaction of the Marine Board. Such examination shall include the material set out in the Appendix I to this Schedule except that the Board may vary these examination requirements for masters and chief mates of ships of limited size engaged on near-coastal trade voyages, as it considers necessary, bearing in mind the effect on the safety of all ships which may be operating in the same waters.

**Master and chief mate of ships between 200 and 1600 gross register tons.**

3. Every master and chief mate of a sea-going ship of between 200 and 1600 gross register tons shall hold an appropriate certificate.
4. Every candidate for certification shall —
  - (a) satisfy the Marine Board as to medical fitness, particularly regarding eyesight and hearing;
  - (b)
    - (i) for certification as chief mate, meet the requirements of an officer in charge of a navigational watch on ships of 200 gross register tons or more;
    - (ii) for certification as master, meet the requirements of an officer in charge of a navigational watch on ships of 200 gross register tons or more and have

approved sea-going service in that capacity of not less than 36 months; however, this period may be reduced to not less than 24 months if not less than 12 months of such sea-going service has been served as chief mate, or if the Board requires special training which it considers to be equivalent to such service.

- (c) have passed the appropriate examination to the satisfaction of the Marine Board. Such examination shall include the material set out in the Appendix 1 to this Schedule, except that the Board may vary these examination requirements for masters and chief mates of ships engaged on home trade voyages, as it considers appropriate, to exclude such material as is not applicable to the waters or ships concerned, bearing in mind the effect on the safety of all ships which may be operating in the same waters.

### **General**

5. The level to knowledge required under the different headings of the Appendix 1 of this Schedule may be varied according to whether the certificate is being issued at master or chief mate level, and according to whether the certificate or certificates is applicable to ships of 1600 gross register tons or more, or to ships between 200 and 1600 gross register tons.

## **APPENDIX I**

### **MINIMUM KNOWLEDGE REQUIRED FOR CERTIFICATION OF MASTERS AND CHIEF MATES OF SHIPS OF 200 GROSS REGISTER TONS OR MORE**

1. The syllabus given below is compiled for examination of candidates for certification as master or chief mate of ships of 200 gross register tons or more. It is intended to expand and extend in depth the subjects contained in "Mandatory Minimum Requirements for Certification of Officers in Charge of a Navigational Watch on Ships of 200 Gross Register Tons or More". Bearing in mind that a master has ultimate responsibility for the safety of the ship, its passengers, crew and cargo, and that a chief mate shall be in a position to assume that responsibility at any time, examination in these subjects shall be designed to test their ability to assimilate all available information that affects the safety of the ship.

#### **2. Navigation and position determination**

- (a) Voyage planning and navigation for all conditions:
  - (i) by acceptable methods of plotting ocean tracks;
  - (ii) within restricted waters;
  - (iii) in ice;
  - (iv) in restricted visibility;
  - (v) in traffic separation schemes;
  - (vi) in areas of extensive tidal effects.

- (b) Position determination:
  - (i) by celestial observations, including the use of sun, stars, moons and planets;
  - (ii) by terrestrial observations, including the ability to use bearings from landmarks and aids to navigation such as lighthouses, beacons and buoys in conjunction with appropriate charts, notices to mariners and other publications to assess the accuracy of the resulting position fixing;
  - (iii) using all modern ship electronic navigational aids to the satisfaction of the Marine Board with specific knowledge of their operating principles, limitations, sources of error, detection or misrepresentation of information and methods of correction to obtain accurate position fixing.

### **3. Watchkeeping**

- (a) Demonstrate thorough knowledge of content, application and intent of the International Regulations for Preventing Collisions at Sea, including those Annexes concerned with safe navigation.
- (b) Demonstrate knowledge of "Basic Principles to be Observed in Keeping a Navigational Watch".

### **4. Radar Equipment**

Demonstrate in conjunction with the use of radar simulator or, when not available, manoeuvring board, knowledge of the fundamentals of radar and ability in the operation and use of radar, and in the interpretation and analysis of information obtained from this equipment, including—

- (a) factors affecting performance and accuracy;
- (b) setting up and maintaining displays;
- (c) detection of misrepresentation of information, false echoes, sea return etc.;
- (d) range and bearing;
- (e) identification of critical echoes;
- (f) course and speed of other ships;
- (g) time and distance of closest approach of crossing, meeting or overtaking ships;
- (h) detecting course and speed changes of other ships;
- (i) effect of changes in own ship's course or speed or both;
- (j) application of the International Regulations for Preventing Collisions at Sea.

## **5. Compasses - magnetic and gyro**

Ability to determine and correct the errors of the magnetic and gyro-compasses and knowledge of the means for correcting such errors.

## **6. Meteorology and Oceanography**

- (a) Demonstrate the ability to understand and interpret a synoptic chart and to forecast area weather, taking into account local weather conditions.
- (b) Knowledge of the characteristics of various weather systems, including tropical revolving storms and avoidance of storm centres and the dangerous quadrants.
- (c) Knowledge of ocean current systems.
- (d) Ability to use all appropriate navigational publications on tides and currents, including those in the English language.
- (e) Ability to calculate tidal conditions.

## **7. Ship Manoeuvring and Handling**

Manoeuvring and handling of a ship in all conditions, including the following —

- (a) manoeuvres when approaching pilot vessels or stations with due regard to weather, tide, headreach and stopping distances;
- (b) handling a ship in rivers, estuaries, etc., having regard to the effects of current, wind and restricted water on the response to the helm;
- (c) manoeuvring in shallow water, including the reduction in keel clearance due to the effect of squat, rolling and pitching;
- (d) interaction between passing ships and between own ship and nearby banks (canal effect);
- (e) berthing and unberthing under various conditions of wind and tide with and without tugs;
- (f) choice of anchorage, anchoring with one or two anchors in limited anchorages and factors involved in determining the length of anchor cable to be used;
- (g) dragging; clearing fouled anchors;
- (h) dry-docking, both with and without damage;
- (i) management and handling of ships in heavy weather, including assisting a ship or aircraft in distress, towing operations, means of keeping an unmanageable ship out of a sea trough, lessening drift and use of oil;
- (j) precautions in manoeuvring for launching boats or liferafts in bad weather;

- (k) methods of taking on board survivors from lifeboats or liferafts;
- (l) ability to determine the manoeuvring and engine characteristics of major types of ships with special reference to stopping distances and turning circles at various draughts and speeds;
- (m) the importance of navigating at reduced speed to avoid damage caused by own ship's bow or stern wave;
- (n) practical measures to be taken when navigating in ice or conditions of ice accumulation on board;
- (o) the use of, and manoeuvring in, traffic separation schemes.

#### **8. Ship stability, construction and damage control.**

- (a) Understanding fundamental principles of ship construction and the theories and factors affecting trim and stability and measures necessary to preserve safe trim and stability;
- (b) Knowledge of the effect on trim and stability of a ship in the event of damage to and consequent flooding of a compartment and counter measures to be taken;
- (c) Demonstrate use of stability, trim and stress tables, diagrams and stress calculating equipment, including knowledge of loading cargoes and ballasting in order to keep hull stresses within acceptable limits;
- (d) General knowledge of the principal structural members of a ship and the proper names of the various parts;
- (e) Knowledge of I.M.O, recommendations concerning ship stability.

#### **9. Ship power plants**

- (a) Operating principles of marine power plants;
- (b) Ship's auxilliary machinery.
- (c) General knowledge of marine engineering terms.

#### **10. Cargo handling and stowage**

- (a) The stowage and securing of cargoes on board ships, including cargo gear;
- (b) Loading and discharging operations, with special regard to loading and discharging of heavy weights;
- (c) International regulations, and recommendations relating to the carriage of cargoes, in particular the International Maritime Dangerous Goods Code (I.M.D.G.);

- (d) Carriage of dangerous goods; precautions to be taken during loading and discharging operations and the care of dangerous goods during a voyage;
- (e) Working knowledge of commonly used cargo piping and pumping arrangements;
- (f) Terms and definitions used to describe properties of common oil cargoes, such as crude oil, middle distillates, naphtha;
- (g) Pollution regulations, ballasting, tank cleaning and gas freeing operations;
- (h) Load-on-top procedures.

#### **11. Fire prevention and fire-fighting appliances.**

- (a) Organisation of fire drills;
- (b) Classes and chemistry of fire;
- (c) Fire-fighting systems;
- (d) Attendance at an approved fire-fighting course;
- (e) Knowledge of regulations concerning fire-fighting equipment.

#### **12. Emergency procedures**

- (a) Precautions when beaching a ship;
- (b) Action to be taken prior to, and after, grounding;
- (c) Floating a grounded ship, with and without assistance;
- (d) Action to be taken following a collision;
- (e) Temporary plugging of leaks;
- (f) Measures for the protection and safety of passengers and crew in emergencies;
- (g) Limiting damage and salvaging the ship following a fire or explosion;
- (h) Abandoning ship;
- (i) Emergency steering, rigging and use of jury steering and the means of rigging a jury rudder, where practicable;
- (j) Rescuing persons from a ship in distress or from a wreck;
- (k) Man-overboard procedures.

#### **13. Medical Care**

A thorough knowledge of the use of the contents of the following publications —

- (a) International Medical Guide for Ships or equivalent national publications;
- (b) Medical section of the International Code of Signals;
- (c) Medical First Aid Guide for Use in Accidents Involving Dangerous Goods.

#### **14. Maritime Law**

- (a) A knowledge of international maritime law as embodied in international agreements and convention as they affect the specific obligations and responsibilities of the master, particularly those concerning safety and the protection of the marine environment. Regard shall be paid especially to the following subjects —
  - (i) certificate and other documents required to be carried on board ships by international conventions; how they are to be obtained and the period of their legal validity;
  - (ii) responsibilities under the relevant requirements of the International Convention on Load Lines;
  - (iii) responsibilities under the relevant requirements of the International Convention for the Safety of Life at Sea;
  - (iv) responsibilities under international conventions for the prevention of pollution from ships;
  - (v) maritime declarations of health, the requirements of the International Health Regulations;
  - (vi) responsibilities under the Convention on the International Regulations for Preventing Collisions at Sea;
  - (vii) responsibilities under other international instruments affecting the safety of the ship, passengers, crew and cargo;
- (b) The extent of knowledge of national maritime legislation is left to the discretion of the Administration but shall include national arrangements for implementing International agreements and conventions.

#### **15. Personnel management and training responsibilities.**

A knowledge of personnel management, organization and training aboard ships.

#### **16. Communications**

- (a) Ability to transit and receive messages by morse light and to use the International Code of Signals; where the Marine Board has examined candidates in these



subjects at the lower levels of certification, they may have the option of not re-examining in these subjects for certification as master.

- (b) Knowledge of procedures used in radiotelephone communications and ability to use radiotelephones, in particular with respect to distress, urgency, safety and navigational messages.
- (c) A knowledge of the procedures for emergency distress signals by radiotelegraphy as prescribed in the Radio Regulations.

## **17. Life-Saving**

A thorough knowledge of life-saving appliance regulations (International Convention for the Safety of Life at Sea), organisation of abandon ship drills, lifeboats, liferafts and other life-saving equipment.

## **18. Search and Rescue**

A thorough knowledge of the I.M.O Merchant Ship Search and Rescue Manual (MERSAR).

- (a) Navigation.

Demonstrate the use of sextant, pelorus, azimuth mirror and ability to plot position, course, bearings.

- (b) International Regulations for Preventing Collisions at Sea.
  - (i) use of small models displaying proper signals or lights, or navigation light simulator;
  - (ii) manoeuvring board or radar simulator.
- (c) Radar.
  - (i) radar simulator; or
  - (ii) manoeuvring boards.

- (d) Fire-fighting

Attendance at an approved fire-fighting course.

### **Mandatory Minimum Requirements for Certification of Officers in Charge of a Navigational Watch on Ships of 200 Gross Register Tons or More**

1. Every officer in charge of a navigational watch serving on a sea-going ship of 200 gross register tons or more shall hold an appropriate certificate.
2. Every candidate for certification shall —

- (a) be not less than 18 years of age;
- (b) satisfy the Marine Board as to medical fitness, particularly regarding eyesight and hearing;
- (c) have approved sea-going service in the deck department of not less than three years which shall include at least six months of bridge watchkeeping duties under the supervision of a qualified officer; however, the Marine Board may allow the substitution of a period of special training for not more than two years of this approved sea-going service, provided the Board is satisfied that such training is at least equivalent in value to the period of sea-going service it replaces;
- (d) satisfy the Marine Board by passing an appropriate examination that he possesses adequate theoretical and practical knowledge appropriate to his duties.

### **3. Certificates for service without restriction**

For issue of certificates of services without restriction as to area of operation, the examination shall test the adequacy of the candidate's theoretical and practical knowledge in the subjects shown in the Appendix II of this Schedule.

### **4. Restricted certificates.**

For issue of restricted certificates for service on near-coastal trading voyages, the Marine Board may omit the following subjects from those shown in the Appendix II of this Schedule, bearing in mind the effect on the safety of all ships which may be operating in the same waters:

- (a) celestial navigation;
- (b) electronic systems of position fixing and navigation for waters not covered by such systems.

### **5. Level of Knowledge**

- (a) The level of knowledge to be required in the subjects shown in the Appendix II of this Schedule shall be sufficient for the officer of the watch to carry out his watchkeeping duties safely. In determining the appropriate level of knowledge the Marine Board shall take into account the remarks under each subject in the Appendix II of this Schedule.
- (b) Training to achieve the necessary theoretical knowledge and practical experience shall be based on "Basic Principles to be Observed in Keeping a Navigational Watch" and relevant international regulations and recommendations.

## **APPENDIX II**

### **MINIMUM KNOWLEDGE REQUIRED FOR CERTIFICATION OF OFFICERS IN CHARGE OF A NAVIGATIONAL WATCH ON SHIPS OF 200 GROSS REGISTER TONS OR MORE**

#### **1. Celestial Navigation**

Ability to use celestial bodies to determine the ship's position and compass errors.

## **2. Terrestrial and Coastal Navigation**

- (a) Ability to determine the ship's position by the use of:
  - (i) landmarks;
  - (ii) aids to navigation, including lighthouses, beacons and buoys;
  - (iii) dead reckoning, taking into account winds, tides, currents and speed by propeller revolutions per minute and by log.
- (b) Thorough knowledge of and ability to use navigational charts and publications, such as sailing directions, tide tables, notices to mariners, radio navigational warnings and ship's routeing information.

## **3. Radar Navigation**

Knowledge of the fundamentals of radar and ability in the operation and use of radar and ability to interpret and analyse information obtained by use of radar including the following—

- (a) factors affecting performance and accuracy;
- (b) setting up and maintaining displays;
- (c) detection of misrepresentation of information, false echoes, sea return, etc;
- (d) range and bearing;
- (e) identification of critical echoes;
- (f) course and speed of other ship;
- (g) time and distance of closest approach of crossing, meeting or overtaking ships;
- (h) detecting course and speed changes of other ships;
- (i) effect of changes in own ship's course or speed or both;
- (j) application of the International Regulations for Preventing Collisions at Sea.

## **4. Watchkeeping**

- (a) Demonstrate thorough knowledge of content, application and intent of the International Regulations for Preventing Collisions at Sea, including those Annexes concerned with safe navigation;
- (b) Demonstrate knowledge of content of "Basic Principles to be Observed in Keeping a Navigational Watch".

**5. Electronic systems of position fixing and navigation.**

Ability to determine the ship's position by the use of electronic navigational aids to the satisfaction of the Marine Board.

**6. Radio direction-finders and echo-sounders**

Ability to operate the equipment and apply the information correctly.

**7. Meteorology**

Knowledge of shipborne meteorological instruments and their application. Knowledge of the characteristics of various weather systems, reporting procedures and recording systems and the ability to apply the meteorological information available.

**8. Compasses - magnetic and gyro**

Knowledge of the principles of magnetic and gyro-compasses including errors and corrections. With regard to gyro-compasses, an understanding of the systems under the control of the master gyro and a knowledge of the operation and care of the main type of gyro-compasses.

**9. Automatic pilot**

Knowledge of automatic pilot systems and procedures.

**10. Radiotelephony and visual signalling**

- (a) Ability to transmit and receive messages by morse light;
- (b) Ability to use the International Code of Signals;
- (c) Knowledge of procedures used in radiotelephone communications and ability to use radiotelephones, in particular with respect to distress, urgency, safety and navigational messages.

**11. Fire-prevention and fire-fighting appliance**

- (a) Ability to organize fire drills;
- (b) Knowledge of classes and chemistry of fire;
- (c) Knowledge of fire-fighting systems;
- (d) Attendance at an approved fire-fighting course.

**12. Life-Saving**

Ability to organize abandon ship drills and knowledge of the operation of lifeboats, liferafts, buoyant apparatus and similar life-saving appliances along with their equipment, including portable radio beacons (EPIRBs). Knowledge of survival at sea techniques.

### **13. Emergency procedures**

Knowledge of the items listed in the appropriate Appendix of the current edition of the ILO/IMO. "Document for Guidance".

### **14. Ship manoeuvring and handling**

Knowledge of—

- (a) the effects of various deadweights, draughts, trim, speed and under keel clearance on turning circles and stopping distances.
- (b) effects of wind and current on ship handling;
- (c) manoeuvres for the rescue of man-overboard;
- (d) squat, shallow water and similar effects';
- (e) proper procedures for anchoring and mooring.

### **15. Ship stability**

- (a) Working knowledge and application and stability, trim and stress tables, diagrams and stress calculating equipment.
- (b) Understanding of fundamental actions to be taken in the event of partial loss of intact buoyancy.

### **16. English language**

Adequate knowledge of the English language enabling the officer to use charts and other nautical publications, to understand meteorological information and messages concerning ship's safety and operation and to express himself clearly in his communications with other ships or coast stations. Ability to understand and use the IMO. Standard Marine Navigational Vocabulary.

### **17. Ship Construction**

General knowledge of the principal structural members of a ship and the proper names of the various parts.

### **18. Cargo handling and stowage**

Knowledge of safe handling and stowage of cargoes and the effect of these factors on the safety of the ship.

## **19. Medical Aid**

Practical application of medical guides and advice by radio, including the ability to take effective action based on such knowledge in the case of accidents or illnesses that are likely to occur on board ship.

## **20. Search and Rescue**

Knowledge of the IMO Merchant Ship Research and Rescue Manual (MERSAR).

## **21. Prevention of pollution of the Marine Environment.**

Knowledge of the precautions to be observed to prevent pollution of the Environment.

### **SCHEDULE II**

*[Reg.13 (2)]*

#### **MANDATORY MINIMUM REQUIREMENTS FOR CERTIFICATION OF CHIEF ENGINEER OFFICERS AND SECOND ENGINEER OFFICERS OF SHIPS POWERED BY MAIN PROPULSION MACHINERY OF 3000 KW PROPULSION POWER OR MORE**

1. Every chief engineer officer and second engineer officer of a sea-going ship powered by main propulsion machinery of 3000 kw propulsion power or more shall hold an appropriate certificate.

2. Every candidate for certificate shall—

- (a) satisfy the Marine Board as to medical fitness, including eyesight and hearing;
- (b) meet the requirements for certification as an engineer officer in charge of a watch; and
  - (i) for certification as second engineer officer, have not less than 24 months' approved sea-going service as engineer officer;
  - (ii) for certification as chief engineer officer, have not less than 36 months' approved sea-going service of which not less than 12 months shall be served as an engineer officer in question of responsibility while qualified to serve as second engineer officer;
- (c) have attended an approved practical fire-fighting course;
- (d) have passed appropriate examination to the satisfaction of the Marine Board. Such examination shall include the material set out in the Appendix I of this Schedule, except that the Board may vary these examination requirements for officers of ships with limited propulsion power that are engaged on home trade voyages, as it considers necessary, bearing in mind the effect on the safety of all ships which may be operating in the same waters.

3. Training to achieve the necessary theoretical knowledge and practical experience shall take into account relevant international regulations and recommendations.

4. The level of knowledge required under the different paragraphs of the Appendix I of this Schedule may be varied according to whether the certificate is being issued at chief engineer officer and second engineer officer level and watchkeeping engineer officers.

## **APPENDIX I**

### **MINIMUM KNOWLEDGE REQUIRED FOR CERTIFICATION OF CHIEF ENGINEER OFFICERS AND SECOND ENGINEER OFFICERS OF SHIPS POWERED BY MAIN PROPULSION MACHINERY OF 3000 KW PROPULSION POWER OR MORE**

1. The syllabus given below is compiled for examination of candidates for certification as chief engineer officer or second engineer officer of ships powered by main propulsion machinery of 3000 kw propulsion power or more. Bearing in mind that a second engineer officer shall be in a position to assume the responsibilities of a chief engineer officer at any time, examination in these subjects shall be designed to test the candidate's ability to assimilate all available information that affects the safe operation of the ship's machinery.

2. With respect to paragraph 4(a) below, the Marine Board may omit knowledge requirements for types of propulsion machinery other than those machinery installations for which the candidate to be awarded shall be valid. A certificate awarded on such a basis shall not be valid for any category of machinery installation which has been omitted until the engineer officer proves to be competent in these items to the satisfaction of the Marine Board. Any such limitation shall be stated in the certificate.

3. Every candidate shall possess theoretical knowledge in the following subjects—

- (a) thermodynamics and heat transmission;
- (b) mechanics and hydromechanics;
- (c) operational principles of ships' power installation (diesel, steam and gas turbine) and refrigeration;
- (d) physical and chemical properties of fuels and lubricants;
- (e) technology of materials;
- (f) chemistry and physics of fire and extinguishing agents;
- (g) marine electrotechnology, electronics and electrical equipment;
- (h) fundamentals of automation, instrumentation and control systems and practical use of computer;
- (i) naval architecture and ship construction, including damage control;
- (j) workshop practices.

4. Every candidate shall possess adequate practical knowledge in at least the following subjects —

- (a) operation and maintenance of—
  - (i) marine diesel engines;
  - (ii) marine steam propulsion plant;
  - (iii) marine gas turbines;
- (b) operation and maintenance of auxiliary machinery, including pumping and piping systems, auxiliary boiler plant and steering gear systems;
- (c) operation, testing and maintenance of electrical and control equipment;
- (d) operation and maintenance of cargo handling equipment and deck machinery;
- (e) detection of machinery malfunction, location of faults and action to prevent damage;
- (f) organisation of safe maintenance and repair procedures;
- (g) methods of, and aids for, fire prevention, detection and extinction and maintenance of fire-fighting systems;
- (h) methods and aids to prevent pollution of the environment by ships;
- (i) regulations to be observed to prevent pollution of the marine environment;
- (j) effects of marine pollution on the environment;
- (k) first aid related to injuries which might be expected in machinery spaces and use of first aid equipment;
- (l) functions and use of life-saving appliances;
- (m) methods of damage control;
- (n) safe working practices.

5. Every candidate shall possess a knowledge of international maritime law embodied in international agreements and conventions as they affect the specific obligations and responsibilities of the engine department, particularly those concerning safety and the protection of the marine environment. The extent of knowledge of national arrangements for implementing international agreements and conventions.

6. Every candidate shall possess a knowledge of personnel management, organisation and training aboard ships.



**MANDATORY MINIMUM REQUIREMENTS FOR CERTIFICATION  
OF CHIEF ENGINEER OFFICERS AND SECOND ENGINEER OFFICERS  
OF SHIPS POWERED BY MAIN PROPULSION MACHINERY BETWEEN  
750 KW AND 3000 KW PROPULSION POWER**

1. Every chief engineer officer and second engineer officer of a sea-going ship powered by main propulsion machinery of between 750 and 3000 kw propulsion power shall hold an appropriate certificate.
2. Every candidate for certification shall—
  - (a) satisfy the Marine Board as to medical fitness, including eyesight and hearing;
  - (b) meet the requirements for certification as an engineer officer in charge of watch—
    - (i) for certification as second engineer officer, have not less than 12 months' approved sea-going service as engineer officer;
    - (ii) for certification as chief engineer officer, have not less than 24 months' approved sea-going service of which not less than 12 months shall be served while qualified to serve as second engineer officer;
  - (c) have attended an approved practical fire-fighting course;
  - (d) have passed appropriate examination to the satisfaction of the Marine Board. Such examination shall include the material set out in Appendix II of this Schedule except that the Board may vary the requirements for examination and sea-going service for officers of ships engaged on home trade voyages, bearing in mind the types of automatic and remotely operated controls with which such ships are fitted and the effect on the safety of all ships which may be operating in the same waters.
3. Training to achieve the necessary theoretical knowledge and practical experience shall take into account relevant international regulations and recommendations.
4. The level of knowledge required under the different paragraphs of the Appendix may be varied according to whether the certificate is being issued at chief engineer officer or second engineer officer level.
5. Every engineer officer who is qualified to serve as second engineer officer of ships powered by main propulsion machinery of 3000 kw propulsion power or more, may serve as chief engineer officer of ships powered by main propulsion machinery of less than 3000 kw propulsion power provided that not less than 12 months' approved sea-going service shall have been served as an engineer officer in a position of responsibility.

**APPENDIX II  
MINIMUM KNOWLEDGE REQUIRED FOR CERTIFICATION OF CHIEF ENGINEER  
OFFICERS AND SECOND ENGINEER OFFICERS OF SHIPS POWERED BY MAIN  
PROPULSION MACHINERY OF BETWEEN 750 KW  
AND 3000 KW PROPULSION POWER**

1. The syllabus given below is compiled for examination of candidates for certification as chief engineer officer or second engineer officer of ships powered by main propulsion machinery of between 750 kw and 3000 kw propulsion power. Bearing in mind that a second engineer officer shall be in a position to assume the responsibilities of the chief engineer officer at any time, examination in these subjects shall be designed to test the candidate's ability to assimilate all available information that affects the safe operation of the ship's machinery.

2. With respect to paragraphs 3(d) and 4(a) below, the Marine Board may omit knowledge requirements for types of propulsion machinery other than those machinery installations for which the certificate to be awarded shall be valid. A certificate awarded on such a basis shall not be valid for any category of machinery installation which has been omitted until the engineer officer proves to be competent in these items to the satisfaction of the Board. Any such limitation shall be stated in the certificate.

3. Every candidate shall possess sufficient elementary theoretical knowledge to understand the basic principles involved in the following subjects —

- (a) combustion process;
- (b) heat transmission;
- (c) mechanics and hydromechanics;
- (d) *(i)* marine diesel engines;  
*(ii)* marine steam propulsion plant;  
*(iii)* marine gas turbines;
- (e) steering gear systems;
- (f) properties of fuels and lubricants;
- (g) properties of materials;
- (h) fire-extinguishing agents;
- (i) marine electrical equipment;
- (j) automation, instrumentation and control systems;
- (k) ship construction, including damage control;
- (l) auxiliary systems.

4. Every candidate shall possess adequate practical knowledge, in at least the following subjects —

- (a) operation and maintenance of:
  - (i)* marine diesel engines;

- (ii) marine steam propulsion plant;
- (iii) marine gas turbines;
- (b) operation and maintenance of auxiliary machinery systems, including steering gear systems;
- (c) operation, testing and maintenance of electrical and control equipment;
- (d) operation and maintenance of cargo handling equipment and deck machinery;
- (e) detection of machinery malfunction, location of faults and action to prevent damage;
- (f) organisation of safe maintenance and repair procedures;
- (g) methods of, and aids for, fire prevention, detection and extinction;
- (h) regulations to be observed regarding pollution of the marine environment and methods and aids to prevent such pollution;
- (i) first aid related to injuries which might be expected in machinery spaces and use of first aid equipment;
- (j) functions and use of life-saving appliances;
- (k) methods of damage control with specific reference to action to be taken in the event of flooding of sea water into the engine room;
- (l) safe working practices.

5. Every candidate shall possess a knowledge of international maritime law as embodied in international agreements and conventions as they affect the specific obligations and responsibilities of the engine department, particularly those concerning safety and the protection of the marine environment. The extent of knowledge of national maritime legislation is left to the discretion of the Marine Board but shall include national arrangements for implementing international agreements and conventions.

6. Every candidate shall possess a knowledge of personnel management, organisation and training aboard ships.

#### MANDATORY MINIMUM REQUIREMENTS FOR CERTIFICATION OF ENGINEER OFFICERS IN CHARGE OF A WATCH IN A TRADITIONALLY MANNED ENGINE ROOM OR DESIGNATED DUTY ENGINEER OFFICERS IN A PERIODICALLY UNMANNED ENGINE ROOM.

1. Every engineer officer in charge of a watch in a traditionally manned engine room or the designated duty engineer officer in a periodically unmanned engine room on a sea-going ship

powered by main propulsion machinery of 750 kw propulsion power or more shall hold an appropriate certificate.

2. Every candidate for certification shall —

- (a) be not less than 18 years of age;
- (b) satisfy the Marine Board as to medical fitness, including eyesight and hearing;
- (c) have not less than a total of three years approved education or training, relevant to the duties of a marine engineer;
- (d) have completed an adequate period of sea-going service which may have been included within the period of three years stated in subparagraph (c);
- (e) satisfy the Marine Board that he has the theoretical and practical knowledge of the operation and maintenance of marine machinery appropriate to the duties of an engineer officer;
- (f) have attended an approved practical fire-fighting course;
- (g) have knowledge of safe working practices.

The Marine Board may vary the requirement of sub-paragraphs (c) and (d) for engineer officers or ships powered by main propulsion machinery of less than 3000 kw propulsion power engaged in home-trade voyages, bearing in mind the effect on the safety of all ships which may be operating in the same waters.

3. Every candidates shall have knowledge of the operation and maintenance of main and auxilliary machinery, which shall include knowledge of relevant regulatory requirements and also knowledge of at least the following specific items —

(a) Watchkeeping routines —

- (i) duties associated with taking over and accepting a watch;
- (ii) routine duties undertaken during a watch;
- (iii) maintenance of the machinery space log book and the significance of readings taken;
- (iv) duties associated with handing over a watch.

(b) Main and auxilliary machinery —

- (i) assisting in the preparation of main machinery and preparation of auxilliary machinery for operation;
- (ii) operation of steam boilers, including combustion system;

- (iii) methods of checking water level in steam boilers and action necessary if water level is abnormal;
  - (iv) locating of common faults of machinery and plant in engine and boiler rooms and action necessary to prevent damage.
- (c) Pumping systems
  - (i) routine pumping operations;
  - (ii) operation of bilge, ballast and cargo pumping systems.
- (d) Generating plant,

Preparing, starting, coupling and changing over alternators or generators.

- (e) Safety and emergency procedures
  - (i) safety precautions to be observed during a watch and immediate actions to be taken in the event of a fire or accident, with particular reference to oil systems;
  - (ii) safe isolation of electrical and other types of plant and equipment required before personnel are permitted to work on such plant and equipment.

- (f) Anti-pollution procedures

The precautions to be observed to prevent pollution of the environment by oil, cargo residue, sewage, smoke or other pollutants. The use of pollution prevention equipment, including oily water separators, sludge tank systems and sewage disposal plant.

- (g) First aid

Basic first aid related to injuries which might be expected in machinery spaces.

4. Where steam boilers do not form part of a ship's machinery, the Marine Board may omit the knowledge requirements of paragraph 3(b) (ii) ships in which steam boilers form part of a ship's machinery until the engineer officer proves to be competent in the omitted items to the satisfaction of the Board. Any such limitations shall be stated in the certificate.

5. The training to achieve the necessary theoretical knowledge and practical experience shall take into account relevant international regulations and recommendations.

### **SCHEDULE III**

*[Regulation 13(3)]*

#### **MANDATORY MINIMUM REQUIREMENTS FOR CERTIFICATION OF COXSWAINS MATES AND MASTERS ENGAGED IN NEAR-COASTAL TRADE**

## COXSWAIN

Function of Certificates of Competency —

### **1. Coxswain:**

Acceptable basic qualifications for —

- (a) Command of a vessel of less than 200 gross tons (including charge of machinery) engaged in operations within "Appendix A" of Schedule VI as endorsed;
- (b) Officer in charge of a navigational watch of Vessels up to 1600 gross tons engaged in operations up to and including "Appendix C" of Schedule VI as endorsed.

Particular Requirements —

- (a)
  - (i) Twelve months service in vessel trading in Appendix "A" of Schedule VI and successful completion of Maritime Studies at the Seychelles Polytechnic or any other recognised educational Institution; or
  - (ii) Twelve months service in vessels trading in "Appendix A" of Schedule VI for those with no certificate in Maritime Studies.
  - (iii) Hire Craft Coxswain
    - if hire craft under 2 miles – 4 months' sea service and successful completion of aforesaid maritime studies;
    - if hire craft under 10 miles – 4 months' sea service after holding of a hire craft under 2 miles certificate of competency; or
    - if hire craft under 60 miles – 4 months' sea service after holding of a hire craft under 10 miles certificate of competency.
- (b) Minimum Age: 20 years.
- (c) To qualify for the issue of the certificate of competency -
  - (i) In addition to obtaining a satisfactory pass in the oral and/or practical examination candidates must, produce a medical certificate to indicate physical and medical fitness including hearing, eyesight and colour vision.

NB: Coxswain Certificate of Competency endorsed for use on Hire-Craft and Plying Boats may be granted. Certain of the requirements for the endorsed Certificate may be omitted. Endorsement for navigational watch shall be according to experience and to the satisfaction of the Board.

Examination Syllabus – Coxswain

An oral examination shall be carried out. A practical test may be required at the discretion of the examiner.

**Section 1: Vessel Handling:**

- (a) Manoeuvring characteristics of small power driven vessels;
- (b) Manoeuvring characteristics of small sailing vessels;
- (c) Berthing and Unberthing;
- (d) Handling of small vessels in bad weather and heavy swell;

**Section 2: Cargo Operations:**

- (a) An understanding of the precautions to be taken during the carriage of hazardous cargoes;
- (b) A general understanding of stability of small vessels including disposition of passengers, cargo ballast.

**Section 3: Coastal Navigation:**

- (a) Laying off safe courses and fixing positions on a chart;
- (b) The use of a deviation card;
- (c) Finding variation from the chart;
- (d) Measuring distance on a chart;
- (e) Understanding various symbols on a chart;
- (f) Use of soundings, in determining position;
- (g) Care, maintenance and siting of magnetic compasses;
- (h) General Knowledge of anchorage at islands, isolated dangers and navigational aids;
- (i) Ability to calculate distance, course and speed.

**Section 4: Emergency and Safety:**

- (a) Action to be taken in an emergency situation;
- (b) Steps to be taken after collision, grounding or other marine casualty;
- (c) Action to be taken in the event of loss of rudder;
- (d) Rendering assistance to others in distress;

- (e) Man overboard procedures;
- (f) Knowledge of first-aid procedures;

**Section 5: Safety Equipment:**

- (a) Use and care of life saving appliances;
- (b) Use and care of fire-fighting appliances;
- (c) Use of distress signals;
- (d) Use of VHF/SSB radio for communications;
- (e) Use of VHF/SSB radio for sending of Distress, Urgency and Safety communications;
- (f) Use of electronic navigational aids.

**Section 6: Collision and Port Regulations:**

- (a) An adequate knowledge of the collision regulations with special emphasis on those sections relevant to small vessel operation;
- (b) Knowledge of Port Regulations applicable;
- (c) Understand buoyage systems;
- (d) Knowledge of laws relating to the protection of the environment including the pollution of the sea by oil and dumping.

**Section 7: Engineering:**

- (a) A working knowledge of routine checks required with the operation of main engines, ancillary equipment and other mechanical equipment in small vessels. What to do in the case of a malfunction.
- (b) A working knowledge of the pumping arrangements on board including cooling water, bilges and fuel systems.
- (c) Care of low-voltage electrical systems including batteries and accumulators;
- (d) Care, maintenance and ventilations of batteries and battery compartments;
- (e) Precautions necessary for the prevention of fire or explosion associated with the use of petrol, diesel etc;
- (f) Action to be taken in the event of fire or explosion;



- (g) A general understanding of marine diesel and outboard engines used in small craft.

### **DECK OFFICER CLASS V**

Functions of Certificate:

Acceptable basic qualification:

- (a) Command of vessels of up to 500 Gross tons engaged in operations in "Appendix A" of Schedule VI;
- (b) Command of vessels of less than 200 Gross tons engaged in operations in "Appendix B" of Schedule VI;
- (c) Officer in charge of a navigational watch of vessels up to 1600 Gross tons operations up to and including "Appendix C" of Schedule VI.

#### **Particular Requirements:**

- (a)
  - (i) Eighteen months approved sea service, including 1 year of service obtained within the previous 5 years on vessels engaged in operations appropriate to the Certificate of Competency required or;
  - (ii) Twelve months approved service, as above, and successful completion of Maritime Studies at the Seychelles Polytechnic or any other recognised educational Institution.
- (b) Minimum age 20 years.
- (c) To qualify for the issue of the Certificate of Competency —
  - (i) in addition to obtaining a satisfactory pass at all parts of the examination candidates must produce a medical certificate to indicate physical and medical fitness, including hearing and form and colour vision.
  - (ii) holder of a restricted radio licence as issued by a competent authority;
  - (iii) Hire Craft Coxswain if hire craft under 2 miles – 4 months' sea service and successful completion of aforesaid maritime studies;

if hire craft under 10 miles – 4 months' sea service after holding a hire craft under 2 miles certificate of competency; or

if hire craft under 60 miles – 4 months' sea services after holding a hire craft under 10 miles certificate of competency.

### **DECK OFFICER CLASS V – SUBJECTS**

1. Elements of shipboard safety: including first aid, survival and fire fighting.

2. Ship knowledge
3. Radar
4. Coastal Navigation.
5. Nautical Knowledge.
6. Radio Telecommunications.
7. Celestial Navigation.

Assessment to be as follows —

1. Elements of Shipboard Safety - Practical and orals.
2. Radar: Competent use of the set - Practical and orals.
3. Ship knowledge: To understand relevant factors of stability, construction and maintenance of small vessel - Practical and orals.
4. Coastal Navigation: To demonstrate a level of competency that would enable the candidates to use charts, chartwork and plot a vessel's progress-2 hours written examination, pass mark 70%.
5. Nautical knowledge: To display a knowledge of Seamanship, Cargo Operations etc., Practical and orals.

**Note:** Written paper - Coastal Navigation.

**Practical and Orals:** The candidate will be required to have a working knowledge to cover the duties and responsibilities of the Master of a vessel of less 500 Gross tons employed in Appendix B of Schedule VI.

### **DECK OFFICER CLASS V - SYLLABUS**

#### **ELEMENTS OF SHIPBOARD SAFETY, FIREFIGHTING TRAINING AND ACCIDENT PREVENTION**

##### **(Orals and Practical Examination)**

Elements of fire prevention on board the vessel. Theory of combustion and methods of extinguishing fire. Practical use of portable fire fighting appliances. Knowledge of the lifesaving appliances carried on board a vessel, their use and operation.

Knowledge in launching and survival in an inflatable liferaft.

Elements of accident prevention as they apply to the shipboard workplace, particularly as they apply to falls, burns and scalds, electrical shock and working in close proximity to machinery and moving objects.

Resuscitation methods and treatment of the injured.

## **RADAR**

### **(Orals and Practical Examination)**

Candidates will be required to have a practical knowledge of the application of radar as an aid to navigation and collision avoidance.

- (a) Correct operation of the controls to set and maintain displays. Ability to recognise malfunctions, false echoes, sea return;
- (b) Ability to obtain radar ranges and bearings;
- (c) Outline knowledge of the limitation of the set with respect to: range, discrimination, detection of targets;
- (d) Outline knowledge of effects of rain, clutter, etc. on ability to detect targets;
- (e) Outline knowledge of the correct use of radar for navigational purposes;
- (f) Outline knowledge of the correct use of radar for collision avoidance;
- (g) A working knowledge of the Collision Regulations as they apply to the use of radar at sea.

## **SHIP KNOWLEDGE**

### **(Orals and Practical Examination)**

#### **Section 1 - Design and Construction**

- (a) To know the principal parts of a vessel and their various functions;
- (b) Practical appreciation of how the watertight integrity of a small vessel is maintained;
- (c) Practical knowledge of fuel, fresh water and ballast water arrangements, including pumping, sounding and venting facilities;
- (d) Practical knowledge of bilge pumping arrangements;
- (e) Practical knowledge of deck machinery of a small vessel;
- (f) Practical knowledge of the steering arrangements of a small vessel.

#### **Section 2 - Stability**

- (a) A general understanding of the meaning of the terms Displacement, Deadweight, Draught, Freeboard, Load Line, Trim;

- (b) A general understanding of the effect on the stability of a small vessel of:

Adding and removing weights. Disposition of passengers. Cargo. Ballast and fuel. Slack tanks. Water on deck.

### **Section 3 - Maintenance and Repairs**

- (a) Methods of docking or slipping small vessels;
- (b) Maintenance of small vessels.

## **COASTAL NAVIGATION**

### **(2 hours Written Paper - Pass mark 70% and an Oral Examination)**

- (a) Relationship between compass, magnetic and true courses and bearings. Relative bearings. The use of a deviation card without mathematical interpolation. Finding the variation from the chart. Compass error from transit bearing or by bearings taken from a known position;
- (b) Laying off safe courses on a chart;
- (c) Measuring distances on a chart;
- (d) Ability to relate coastal features to a chart;
- (e) Appreciation of the effects of current and leeway on the course and speed of the vessel (without calculations). Recognition of the presence of either and/or both factors;
- (f) Fixing the vessel's position by simultaneous bearings, transits of coastal features, and by running fix;
- (g) Use of leading marks, clearing marks and transits;
- (h) Use of a single position line;
- (i) Use of soundings in determining position;
- (j) The information on a chart or plan, particularly buoyage, hazards to navigation, depth and nature of bottom, lights. Recognition of the coast. Selection of suitable points for bearings. Selection of a suitable anchorage or shelter;
- (k) Use of electronic navigational aids.

## **NAUTICAL KNOWLEDGE**

### **(Orals and Practical Examination)**

#### **Section 1 - Marine Legislation**

- (a) A working knowledge of the laws relating to the following, with reference to small vessels:

Lifesaving appliances. Fire appliances. Distress. Safety Signals. Musters and Drills.

### **Section 2 – Meteorology**

- (a) The Beaufort scale;
- (b) A knowledge of basic meteorological terms;
- (c) To read and use an aneroid barometer.

### **Section 3 - Protection of the Environment**

A working knowledge of the laws relating to the protection of the environment including the pollution of the sea by oil and other dumping.

### **Section 4 - Cargo Operations**

- (a) An outline knowledge of the safe use of cargo-handling gear;
- (b) The safe handling, stowage and carriage of common cargoes including hazardous goods;
- (c) Precautions to be taken before entering holds, tanks and void spaces;

### **Section 5 - Navigational Safety**

- (a) A working knowledge of the content and application of: Collision regulations. Distress signals. Buoyage systems;
- (b) A working knowledge of the content of publications and marine notices with respect to:

Search and Rescue. Navigational warnings (including firing practices). Precautions concerning submarine cables and pipelines. Other information relating to the safe navigation of a small vessel in coastal waters.

### **Section 6 - Practical Seamanship**

- (a) Knots, hitches and bends in common use;
- (b) Eye splice, short splice and back splice of fibre and synthetic ropes;
- (c) Eye splice in wire rope;
- (d) Care in use of rope, wire and chains. Determination of breaking strain and S.W.L;
- (e) Rigging stages, bosun's chairs and rope ladders;

- (f) Knowledge of the gear used in cargo work and an understanding of its uses. Maintenance of wires, blocks and shackles. Rigging a derrick and appreciating the maximum load that may be handled as rigged;
- (g) Driving a winch and windlass; use of the windlass in anchor work;
- (h) Safe handling of moorings;
- (i) Stowage of cable and securing anchors for sea;
- (j) Securing hatches, doors, skylights, air pipes, etc;
- (k) Lashing and securing cargo, particularly deck cargo.

#### **Section 7 - Instruments**

- (a) A working knowledge of the use of the bridge equipment including: compass, azimuth mirror, automatic pilot, hand lead-line, bottom and streamed logs;
- (b) Care, maintenance and siting of magnetic compasses;  
Precautions against magnetic and electrical disturbances.

#### **Section 8 - Vessel Handling**

- (a) Berthing and unberthing;
- (b) Anchoring and clearing and anchorage: precautions while at anchor;
- (c) Conning the vessel: effect of propellers on the steering of a vessel: turning a vessel short round;
- (d) Effect of current, wind and shallows on manoeuvring;
- (e) Manoeuvring a small vessel in harbours;
- (f) Dangers of manoeuvring and passing too close to vessels in a narrow channel;
- (g) Emergency manoeuvres: Emergency stops, beaching, anchoring and man overboard;
- (h) Towing and being towed;
- (i) Management of a small vessel in heavy weather, use of oil;
- (j) Handling of a small vessel in swell and breakers;
- (k) Duties at sea, at anchor, and in port;

#### **Section 9 - Safety Equipment and Emergency Procedures.**

- (a) Use and care of lifesaving appliances;
- (b) Use and care of fire fighting appliances;
- (c) Prevention of fire, fire fighting, the fire triangle;
- (d) Action to be taken in the event of fire, collision, grounding and damage to the vessel;
- (e) Precautions for the protection and safety of passengers and crew in emergency situation;
- (f) Abandoning the vessel;
- (g) Rescuing survivors from the water, another vessel or ditched aircraft;
- (j) Assisting a vessels in distress.

#### **Section 10 - Communications.**

To know the correct procedure as contained in the International Code of Signals, for the sending of Distress, Urgency and Safety Communications by radiotelephone.

### **RADIOTELEPHONE COMMUNICATIONS**

#### **(Orals and Practical Examination)**

To ensure that candidates are competent in the operation of the radio telephone, in particular its use with respect to distress, urgency, safety and navigational messages;

A practical knowledge of the working and adjustment of radiotelephone equipment;

Ability to send and receive correctly messages by telephone;

A knowledge of the Radiocommunication Regulations for the time being in force under the Telecommunications Convention relating to the exchange of radiotelephone communications, to interference, and to the Distress, Urgency and Safety Signals;

A knowledge of the precautions necessary for the safety of approval radiotelephone equipment.

### **DECK OFFICER CLASS IV**

#### **Functions of Certificate:**

Acceptable basic qualification for:

- (a) Master, of vessels of less than 1000 Gross tons engaged in operations up to and including Appendix B in Schedule VI and Chief Mate of vessels of less than 1600 Gross tons operating in Appendix C in Schedule VI.
- (b) Officer in charge of a navigational watch on vessels less than 1600 Gross tons trading in the Unlimited Trade Area.

Particular Requirements:

- (a) (i) Holder of a Deck Officer Class V Certificate of Competency including twelve months of approved watchkeeping service since obtaining Class V Certificate of Competency Deck Officer; or
- (ii) holder of an unlimited Class IV Deck Officer Certificate;
- (b) Minimum Age: 21 years;
- (c) A medical certificate of physical and medical fitness including hearing and form and colour vision;
- (d) A restricted radio-licence as issued by a competent authority.

**DECK OFFICER CLASS IV – SUBJECTS**

1. Bridge Equipment.
2. Radar.
3. Ship knowledge.
4. Offshore Navigation.
5. Nautical Knowledge.
6. First Aid.
7. Ship Stability.
8. Meteorology.

Assessment to be as follows:

1. Bridge Equipment: to operate the various items of bridge equipment safely and efficiently. Practical and orals.
2. Radar: Competent use of Radar set including position fixing and collision avoidance. Practical and written - Pass 60%.
3. Ship knowledge: To understand various factors of stability construction and maintenance of small vessels. Orals and written - Pass 60%.
4. Offshore Navigation: To navigate using celestial and electronic means. Written pass 70%.
5. Nautical knowledge: to demonstrate knowledge of seamanship etc.

Practical and orals.



6. First Aid: to demonstrate basic knowledge in first aid and/or recognised First Aid Certificate.

## **DECK OFFICER CLASS IV - SYLLABUS**

### **BRIDGE EQUIPMENT**

#### **(Oral and Practical Examination)**

The knowledge required will not go beyond that considered necessary for the correct and full use of the following equipment:

- (a) Magnetic Compass: Use and care of magnetic compasses. Location and names of correctors. Magnetic and non-magnetic materials and their effects on the compass. Avoidance of electrical interference. Checking compasses. Practical limitations of the magnetic compass.
- (b) Bearing instruments: Use of bearing instruments.
- (c) Electronic Navigational Aids: Use and care of electronic navigational aids including echo sounders, direction finders, and GPs. Interpretation of results obtained.
- (d) Signalling Equipment. Use and operation of light signalling equipment, including pyrotechnic.
- (e) Navigation Lights: Correct positioning and maintenance of navigation lights referred to in the collision regulations.
- (f) Logs: Use and care of modern towed and bottom logs.

### **RADAR**

**(Two and a half hours written paper : Pass mark 60%)**

**(and an Oral and Practical Examination)**

Candidates will be expected to have a sound practical knowledge of the collision regulations as they apply to the use of radar at sea; determine the course, speed and nearest approach of other vessels by radar plotting; determine the effect of an alteration of course/or speed and select a safe line of action.

In addition to the radar syllabus laid down for Deck Officer Class V:

- (a) The non-technical principles of marine radar;
- (b) Factors affecting performance and accuracy;
- (c) Detection of misrepresentation of information, false echoes sea return;

- (d) The recognition of substandard performances and mal-adjustment;
- (e) Knowledge of the limitations of a radar set with respect to -
  - Range and bearing discrimination;
  - Ability to detect certain targets;
  - Effect of meteorological conditions;
- (f) Knowledge of correct technique to be employed when using radar as-
  - A navigational aid;
  - A collision avoidance device.

## **SHIP KNOWLEDGE**

**(Two and a half hour Written Paper: Passmark 60%)**

Candidates will be required to have a more detailed and higher standard of knowledge of the subject specified in the Ship Knowledge syllabus for Deck Officer Class V.

### **Section 1 - Design and Construction**

- (a) A practical knowledge of the conditions of assignment of load lines;
- (b) Purpose of different types of valves use in pumping arrangements and their positioning and maintenance;
- (c) Testing of tanks and other watertight work;
- (d) An appreciation of electrical distribution systems, with particular reference to safety and safety devices;

### **Section 2 - Stability**

- (a) A general understanding of:
  - Centre of gravity. Centre of Buoyancy. Metacentric height. Range of stability. Stiff and tender vessels. Free surface effect;
- (b) Simple calculations involving displacement, deadweight, changes of draught and trim, fuel consumption;
- (c) Practical knowledge of the effect on stability of:
  - Adding and removing weights;
  - Slack tanks.

Also an appreciation of the changes in stability of a vessel during a voyage.

## **OFFSHORE NAVIGATION**

**(Three hour Written paper: Pass Mark 70%) (and a Practical test on electronic position fixing aids)**

Candidates will not be required to have a knowledge beyond that necessary for the simplest form of obtaining position lines and plotting them on a chart, with the use of precomputed tables if preferred.

- (a) The use of charts or plotting charts to obtain the position of the vessel at any time given compass course, compass error (or variation and deviation) and the run recorded by log (or calculated by time and estimated speed) allowing for the effect of wind and current, if any.
- (b)
  - (i) From an observation of the sun on the meridian, to find the latitude;
  - (ii) From an observation of the sun, to find the direction of the position line and a position through which it passes;
  - (iii) From an observation of selected star, to find the direction of the position line and a position through which it passes;
- (c) To obtain a position by the combination of any two observations as in (b), with or without a run;
- (d) To find the true bearing of a celestial body, hence the compass error and, for a magnetic compass, the deviation for the direction of the vessel's head;
- (e) To calculate the approximate time to the nearest minute of the meridian passage of the sun;

From a sequence of observations of the same celestial body to find the most accurate time/altitude combination for use in computations;

- (f) Electronic position fixing aids - use of radio direction finding equipment and other electronic position fixing aids available;

## **CHARTWORK**

**(Pass Mark 70%)**

- (a) To find the course steered between two positions allowing for a current and/or leeway. The effect of current on speed;
- (b) Given the course steered, the speed of vessel and the current and/or leeway, to find the true course made good;

- (c) Determine the vessel's position taking into account wind, tide, current and speed by propeller R.P.M or log;
- (d) To find the actual set and drift of a current experiences;
- (e) Use of horizontal and vertical sextant angles;
- (f) To fix the vessel's position on a chart by two simultaneous position lines, or position circles obtained from any practical combination of terrestrial bearings, radio D.F. bearings, radar ranges and bearings, vertical sextant angles and depth contours;
- (g) To fix the vessel's position from any two position lines as in (f) with a run between allowing for current and/or leeway. The reliability of this method;
- (h) The information given on a chart or plan, particularly about hazards to navigation. Recognition of the coast and radar responsive targets. Precautions when approaching anchorages and entering narrow waters, making landfalls in thick weather and clear weather.

## **NAUTICAL KNOWLEDGE**

### **(Orals and Practical Examination)**

#### **Section 1 - Marine Legislation**

A working knowledge of the laws relating to the following with reference to small vessels:

Life-saving appliances. Fire appliances. Distress. Safety Signals. Master and Drills.

#### **Section 2 - Meteorology**

- (a) The Beaufort scale;
- (b) A knowledge of basic meteorological terms;
- (c) To read and use an aneroid barometer.;
- (d) An outline knowledge of the weather associated with the passage of a front;
- (e) An outline knowledge of the weather associated with a tropical revolving storm and its probable movements. The recognition of the approach, and rules for the avoidance of such storms;
- (f) An understanding of the weather systems and seasonal patterns common to the Seychelles waters;

#### **Section 3 - Protection of the Environment**

A working knowledge of the laws relating to the protection of the environment including the pollution of the sea by oil and other dumping.

#### **Section 4 - Cargo Operations**

- (a) The safe handling, stowage and carriage of common cargoes including hazardous goods;
- (b) Precautions to be taken before entering holds, tanks and void spaces;
- (c) Loading, discharging, carriage and care of common cargoes, including liquid cargoes. Fire and safety precautions;
- (d) An understanding of the precautions to be taken during the carriage of hazardous cargoes in conventional vessels.

#### **Section 5 - Navigation Safety**

- (a) A working knowledge of the content and application of:  
Collision regulations. Distress signals. Buoyage systems.
- (b) A working knowledge of the content of publications and marine notices with respect to:

Search and Rescue. Navigational warnings (including firing practices). Precautions concerning submarine cables and pipelines. Other information relating to the safe navigation of a small vessel in coastal waters.

#### **Section 6 - Practical Seamanship.**

- (a) Knots, hitches and bends in common use;
- (b) Eye splice, short splice and back splice of fibre and synthetic ropes;
- (c) Eye splice in wire rope;
- (d) Care in use of rope, wire and chains. Determination of breaking strain and S.W.L.;
- (e) Rigging stages, bosun's chairs and rope ladders;
- (f) Knowledge of the gear used and an understanding of its safe use. Maintenance of wires, blocks and shackles. Rigging derrick and appreciating the maximum load that may be handled as rigged;
- (g) Use of the windlass in anchor work;
- (h) Safe handling of moorings;
- (i) Stowage of cable and securing anchors for sea;
- (j) Securing hatches, doors, skylights, air pipes, etc;
- (k) Lashing and securing cargo, particularly deck cargo.

### **Section 7 - Instruments**

- (a) A working knowledge of the use of the bridge equipment including: compass azimuth mirror, hand lead-line, bottom and streamed logs;
- (b) Care, maintenance and setting of magnetic compasses. Precautions against magnetic and electrical disturbances;
- (c) The marine sextant - to read a vernier or micrometer sextant on or off the arc. To find the index error. To use a sextant for taking altitudes and vertical angles.

### **Section 8 - Vessel Handling**

- (a) berthing and unberthing;
- (b) Anchoring and clearing and anchorage: precautions while at anchor;
- (c) Conning the vessel: effect of propellers on the steering of a vessel: turning a vessel short round;
- (d) Effect of current, wind and shallows on manoeuvring;
- (e) Manoeuvring a small vessel in harbours;
- (f) Dangers of manoeuvring and passing too close to vessels in a narrow channel;
- (g) Emergency manoeuvres: Emergency stops, beaching, anchoring and man overboard;
- (h) Towing and being towed;
- (i) Management of a small vessel in heavy weather, use of oil;
- (j) Handling of a small vessels in swell and breakers;
- (k) Duties at sea, at anchor, and in port;
- (l) Beaching of specially designed vessels;
- (m) Mooring to buoys. Use of slip wire;
- (n) Change of landing characteristics with change in draught and trim.

### **Section 9 - Safety Equipment and Emergency Procedures.**

- (a) Use and care of lifesaving appliances;
- (b) Use and care of fire fighting appliances;

- (c) Prevention of fire, fire fighting, the fire triangle;
- (d) Action to be taken in the event of fire, collision, grounding and damage to the vessel;
- (e) Precautions for the protection and safety of passengers and crew in emergency situation;
- (f) Abandoning the vessel;
- (g) Rescuing survivors from the water, another vessel or ditched aircraft;
- (h) Survival procedures in lifeboats and liferafts;
- (i) Ability to organise:
  - (i) Emergency drill;
  - (ii) Abandon ship drill.
- (j) Assisting a vessels in distress.

### **DECK OFFICER CLASS III**

#### **Functions of Certificate:**

#### **Acceptable basic qualifications for:**

- (a) Master of a vessel less than 1600 gross tons operating up to and including appendix C”.

#### **Particular Requirements:**

- (a)
  - (i) Holder of Deck Officer Class IV Certificate of Competency with 1 year watchkeeping experience since obtaining this Certificate;
  - (ii) Holder of 2nd Mates Certificate issued under these Regulations with six months approved watchkeeping sea service since obtaining the 2nd Mate Certificate;
  - (iii) Holder of an unlimited Class III Deck Officer certificate;
- (b) Minimum age 23 years.
- (c) Training Qualifications:
  - (i) Successful pass to all parts of the examinations;
  - (ii) Medical certificate of physical and medical fitness including Hearing, and colour vision;
  - (iii) Supplementary courses as required by the Marine Board.

(d) Subjects:

1. Chartwork;
2. Ship Knowledge and stability;
3. Navigation;
4. Meteorology;
5. Nautical Knowledge, Bridge procedures and Shipmasters business;

## **SYLLABUS**

### **CHARTWORK**

- (a) Given variation and the deviation of the magnetic compass or gyro error, to convert true courses into compass courses and vice versa. Given a sample of deviation, to extract the deviation hence to convert true courses into magnetic and compass courses. To find the compass course between two positions. The effect of current on speed. Allowance for leeway. Given compass course steered, the speed of the ship and direction and rate of the current, to find the true course \_ made good. To find the course to steer allowing for a current. Given the course steered and distance run, to determine the set rate of the current experienced between two positions;
- (b) To fix a position on a chart by simultaneous cross hearings, by bearing and range, by information from aids to navigation or by any combination, applying the necessary corrections. The use of lattice charts;
- (c) To fix the position by bearing of one or more objects with the run between, allowing for a current and to find the distance at which the ship will pass off a given point. The use of position lines obtained by any method, including terrestrial position lines and position circle. Use of transit bearings;
- (d) Elementary knowledge of passage planning and execution, landfalls in thick and clear weather. The selection of suitable anchorages, approaching anchorage and entering narrow waters. The use of clearing marks and horizontal and vertical danger angles. Distance of sighting lights;
- (e) To find the time and height of high and low water at Standard ports and at Secondary ports by tidal differences, using Admiralty Tide Tables. The use of tables and tide curves to find the time at which the tide reaches a specified height, the height of the tide at a given time and thence the approximate correction to be applied to soundings or to charted heights of shore objects;
- (f) The interpretation of a chart or plan; particularly the information given about Buoys, Lights, radio beacons and other navigational aids Depth and height contours; Tidal streams; Traffic lanes and separation zones. Recognition of the coast and radar responsive targets. Chart correction. Depth and nature of bottom. Use of sounding.



## EXAMINATION STRUCTURE

### CHARTWORK

6 QUESTIONS

Total Marks: 150

Candidates must attempt ALL questions

To achieve a PASS candidates must obtain at least 150 marks, i.e. 70%

Time allocated: 2.30 hours

### **GENERAL SHIP KNOWLEDGE AND STABILITY**

- (a) General ideas on ship construction and on plans available on board ship. General pumping arrangements. General definition of main dimensions. The names of the principal parts of a ship;

- (b) General understanding of and calculations related to:

Displacement; Deadweight; Buoyancy; Reserve buoyancy; understanding of fundamental actions to be taken in the event of partial loss of intact buoyancy;

Use of displacement and tonnes per centimetre immersion scales to determine weight of cargo or ballast from draughts of freeboard. Load line marks. Effect of density of water on draught and freeboard. Fresh water allowance.

- (c) (i) General understanding of and calculations related to:

Centre of gravity;

Centre of buoyancy;

Metacentric height;

Righting lever;

Righting moment;

- (ii) The use of stability and hydrostatic data supplied to ships, including stability data in simplified form. The effect of adding and removing weights. The danger of slack tanks;

- (iii) Rigging a ship for loading and discharging cargo, the use of derricks, winches and cranes. "Lining up" pipelines on oil products carriers. The stowage and securing of cargoes including bulk cargoes. A knowledge of the safety

precautions to be taken during the loading and discharging of bulk oil, chemicals and other dangerous commodities. Ventilation systems of holds and tanks.

- (d) General understanding and calculations of:
  - (a) ship stresses;
  - (b) transverse and longitudinal stability dry docking.

## **EXAMINATION STRUCTURE**

### **GENERAL SHIP KNOWLEDGE AND STABILITY**

6 QUESTIONS

Total Marks: 150

Candidates must attempt ALL questions

To achieve a PASS candidates must obtain at least 75 marks, i.e. 50%

Time allocated: 2 hours.

### **NAVIGATION**

Candidates will be required to have an understanding of the principles of navigation and spherical trigonometry. Candidates may use short method tables, star identifiers, plotting sheets for all calculations.

- (a) The use of the traverse tables to obtain the position of the vessel at any time given compass course, compass error (or variation and deviation) and the run recorded by log (or calculated by time and estimated speed) allowing for the effects of wind and current, if any;
- (b)
  - (i) From an observation of a celestial body on the meridian, to find the latitude;
  - (ii) From an observation of any celestial body out of the meridian, to find the direction of the position line and a position through which it passes;
- (c) Detection of misrepresentation of electronic navigational information and methods of correction to obtain accurate position fixing;
- (d) To obtain a position by the combination of any two or more observations as in (b) with or without a run;
- (e) To find the true bearing of a celestial body, hence the compass error and, for a magnetic compass, the deviation, for the direction of the ship's head;
- (f) To calculate the approximate time (to the nearest minute) of the meridian passage of a celestial body;

- (g) To fix a vessel's position on a chart by two simultaneous position lines or position circles obtained from any practical combination of terrestrial bearings, radio D.F. bearings, radar ranges and bearings horizontal and vertical sextant angles, depth contours and astronomical observations;
- (h) To obtain the best position from a cocked hat or diamond of error.

## **EXAMINATION STRUCTURE**

### **NAVIGATION:**

6 QUESTIONS

Total Marks: 150

Candidates must attempt ALL questions

To achieve a PASS candidate must obtain at least 105 marks, i.e. 70%.

Time allocated: 2.30 hours.

### **METEOROLOGY**

- (a) The aneroid barometer: corrections to be applied;
- (b) The barograph: diurnal variation of barometric pressure;
- (c) Means of obtaining sea surface temperature and the use of this information;
- (d) The Beaufort wind scale and weather notation in use at sea, methods and estimating direction and force of wind at sea;
- (e) Relationship between pressure distribution and wind: by ballot's law;
- (f) A knowledge of the weather systems and seasonal patterns. Land and sea breezes;
- (g) Factors affecting visibility at sea;
- (h) A knowledge of the weather associated with the passage of a front;
- (i) A knowledge of the weather associated with a tropical revolving storm: its probable movements: the rules for the avoidance of storms;
- (j) Recognition of the approach and development of a tropical revolving storm, forecasting the probable movement;
- (k) A knowledge of the weather information available to shipping. The interpretation and use of this information. Weather forecasting;

- (l) Ocean waves and swell. Measurement and behaviour. A general understanding of the relationship between speed, length, period and height. Abnormal waves.

## **EXAMINATION STRUCTURES**

### **METEOROLOGY**

3 QUESTIONS

Total Marks: 60

To achieve a PASS candidates must obtain at least 30 marks, i.e. 50%.

Time: 1.30 hours.

### **NAUTICAL KNOWLEDGE AND BRIDGE PROCEDURES**

1.
  - (a) Basic principles to be observed in keeping a navigational watch;
  - (b) Operational guidance for officers in charge of a navigational watch;
  - (c) Basic principles to be observed in keeping a watch in port;
  - (d) A general knowledge of the design and construction of a vessel's binnacles and compasses, the purpose of the correctors and an understanding of the practices of compass adjusting.
2.
  - (a) Knowledge of the certificates required to be carried by small vessels.
  - (b) A working knowledge of the laws relating to the following with reference to small vessels:

#### **Section 1 - Protection of the Environment**

A working knowledge of the laws relating to the protection of the environment including the pollution of the sea by oil and other dumping.

#### **Section 2 - Cargo Operations**

- (a) An outline knowledge of:  
  
Laws relating to the handling, stowage and carriage of hazardous goods. Laws relating to the safe use of cargo-handling gear;
- (b) The safe handling, stowage and carriage of common cargoes including hazardous goods;
- (c) Precautions to be taken before entering holds, tanks and void spaces.

## **EXAMINATION STRUCTURE**

### **SHIP MASTER'S BUSINESS AND NAUTICAL KNOWLEDGE**

5 QUESTIONS

Total Marks: 100

To achieve a PASS, candidates must obtain at least 50 marks, i.e. 50%.

Time : 2 hours.

## **SCHEDULE IV**

(Regulation 13(4))

### **MINIMUM MANDATORY REQUIREMENTS FOR CERTIFICATION OF MARINE MECHANICS ENGAGED IN NEAR-COASTAL TRADE (APPENDIXES A, B, & C)**

#### **ENGINEERING**

Marine Mechanic Class A Acceptable basic qualifications for:

- (a) Taking charge of the machinery of -
  - (i) Vessels with a propulsion power of less than 5000 HP (3745kw) operating in the Near Coastal Area;
  - (b) **Qualifying Services Compulsory Training and Qualifications**
    - (i) Repealed by SI. 56 of 2010.
    - (ii) Not less than 12 months at sea as Marine Mechanic while holding a Mechanic Certificate as Marine Mechanic Class B.
    - (iii) Not less than 6 months at sea as Marine Mechanic on ships of not less than 550HP (410KW) propulsion power on completion of an engineering apprenticeship acceptable to the Marine Board.
- (a) Pass the fequisite examination
- (b) Minimum age: 23 years
- (c) A medical certificate giving evidence of physical including eyesight and colour vision and medical fitness.

## **SYLLABUS**

The candidate may be required to perform calculations relating to the following:

- (a) Force, gravitational units, force as a vector;
- (b) Coefficient of friction, friction losses in simple slides;
- (c) Direct stress, shear stress, elasticity, working stress and factor of safety;
- (d) Equilibrium of floating bodies;
- (e) Linear expansion;
- (f) Heat transfer through a composite body, conduction, radiation;
- (g) Heat value of fuel, fuel consumption and engine power;
- (h) Electrical units and relation between them, series and parallel circuit and e.m. f. of resistance;
- (i) Calculation of electrical power given a network of resistance and applied voltage;

### **ENGINEERING KNOWLEDGE**

- (a) Properties of common marine engineering materials and methods of joining. Manufacture of simple components. Simple heat treatment;
- (b) Properties of liquids and gases commonly used aboard vessels;
- (c) Precautions against fire or explosions. Dangers of oil or gas leakage into bilges or enclosed spaces. Action of wire gauze diaphragms;
- (d) Methods of dealing with fire aboard vessels, testing and use of the various portable and fixed fire extinguishers and installations. Remote shut offs and closing appliances;
- (e) Precautions before entering tanks or enclosed spaces;
- (f) Common shipbuilding terms. Simple details of rudders, propellers, sterncubes, under-water fittings, tank management and effect on ship stability;
- (g) Elementary principles and care and management of auxiliary power sources;
- (h) Elementary principles and care and management of the various types of auxiliary pumps and pumping and piping systems, refrigerators and other shipboard auxiliaries;
- (i) Alignment of machinery and machinery parts;
- (j) Administration responsibilities. Oil pollution;

- (k) Use of lifesaving appliances;
- (l) Simple constructional details and the care and management of two-stroke and four-stroke cycle main propulsion. Diesel engines, with particular reference to safety, devices. Preparing for sea. Starting and reversing. Detection of defects;
- (m) engine cooling, fuel, and lubricating systems;
- (n) Care and attention required in the use of air compressors;
- (o) Refrigeration. The candidate may be required to show a knowledge of the following items;
  - (i) Principles of refrigerations;
  - (ii) Properties of common refrigerants. Dangers associated with leakage;
  - (iii) Operating temperatures and pressures. Methods of temperature control;
  - (iv) Care and management of refrigeration equipment. Recognition of defects.

#### **Electrical Knowledge**

- (a) S.I. units amperes, volts, ohms;
- (b) Electrical Circuit ohms, law, resistance in series and parallel, batteries in series and parallel;
- (c) Heating effect of electrical current;
- (d) Electrical safety;
- (e) Colour coding;
- (f) Motor starter, overload and under voltage protection;
- (g) AC and DC generators, voltage control and load shaping;
- (h) Accumulation care and maintenance;
- (i) Power and lighting distribution systems 3 phases and single phase. Use of fuses and circuit breakers; use of earth lamps.

The examiner may during oral/practical examination ask any relevant questions as deemed necessary.

#### **Marine Mechanic Class B**

Acceptable basic qualifications for

- (a) Taking charge of the machinery of vessels with a propulsion power not exceeding 1000 HP (750KW); and .
- (b) Being second in charge of machinery of vessels with a propulsion power not exceeding 3000KW.

### **Qualifying Service**

- (i) Not less than 12 months at sea as Marine Mechanic while holding a Marine Mechanic Class C Certificate;
- (ii) Successful completion of Maritime Engineering studies at the School of Polytechnic and not less than 12 months qualifying sea service on vessels with a propulsion power of more than 150BHP (1111KW).

### **Compulsory Training and Qualifications**

- (a) Pass the requisite examination;
- (b) Minimum Age: 21 years;
- (c) A medical certificate giving evidence of physical including eyesight and colour vision and medical fitness.

### **Syllabus**

#### **(i) Practical Mathematics**

The candidate may be required to solve simple problems relating to:

- (a) Consumption of oil and fuel;
- (b) Speed and range of vessels;
- (c) Volumes of rectangular tanks.

#### **(ii) Engineering Knowledge**

- (a) Precautions before entering tanks;
- (b) Use of life saving appliances;
- (c) Care and maintenance of two stroke and four stroke internal combustion engines;
- (d) Care and maintenance of fuel, lubricating and cooling water systems.  
Effects of sea water leakage into the systems;
- (e) Starting and operating cycles of internal combustion engines, timing and values, fuel injection or ignition;
- (f) General knowledge of First Aid.



In addition to the above candidates may be required to show an advanced knowledge of the items of the syllabus for Marine Mechanic Class C.

### **Marine Mechanic Class C**

Acceptable basic qualifications for:

- Taking charge of the machinery of vessel with a propulsion power of less than 350BHP (262KW) operating in the Near Coastal Area.

#### **Qualifying Service**

- (i) 1 year as a qualified mechanic of which 6 months should be qualifying sea service in vessels with a propulsion power of more than 150 BHP (111kw);
- (ii) 6 months qualifying sea service, while holding a Coxswain Certificate, in vessels with a propulsion power of more than 150BHP (111kw);

OR

- (iii) Successful completion of Engineering studies at the Maritime School of the Polytechnic plus 6 months qualifying sea service in vessels with a propulsion power of more than 150BHP (111kw).

#### **Compulsory Training and Qualifications:**

- (a) (i) Pass the requisite examination. (Oral and Practical).
- (b) Minimum Age: 20 years
- (c) A medical certificate giving evidence of physical including eyesight and colour vision and medical fitness.

#### **Syllabus:** Oral, Practical: Examinations

- (a) Operating 2 stroke and 4 stroke internal combustion engines;
- (b) Timing of fuel ignition or injection and care of the system;
- (c) Care and operation of the lube oil and cooling water system;
- (d) Steering gears and emergency steering;
- (e) Fuel oil piping system and filters, fuel tank ventilation tank gauging, fuel pumps and injectors;
- (f) Oil and grease lubrication;
- (g) Care of batteries, series and parallel connections. Ventilation, storage, gassing and fire or explosion risk;

- (h) Danger of LP gas and liquid fuels;
- (i) Precautions against fire and explosion. Methods of dealing with fires, extinguishers, fire pumps, closing appliances and remote shut-offs;
- (j) List of items for inspection on slipway;
- (k) Free surface effect;
- (l) Fuel consumption calculation. Estimate of requirements for a voyage in fuel, lubricating oil and water;
- (m) Basic, ship construction - Names of the main parts of a ship including stem, keel, trans-verse, rudder, post, deck, coaming, bulkwark, forecastles, bulkhead, tank tops;
- (n) Care and maintenance of electric motors, starters and brushes;
- (o) Accident prevention and safe practice in the engine room, and precautions to be taken before entering tanks and other confined spaces;
- (p) Engine cooling systems - water cooled and air cooled;
- (q) Basic knowledge of reversing gear box;
- (r) Simple fault finding such as how to identify and clear the following: fuel blockages, air lock in fuel system, dirty injectors, leaking or sticking valves, overheating, faulty ignition, faulty battery connection;
- (s) General undertaking of wiring and electrical systems;
- (t) General understanding of First Aid.

The candidates may be asked to start an engine and go through pre and post start checks.

The examiner may during oral/practical examination ask any relevant question as deemed necessary.

## **SCHEDULE V**

*(Regulation 12)*

### **FEES**

Tables of Fees to be paid by Applicants for Examinations for Certificates of Competency

Master (Unlimited-Trade)	Rs. Cts
Written Examination	300.00
Oral Examination	150.00
Signal Examination	50.00
Eyesight Examination	10.00

Chief Mate or Watchkeeper	
Written Examination	250.00
Oral Examination	100.00
Signal Examination	50.00
Eyesight Examination	10.00
Master (Near-Coastal Trade)	
Written Examination	200.00
Oral Examination	100.00
Signal Examination	50.00
Eyesight Examination	10.00
Coxswain (Near Coastal Trade)	
Written Examination	80.00
Oral Examination	60.00
Signal Examination	50.00
Eyesight Examination	10.00
First-class Engineer	200.00
Second-class Engineer	150.00
Third-class Engineer	100.00
Fourth-class Engineer	75.00
Marine Mechanic Class A	50.00
Marine Mechanic Class B	50.00
Marine Mechanic Class C	50.00

## **SCHEDULE VI**

### **AREAS CONSTITUTING NEAR-COASTAL TRADE AREA**

#### **APPENDIX A**

Praslin	Felicite	Ile Aux Recifs
La Digue	Marianne	Silhouette
Curieuse	Fregate	North Island

Aride	Les Soeurs	Cousin
Denis	Ile aux Vache	Cousine

## **APPENDIX B**

African Banks	Alphones
Remire or Eagle Island	Bijoutier
Darros and St. Joseph Group	St. Francois or Francis
Poivre Island	Platte Island
Desroches	Coetivy
Marie-Louise	Remire Reef
Denoeufs	Bertaud Reef
Boudeuse or King Rose	La Perle Reef
Etoile	

## **APPENDIX C**

Providence and Cerf Island	Farquhar
St. Pierre	Cosmoledo Group
Astove	Assumption
Providence Reefs and Banks	Aldabra

Note: (i) Mahe includes besides the Island of Mahe, the islands adjacent thereto, viz - Ste Anne Island, Cerf Island, Round Island, Moyenne Island, Ile Seche, Les Mamelles, South East Island, Anonyme Island, Therese Island, Conception Island.

(ii) A Deck Offices Class III may be given an endorsement for trading from --1,0 degrees North to 30 degrees South and from the Coast of East Africa to 80 degrees East.

## **SCHEDULE VII**

*(Reg. 15 (1))*

## **ENDORSEMENT OF CERTIFICATE**

Republic of Seychelles  
Issued under the provision of the

**INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING  
CERTIFICATION AND WATCHKEEPING FOR  
SEAFARERS, 1978**

Either\* (The Government of Seychelles certifies /

I, the undersigned certify)

that the present Certificate/Certificate

No: ..... \*\*, is issued to  
..... (full name of person), who have been found duly qualified  
in accordance with the provision of Regulation of the International Convention on Standards  
of Training, Certification and Watchkeeping for Seafarers, 1978, as .....\*\*\* with the  
following limitation only:

Insert here )

.....

Limitations )

.....

or 'non' )

.....

as )

.....

appropriate )

.....

Date of issue of this  
endorsement

.....

Signed: .....

(Official Seal

(Name and signature of duly  
authorised official)

Date of birth of the  
holder of the  
Certificate: .....

Signature of the  
holder of the  
Certificate: .....

\* Use one line or the other

\* \* Delete as appropriate  
 \* \* \* Insert Convention grade or class of Certificate

## SCHEDULE VIII

*(Reg, 4, 5 and 20)*

### TABLES

#### TABLES A:

#### REGULATION 4 MINIMUM NUMBER OF DECK OFFICERS TO BE CARRIED

TABLE A: (SHIPS OTHER THAN PASSENGERS SHIPS AND

-----  
 HIRE CRAFT ENGAGED IN UNLIMITED TRADE)  
 -----

Trading Area	Descriptions of Ships	Minimum Number Certificated Deck Officers To Be Carried			
		CLASS 1	CLASS 2 WATCH CERT. CERT.	CLASS 3 CERT.	CLASS 4 KEEPER CERT.
UNLIMITED	1600 GT and Over 1 Under 1600GT	1 1	1 1	1	

#### TABLE B:

#### REGULATION 4 MINIMUM NUMBER OF MARINE ENGINEER OFFICER TO BE CARRIED

Trading Area Certificated	Ships Registered Power (Kilowatt)	Minimum Number Of Marine Engineer To Be Carried		
		Class A Cert.	Class B Cert.	Class C Cert.
UNLIMITED	3000 kw or more	1	1	

750 kw or more but under 3000 kw	1	1	1
<750 kw			1

**TABLE C:**

**REGULATION 5**

**MINIMUM NUMBER OF OFFICERS TO BE CARRIED  
(SHIPS INCLUDING PASSENGER SHIPS AND HIRE CRAFT  
ENGAGED IN NEAR-COASTAL TRADE)**

Trading Area Certificated	Description of Ships		Minimum Number Of Officers To Be Carried	
	Deck Off. CL. III	Deck Off. CL. IV	Deck Off. CL. V	Coxwains
APPENDIX 'A'	1000 - 1600 GT	1		1
	500 - 1000 GT	1	1	
	200 - 500 GT	1		
Less than	200 GT	1		
APPENDIX 'B'	1000 - 1600 GT	1	1	
	500 - 1000 GT	1	1	
	200 - 500 GT		1	1
Less than	200 GT		1	
APPENDIX 'C'	1000 - 1600 GT	1 1	1	

	500 - 1000 GT	2	1
<hr/>			
	200 - 500 GT	1	1
<hr/>			
Less than	200 GT	2	
<hr/>			

**Note : GT means Gross Tonnage.**



**TABLE D:**  
**REGULATION 5**  
**MINIMUM NUMBER OF MARINE MECHANICS TO BE CARRIED(SHIPS**  
**INCLUDING PASSENGER SHIPS AND HIRE-CRAFT ENGAGED IN NEAR-**  
**COASTAL TRADE)**

Trading Area	Description of Ships	Minimum Number Of Certificated Officers To Be Carried		
		Marine Mech. Class A	Marine Mech. Class B	Marine Mech. Class C
APPENDIX 'A'		<262KW (350BHP)		
1				
	<262KW-410KW (350BHP-550BHP)			1
	<410KW-750KW (550BHP-1000BHP)			1
APPENDIX 'B'	<262KW (350BHP)			1
	<262KW-410KW (350BHP-550BHP)			1
	<410KW-750KW (550BHP-1000BHP)			1
APPENDIX 'A'	<262KW (350BHP)			2
	<262KW-410KW (350BHP-550BHP)	1		1
	<410KW-750KW (550BHP-1000BHP)		1	1

**NOTE: (i) KW means Kilowatt power.**  
**(ii) BHP means Brake Horse power.**

**TABLE E:**  
**REGULATION 20**  
**TRANSITIONAL**

COLUMN 1	COLUMN 2
Class of Certificate granted before the coming into force of the Regulations.	Equivalent class of certificate of competency issued under the Regulations
Master (Home Trade)	<p>Master (Unlimited Trade) with:</p> <ul style="list-style-type: none"> <li>(a) Command Endorsement of vessel: <ul style="list-style-type: none"> <li>(i) of vessels up to 5000 Gross Tons Unlimited Trade area;</li> <li>(ii) of vessels of any sizes trading from 10 degrees North to 30 degrees South and from the coast of East Africa to 80 degrees East;</li> </ul> </li> <li>(b) Chief Mates endorsement for vessels up to 10,000 Gross Tons trading in the Unlimited Trade Area;</li> <li>(c) Officer in Charge of a Navigational watch on any vessel.</li> </ul>
Mate (Home Trade)	<p>Deck Officer Class III with :</p> <ul style="list-style-type: none"> <li>(a) Chief Mates Endorsement for any vessel trading from 10 degrees North to 30 degrees South and from the Coast of East Africa to 80 degrees East;</li> <li>(b) Chief Mates for vessels up to 5,000 Gross Tons trading in the Unlimited Trade area;</li> </ul>

(c) Officer in Charge of a Navigational watch of vessel up to 10,000 Gross Tons.

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Coxswain

Coxswain

Coxswain: Hire-Craft up to 2 miles off-shore

Coxswain

Coxswain: Hire-Craft between 10 miles-  
miles off-shore

Deck Officer Class IV with Hire-60  
Craft Endorsement.

Coxswain: Hire-Craft more than 10 miles-  
miles off-shore

Deck Officer Class III with Hire-60  
Craft Endorsement.

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Marine Mechanic  
Board taking into

Equivalent to be determined by the  
account experience of holder.  
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Sections 13, 140 and 242

## **MERCHANT SHIPPING (MASTERS AND SEAMAN) REGULATIONS**

S.I. 61 of 1995

*[6<sup>th</sup> June, 1995]*

### **ARRANGEMENT OF SECTIONS**

1. Citation
2. Application
3. Crew Agreements
4. Master to deliver accounts
5. Deductions
6. Payment of wages
7. Rights to wages, when
8. Rights to recover wages not be forfeited
9. Wages not to depend on freight
10. Wages on termination by wreck or illness
11. Wages not to accrue during refusal to work or imprisonment
12. Wages of seaman dying on voyage
13. Wages when illness caused by own default

14. Recovery of wages before court
15. Rights of master for wages, etc.
16. Proceedings for wages
17. Power of court to rescind contract between owner, master and seaman
18. Misconduct endangering life or ship
19. Desertion and absence without leave
20. General offence against discipline
21. Not to affect rights
22. Entry of offence in ship's log book
23. Change of master documents to be handed over to the crew
24. Application of forfeitures
25. Decision on questions of forfeiture and deductions in suits for wages

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**1.** These Regulations may be cited as the Merchant Shipping (Masters and Seamen) Regulations.

**2.** These Regulations apply unless otherwise specified to a ship that is registered under the Act.

**3.** (1) The master of every ship shall sign an agreement with every member of the crew whom he carries to sea.

(2) An agreement shall be in such form and contain such particulars as the Marine Board approves.

(3) An agreement may be altered with the approval of the Shipping Master.

(4) A copy of a crew agreement shall be lodged with the Shipping Master in such manner as he directs.

**4.** (1) The master of every ship shall before paying off or discharging a seaman deliver a full and true account, in the form approved by the Marine Board, with any necessary amendments, of the seaman's wages and of all deductions to be made therefrom on any account whatever.

(2) The account referred to in subregulation (1) shall be delivered to the seaman himself not less than 24 hours before his discharge or payment off.

(3) The master of a ship who fails without reasonable cause to comply with this regulation is guilty of an offence and liable on conviction to a fine not exceeding Rs.10,000.

**5.** A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of regulation 4 except in regard to a matter after the delivery.

**6.** (1) The Master or owner of every ship shall pay to every seaman his wages within two days after the termination of agreement with the crew or at the time when the seaman is discharged, or at the end of each month whichever first happens.

(2) The Master or owner of a ship who fails without reasonable cause to make payment at the time specified in subregulation (1) shall pay the seaman a sum not exceeding the amount of two days' pay for each of the days during which payment is delayed beyond that time, but the sum payable shall not exceed ten days' double pay.

(3) Any sum payable under this regulation may be recovered as wages.

**7.** A seaman's right to wages and provisions shall be taken to begin either at the time when he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

**8.** A seaman shall not by any agreement forfeit his lien on the ship or be deprived of any remedy for the recovery of his wages to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship.

**9.** (1) The right to wages shall not depend on the earning of freight; and every seaman and apprentice who would be entitled to demand and recover any wages, if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to demand and recover the same, notwithstanding that the freight has not been earned. But in all cases of wreck or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo and stores shall bar his claim to wages.

(2) Where a seaman or apprentice would, but for death, be entitled by virtue of these Regulations to demand and recover any wages, dies before the wages are paid, they shall be paid and applied in manner provided in these Regulations with respect to the wages of a seaman who dies during a voyage.

(3) Notwithstanding the provisions of subregulation (1), in the case of a fishing venture the remuneration of the crew, including food and stores, may consist wholly or in part in an agreed share of the proceeds of the venture, and any such stipulation in an agreement with the crew shall not be void for the reason only that it infringes the provisions of subregulation (1).

**10.** Where the service of a seaman terminates before the date contemplated in the agreement, wreck or by reason of the wreck or loss of the ship, or his being left on shore at any place outside Seychelles because of his unfitness or inability to proceed on the voyage, he shall be entitled, in respect of each day on which he is in fact unemployed during a period of two months from the date of termination of the service, to receive wages at the rate to which he was entitled at that date.

**11.** A seaman or apprentice shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work, when required, whether before or after the time fixed by the agreement for commencement of such work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

**12.** (1) If any seaman or apprentice dies during the voyage the master of the ship shall take charge of any money or effects belonging to the seaman or apprentice which are on board, including any wages due.

(2) On return to Victoria the master shall hand over the said money or effects to the Shipping Master who shall cause them to be delivered to the legal personal representative of the deceased who shall give a receipt therefor to the master.

**13.** Where a seaman is by reason of illness incapable of performing his duty and it is proved that the illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of the illness incapable of performing his duty.

**14.** A seaman or apprentice may as soon as any wages due to him become payable sue for the same before the court.

**15.** (1) The master of a ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages as a seaman has under these Regulations, or by any law or custom.

(2) The master of a ship, and every person lawfully acting as a master of a ship by reason of the death or incapacity from illness of the master or that person, shall, so far as the case permits, have the same rights, liens and remedies for the recovery of disbursements and liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3) If in any proceeding in the Court touching the claim of a master in respect, of wages, or of such disbursements, or liabilities as aforesaid, any right of set-off or counterclaim is set up, the court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding and may direct payment of any balance found to be due.

**16.** Proceedings for recovery of wages may be instituted in the Supreme Court in the form of a civil action.

**17.** Where a proceeding is instituted in the court in relation to any dispute between an owner or master of the ship and a seaman or apprentice, arising out of or incidental to their relation as such, the court, if, having regard to all the circumstances of the case, it thinks it just to do so, may rescind any contract between the owner or master and the seaman or apprentice, or any contract of apprenticeship, upon such terms as the court may think just, and this power shall be in addition to any other jurisdiction which the court can exercise independently of this regulation.

**18.** If a master, seaman or apprentice by wilful breach of duty or by neglect of duty or by reason of drunkenness —

- (a) does any act tending to the immediate loss, destruction or serious damage of the ship, or tending immediately to endanger the life or limb of a person belonging to or on board the ship; or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction or serious damage or for preserving any person belonging to or on board the ship from immediate danger to life and limb,

he shall in respect of each offence be guilty of an offence and liable on conviction to a fine not exceeding Rs.50,000 and or imprisonment not exceeding 2 years.

**19.** If a seaman lawfully engaged or an apprentice commits any of the following offences, he shall be liable to be punished as follows —

- (a) if he deserts from his ship he shall be guilty of the offence of desertion and liable on conviction to forfeit all or any part of the effects he leaves on board and of the wages which he has then earned and also liable to imprisonment for a term not exceeding three months;
- (b) if he neglects or refuses without reasonable cause to join his ship or to proceed to sea in his ship or is absent without leave at any time within twenty-four hours of the ship's sailing from a port, either at the commencement or during the progress of a voyage, or is absent at any time without leave and without sufficient reason from his ship or from his duty, he shall, if the offence does not amount to desertion or is not treated as such by the master, be guilty of an offence of absence without leave and be liable on conviction to forfeit out of his wages a sum not exceeding two days' pay and in addition for every twenty-four hours of absence a sum not exceeding six days' pay, and also liable to imprisonment for a term not exceeding one month.

**20.** If a seaman or apprentice commits any of the following offences hereinafter referred to as offences against discipline, he shall be liable to be punished as follows —

- (a) if he quits the ship without leave after her arrival at her port of delivery, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay;
- (b) if he is guilty of wilful disobedience to any lawful command he shall be liable to imprisonment not exceeding one month, and also at the discretion of the court, to forfeit out of his wages a sum not exceeding two days' pay;
- (c) if he is guilty of continued wilful disobedience or neglect of lawful duty, he shall be liable to imprisonment for a term not exceeding three months, and also, at the discretion of the court, to forfeit for every twenty-four hours' continuance of disobedience or neglect, a sum not exceeding six days pay;
- (d) if he assaults the master or any mate or certificated engineer of the ship, he shall be liable to imprisonment for a term not exceeding six months;
- (e) if he combines with any of the crew to disobey lawful commands or to neglect duty or to impede navigation of the ship or, the progress of the voyage, he shall be liable to imprisonment for a term not exceeding six months;
- (f) if he wilfully damages his ship or embezzles or wilfully damages any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for a term not exceeding six months;
- (g) if he is convicted to any act of smuggling whereby loss or damage is occasioned to the master or owner of the ship, he shall be liable to pay to such master or owner

a sum to reimburse the loss or damage, and the whole or any proportionate part of his wages may be retained in satisfaction or on account of that liability, without prejudice to any further remedy.

**21.** Nothing in regulation 20 or the regulations relating to the offences of desertion or absence without leave shall take away or limit any remedy by action or proceedings before the court which any master or owner would but for those provisions have for any breach of contract in respect of the matters constituting an offence under those regulations, but an owner or master shall not be compensated more than once in respect of the same damage.

**22.** (1) If any offence, within the meaning of these Regulations, of desertion or absence without leave or against discipline is committed, an entry of the offence shall be made in the ship's log book and signed by the master and by the mate and one of the crew.

(2) The offender, if still in the ship, shall before the next subsequent arrival of the ship at port, or if she is in port, before her departure therefrom, either be furnished with a copy of the entry or have the same read over to him distinctly and audibly, and may thereupon make such reply thereto as he thinks fit.

(3) A statement of the copy of the entry having been made and of any reply by the offender shall likewise be entered and signed.

(4) In any subsequent legal proceedings the entries by this regulation required shall, if practicable, be produced or proved, and in default of their production or proof the court may in its discretion refuse to receive evidence of the offence.

**23.** If during the progress of a voyage the master is removed or superseded or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship thereof which are in his custody, and if he fails without reasonable cause to do so, he is guilty of an offence and liable on conviction to a fine not exceeding Rs.10,000 and his successor shall immediately on assuming command enter in the log book a list of documents so delivered to him.

**24.** (1) Where any wages or effects are under these Regulations forfeited for desertion from a ship, those effects may be converted into money, and those wages and effects, or the money arising from the conversion of the effects, shall be applied towards reimbursing the expenses caused by the desertion to the master or owner of the ship, and subject to the reimbursement shall be paid to the general revenue of the Government.

(2) For the purpose of such reimbursement, the master or the owner, or his agent may, if the wages are earned subsequently to the desertion, recover them in the same manner as the deserter could have recovered them if not forfeited; and the court in any legal proceedings relating to such wages may order them to be paid accordingly.

(3) Where wages are forfeited under the foregoing provisions of these Regulations in any case other than for desertion, the forfeiture shall be payable to the Government through the Harbour Master.

**25.** Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice may be determined in any proceedings lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by these



Regulations made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceedings.

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Section 245(2)

S.I 28 of 2001

**Merchant Shipping (Oil Pollution Preparedness and Response) Regulations**

*[4<sup>th</sup> September, 2001]*

1. These Regulations may be cited as the Merchant Shipping (Oil Pollution Preparedness and Response) Regulations.

2. In these Regulations —

“Competent Authority” means the competent authority for the purpose of these Regulations referred to in regulation 9;

“Convention” means the International Convention on Pollution Preparedness, Response and Cooperation, 1990;

“oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products;

“oil handling facilities” include oil terminals and pipelines;

“oil pollution incident” means an occurrence or series of occurrence having the same origin, which results or may result in a discharge of oil and which poses or may pose a threat to the maritime environment or to the coastline or related interest of one or more States and which requires emergency action or other immediate response;

“offshore unit” means any fixed floating installation or structure engaged in gas or oil exploration, exploitation or production activities or loading or unloading of oil;

“Ship” means a vessel of any type operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles and floating craft of any type.

3. The Registrar of Shipping shall ensure that —

(a) All ships registered under the Act other than Government ships have on board a shipboard oil pollution emergency plan as required by the International Maritime Organisation;

(b) the masters of such ships are informed that while such a ship is in a port or at an offshore terminal under the jurisdiction of a State party to the Convention, the ship is subject to inspection by officers authorised by such Party.

4. Every —

(a) operator of an offshore units; and

- (b) person in charge of a sea port or oil handling facility,

shall have an oil pollution emergency plan as approved by the Competent Authority.

**5.** The master or person having charge of a ship registered in Seychelles, or a person having charge of an offshore unit shall report without delay any event on the ship or offshore unit involving a discharge or probable discharge of oil or an observed event at sea involving a discharge of oil or the presence of oil —

- (a) in the case of a ship, to the Competent Authority or the nearest coastal State as the case may be;
- (b) in the case of an offshore unit, to the Competent Authority.

**6.** A person having charge of a sea port or oil handling facility in Seychelles shall report without delay any event involving a discharge or probable discharge of oil or presence of oil to the Competent Authority.

**7.** It shall be the duty of persons in charge of maritime inspection vessels or aircraft and other officials to report without delay any observed event at sea or at a sea port or oil handling facility involving a discharge of oil or presence of oil to the Competent Authority or as the case may be to the nearest coastal State.

**8.** (1) Whenever the Competent Authority becomes aware of any event involving a discharge or probable discharge of oil or the presence of oil at sea it shall —

- (a) assess the event to determine whether it is an oil pollution incident;
- (b) assess the nature, extent and possible consequences of the oil pollution incident; and
- (c) then, without delay, inform all States whose interests are, or likely to be, affected by such incident of such incident together with
  - (i) details of its assessment and any action it has taken or intends to take, to deal with the incident, and
  - (ii) further information as appropriate,

until the action taken to respond to the incident has been concluded or until joint action has been decided by such States.

(2) If the severity of the oil pollution incident so justifies the Competent Authority shall provide the information directly or through any relevant regional organization to the International Maritime Organisation.

**9.** The officer commanding the Seychelles Coast Guards shall be the Competent Authority for the purpose of these Regulations.

**10.** The Competent Authority shall be responsible for the receipt and transmission of oil pollution reports in Seychelles under these Regulations.

**11.** The Competent Authority shall prepare, and from time to time revise, a national contingency plan for the preparedness and response to an oil pollution incident in accordance with the guidelines provided by the International Maritime Organisation.

**12.** The Competent Authority shall, in cooperation with local and international organisations

—

- (a) maintain a minimum level of propositioned oil spill combating equipment as may be appropriate;
- (b) carry out a programme of exercises for oil pollution response organizations and training of personnel;
- (c) establish detailed plans and communication capabilities for responding to an oil pollution incident;
- (d) set up a mechanism or arrangement to coordinate the response to an oil pollution incident and to mobilize the necessary resources;
- (e) coordinate the national activities with any relevant regional organisation and International Maritime Organisation;
- (f) cooperate with other Sates and international Organisations as provided by the Conventions;
- (g) promote, and exchange results of, research and development programmes relating to technologies for combating oil pollutions; and
- (h) promote technical cooperation among Parties to the Convention.

**13.** Any person required by any of the regulations 5, 6 and 7 to report an event involving the discharge of oil or the present of oil, who knowingly fails to comply with such regulations is guilty of an offence punishable with a fine of R10,000 or imprisonment for a term of 12 months or both such fine and imprisonment.

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