



BANGLADESH MERCHANT SHIPPING (MLC IMPLEMENTATION) REGULATION 2020

Final draft

A regulation made under the Bangladesh Merchant Shipping Act 2020 to
implement the requirements of the Maritime Labour Convention 2006

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EXPLANATORY NOTE

(This note is not part of the regulations)

These Regulations implement the provisions relating to seafarers' working conditions, age, medical fitness, hours of work, accommodation, food, social security and other requirements of the Maritime Labour Convention 2006 (MLC), as amended. With some exceptions (including pleasure vessels and fishing vessels) the Regulations apply to sea-going Bangladesh ships, wherever they are, and to sea-going foreign flag ships whilst in Bangladesh waters (*regulation 3*).

Part 2 implements Regulation 1.1 of the MLC (Minimum age) 1.2 (Medical certificate) 1.3 (training and Qualification). Persons under the age of 16 must not work as seafarers and, with some exceptions, seafarers under the age of 18 must not work on ships at night (*regulations 4*). Every seafarers to have valid medical certificate and be certified as competent (*regulation 5 and 6*). Separate provision is made in respect of foreign flag ships with MLC documentation (*regulation 7*).

Part 3 implements Regulation 1.4 of the MLC (Recruitment and placement) and applies to all ships within the scope of the Regulations. When recruiting seafarers, a shipowner must use a recruitment and placement service which is (a) based in a country which has ratified the MLC or (b) based in another country and compliant with the MLC standards (irrespective of whether it is required to be so under the domestic law of that country).

Part 4 implements Regulation 2.1 of the MLC (Seafarers' employment agreements, SEA) Regulation 2.3 of the MLC (hours of Work) Regulation 2.4 of the MLC (Entitlement of leave). Every seafarer is required to have a seafarer employment agreement with another person in respect of their work on a ship and the SEA must contain certain specified provisions (*regulations 9 and 10*). *Regulations 11 to 14* make related provision. Separate provision is made in respect of foreign flag ships with MLC documentation (*regulation 15*).

Part 5 implements Regulation 2.2 of the MLC (Wages). Provision is made for hours of work and annual leave Reregulation 14) the payment of interest on wages or other remuneration due to a seafarer which are not paid on time (*regulation 16*). Seafarers are entitled to receive an account of the wages or other remuneration due to them, at intervals not exceeding one month (and also following the termination of a SEA) (*regulation 17*). Separate provision is made in relation to foreign flag ships with MLC documentation (*regulation 18*).

Part 6 implements Regulation 2.5 of the MLC (Repatriation). In the cases specified, a shipowner must make provision for the repatriation of a seafarer (*regulations 19 to 21*) and the shipowner is required to make provision for that seafarer's relief and maintenance pending repatriation (*regulation 22*). A seafarer must not be required to pay towards the costs of such repatriation or relief and maintenance, other than in cases of serious misconduct (*regulation 23*). *Regulation 24* makes provision with respect to seafarer property left behind on a ship. *Regulation 25* requires that a copy of Part 6 of these Regulations and certain specified guidance is held on board ships and made available to seafarers. Where a shipowner fails to make provision for the repatriation of seafarers, or for their relief and maintenance pending repatriation, the Director General is required to make such provision in the case of Bangladesh ships (and *may* do so in relation to foreign flag ships) (*regulation 27*). Separate provision with regard to the repatriation of seafarers is made in respect of foreign flag ships with MLC documentation (*regulation 28*).

Regulation 26, which applies to all ships within the scope of these Regulations, requires a contract of insurance or other security, adequate to ensure that the shipowner will be able to meet any liabilities arising from the duty to repatriate under regulations 19 and 21, to be in place.

Part 7 implements Regulation 3.1 of the MLC (Accommodation and recreational facilities). Ships are required to comply with the requirements relating to crew accommodation set out in schedule 3 and there are related inspection requirements (*regulation 29*). Provision is made to allow the Director General to exempt ships from certain requirements and to approve requirements which are substantially equivalent (*regulations 31 and 32*). Ships which were built before the coming into force of these Regulations (and whose crew accommodation has not been substantially reconstructed or altered after that date) are subject to requirements in earlier legislation MSO 83 (*regulation 30*). Separate provision is made with respect to foreign flag ships with MLC documentation (*regulation 33*).

Part 8 implements Regulation 3.2 of the MLC (Food and catering). Provision is made in relation to the quantity and quality of food and drinking water provided for seafarers on board a ship and such food and water must be provided free of charge (*regulation 34*). Provision is made in relation to the storage and handling of food and drinking water provided for seafarers and the organization and equipment of catering departments on board ships, with related inspection requirements (*regulations 35 and 36*). Certain ships are required to carry a qualified ship's cook (*regulation 37*). Provision is made to allow the Director General to exempt ships from that requirement and to approve requirements which are substantially equivalent (*regulation 37*). Related provision is made in relation to the issue of certificates of competency as a ship's cook and the recognition of existing certificates of competency (*regulations 38 and 39*). *Regulation 40* imposes requirements in relation to the training of catering staff and other persons processing food in the galley of a ship. Separate provision is made in relation to food and catering on board foreign flag ships with MLC documentation (*regulation 41*).

Part 9 implements Regulation 4.1 of the MLC (Medical care on board ship and ashore). In specified circumstances, a seafarer who is sick or injured is entitled to medical care on board ship and, for a maximum period of 16 weeks, to certain expenses arising from such sickness or injury (*regulation 43*). Certain ships are required to carry a medical practitioner (as defined – see *regulation 47*) (*regulation 44*). In the circumstances specified, a seafarer is entitled to seek medical attention onshore when the ship is in a port of call (*regulation 45*). Separate provision is made in respect of foreign flag ships with MLC documentation (*regulation 46*).

Part 10 implements Regulation 4.2 of the MLC (Shipowners' liability) and Regulation 4.5 (Social Security). Other than *regulation 49* (which applies to all ships within the scope of the Regulations), Part 10 applies to Bangladesh ships and to foreign flag ships without MLC documentation only. A seafarer who has become unemployed when the ship on which they work founders or is lost is entitled to receive a sum equivalent to the wages which would have been payable during the period specified and to compensation for other injury or loss (*regulation 48*). Shipowners are required to ensure that a contract of insurance (or other security) is in force which adequately covers potential liabilities towards seafarers (*regulation 49*). A seafarer who suffer sickness or injury in the circumstances specified is entitled to any unpaid wages for a specified period (*regulation 50*). A seafarer who remains incapable of work after that period is entitled to receive any basic wages payable under the SEA for a 16 week period (less the amount of any social security benefits received in respect of that period). Provision is made in respect of property left behind on a ship by such a seafarer (*regulation 51*). Provision is made in respect of expenses incurred in connection with the burial or cremation of a seafarer who dies on board a ship or whilst on shore leave in a country other than their country of residence (*regulation 52*).

Provision for social security to ensure a comprehensive social security for seafarers to implement Regulation 4.5 of the MLC are also included (*regulation 53*).

Part 11 contains provision for certification and declaration of maritime labour compliance and provision conferring powers to allow the inspection and detention of ships where breaches of these Regulations have occurred. Provision is made for the detention of a foreign flag ship with MLC documentation at the request of a foreign State where a shipowner has defaulted in its duty to repatriate a seafarer (*regulation 57*). Criminal penalties are attached to many of the requirements in the Regulations.

Part 12 specifies the mode of trial and the maximum penalty level applicable to each offence (*regulation 59*) and provides a “reasonable steps” defence for all offences (except an offence under regulation 10(5)) (*regulation 60*).

Part 13 contains a provision requiring the Director General to review the Regulations and to publish a report of that review within five years of their coming into force (and within every five years after that). Following a review it will fall to the Director General to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the relevant provisions or to amend them.

DOS executive Orders, Circulars, Merchant Shipping Notices and Notifications are issued by the DOS, the Copies may be downloaded from the DOS’s website <https://www.dos.gov.bd>

The MLC may be downloaded from the website of the International Labour Organisation (“ILO”) at www.ilo.org/global/standards/maritime-labour-convention/lang--en/index.htm.

The Director General of the Department of Shipping makes the following Regulations in exercise of the powers conferred by sections ----- and ----- of the Merchant Shipping Act 2020

PART 1

GENERAL

1. Citation and commencement—(1) These Regulations may be cited as the Bangladesh Merchant Shipping (MLC) (seafarer recruitment employment wages accommodation recreational facilities medical care welfare social security food catering ships’ cook and certification) Regulations 2020.

(2) These Regulations shall come into operation on ----- 2020.

2. Interpretation—(1) In these Regulations unless the context otherwise requires—

“Authority” means the Department of Shipping established under section 6 of the Act.

“the Act” means the Bangladesh Merchant Shipping Act 2020;

“Bangladesh Ship” has the same meaning as in the Act

“Convention” or “the MLC” means the Maritime Labour Convention, 2006 adopted by the International Labour Organization at Geneva on 23 February 2006 and —

(a) includes any amendment to the Convention which has come into force and has been accepted by Bangladesh; and

(b) where the context admits or requires, includes the Regulations, and the Standards in Part A of the Code, of the Convention;

“Declaration of Maritime Labour Compliance” means, in relation to a ship, the Part 1 and Part 2 documents drawn up and issued in accordance with the MLC, in the forms corresponding to the relevant models given in Appendix A5-II of the MLC and having the contents, duration and validity specified in Regulation 5.1.3 and Standard A5.1.3 of the MLC;

“employee” means a person employed on board under a contract of employment;

“Maritime Labour Certificate” and “interim Maritime Labour Certificate” mean, in relation to a ship, a certificate of that name issued in accordance with the MLC, in a form corresponding to the relevant model given in Appendix A5-II of the MLC and having the contents, duration and validity specified in Regulation 5.1.3 and Standard A5.1.3 of the MLC;

“the DOS” means the Department of Shipping, established and maintained under section 6 of the MS Act 2020

“Notice” means a notice issued by the DOS, and any reference to a particular Notice includes a reference to a Merchant Shipping Notice amending or replacing that Notice which is considered by the Director General to be relevant from time to time;

“shipping master” means the shipping master appointed under section 8 of the Act;

“welfare director” means the welfare director appointed under section 8 of the Act;

“seafarer” means any person, including the master and apprentice of a ship, who is employed or engaged or works in any capacity on board a ship and whose normal place of work is on board a ship but does not include a pilot, a port worker or a person temporarily employed on the ship during the period in port;

“seafarer employment agreement” means a written agreement between a seafarer and another person in respect of the seafarer’s work on board a ship;

“sea-going” in relation to a ship means a ship that ordinarily operates at sea.

“ship” has the same meaning as in the Act but does not include

- (a) any vessel which navigates exclusively in inland waters;
- (b) any war ship or naval auxiliary;
- (c) fishing vessel.

“shipowner”, in relation to a ship, means the owner, and includes the registered owner, or in the absence of registration, the person owning the ship or any other person such as the ship manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with the Convention, regardless of whether any other organisation or persons fulfill certain of the duties or responsibilities on behalf of the shipowner;

The terms not defined in these regulations shall mean as defined in the Act or the Convention, in case of any contradiction or confusion the Act shall prevail.

3. Application—(1) Unless otherwise expressly provided, this regulation apply to—

- (a) All sea-going Bangladesh ships wherever they may be; and
 - (b) All foreign flag ships, while in Bangladesh waters,
- (2) These Regulations do not apply to—
- (a) pleasure vessels;
 - (b) fishing vessels;
 - (c) ships of traditional build;
 - (d) warships or naval auxiliaries; or
 - (e) vessels which are not ordinarily engaged in commercial activities.

PART 2

SEAFARERS' MINIMUM AGE

4. Minimum age of seafarers —(1) A person under 16 years of age shall not be employed, engaged or work on board a ship.

(2) Subject to paragraph (3) , a seafarer under 18 years of age shall not be employed, engaged or work on board a ship at night.

(3) Paragraph (1) does not apply where—

- (a) the effective training of the seafarer, in accordance with established programmes and schedules, would be impaired by its application; or
- (b) the specific nature of the duty or of an approved or recognized training programme requires that the seafarer performs duties at night.

(4) In this regulation, “night” means a period—

- (a) the duration of which is not less than nine consecutive hours; and

(b) which starts no later than midnight and ends no earlier than 5 a.m. (local time) .

(5) A breach of paragraph (1) and/or (2) is an offence by the shipowner, the master of the ship and the employer.

5. Medical certification—(1) Every seafarer employed on board a Bangladesh ship shall be in possession of a valid medical fitness certificate attesting that s/he is medically fit to perform the duties s/he is to carry out.

(2) Medical fitness certificate to be issued in accordance with DOS executive order No CNS/ILO/2013 and DOS Circular No 916 on medical examination

6. Qualifications of Seafarers—(1) Seafarers shall not work on a Bangladesh ship unless they are certified as competent to perform their duties as required by the STCW Convention, as amended from time to time.

(2) Seafarers shall not be permitted to work on a Bangladesh ship unless they have successfully completed the trainings required by the Section A-VI/1 of the Code of the STCW Convention, as amended from time to time.

(3) All officers and ratings on board Bangladesh ships shall comply with the provisions of the STCW Convention, as amended from time to time.

7. Foreign flag vessel requirements with respect to age and night work —(1) A foreign flag ship shall not be operated while in Bangladesh waters in breach of the prohibitions in paragraphs 1 and 2 of Standard A1.1 (minimum age) A1.2 (medical certification) and A1.3 (Qualifications) of the MLC, subject to any exceptions, made by the flag the ship is entitled to fly, in accordance with paragraph 1.3 of that Standard.

(2) A breach of paragraph (1) is an offence by the shipowner, the master of the ship and the employer of a seafarer under the age prescribed in Regulation 1.1 of the MLC or, in the case of night work, the age prescribed in paragraph 2 of Standard A1.1 of the MLC.

PART 3

RECRUITMENT AND PLACEMENT

8. Recruitment and placement services—(1) In this regulation, “recruitment and placement service” means any person or organization (public or private) , which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners.

(2) The Government Shipping Office shall provide seafarer recruitment and placement service in Bangladesh for Bangladeshi seafarers seeking employment in Bangladesh flag or foreign flag ships and shall ensure that the service is operated in an orderly manner that protects and promotes seafarers’ employment rights as provided in the MLC.

(3) Notwithstanding with sub-section(2) of this regulation, “recruitment and placement service” may also be provided by private person or organization duly authorized by the Director General in consultation with the shipowners’ and seafarers’ organizations concerned, which may be called “seafarer recruiting agent” for recruiting seafarers on behalf of shipowners or placing seafarers with shipowners.

(4) No private “seafarer recruiting agent” shall provide seafarer recruitment and placement service in Bangladesh unless authorized and the number of such authorized recruiting agents shall be kept limited to a reasonable number in consultation with the shipowners’ and seafarers’ organizations concerned .

(5) Notwithstanding any thing to the contrary, no person shall demand or receive, directly or indirectly, from a seafarer or a person seeking employment as a seafarer, or from a person on behalf of a seafarer, any remuneration whatsoever for providing the seafarer with employment.

(6) A shipowner shall not use a seafarer recruitment and placement service from a seafarer recruiting agent located in Bangladesh unless that agent is authorized by the Director General or if located outside Bangladesh is authorized by the appropriate authority of a state or territory that has acceded to the Convention or unless the Director General is satisfied that the seafarer recruitment and placement service of the seafarer recruiting agent is compliant with the requirements of the Convention and conforms to the requirements relating to recruitment and placement services referred to in paragraph 5 of Standard A1.4 of the MLC, whether or not those requirements are obligations under the law of the country in which it is based.

(7) A seafarer recruiting agent shall not introduce or supply a job-seeker to an employer for the purposes of employment as a seafarer on a sea-going ship unless it has verified—

- (a) the identity of the job-seeker; and
- (b) that the job-seeker has the experience, training, qualifications and any authorisation which the employer considers are necessary, or which are required by law or by any professional body, to work in the position which the employer seeks to fill.

(8) A seafarer recruiting agent introducing or supplying a job-seeker to an employer for the purposes of employment as a seafarer on a sea-going ship shall—

- (a) ensure that the job-seeker is informed of the rights and duties under the seafarer employment agreement prior to or in the process of engagement;
- (b) ensure that arrangements are made for the work-seeker to have an opportunity to examine the seafarer employment agreement before and after it is signed by the job-seeker; and
- (c) ensure that arrangements are made for the job-seeker to receive a copy of the seafarer employment agreement after it is signed by the job-seeker.

- (9) The seafarer recruiting agent shall establish a system of protection, by way of insurance or an equivalent measure specified by the Director General in consultation with the shipowners' and seafarers organization concerned, to compensate the seafarer for monetary loss which the seafarer may incur as a result of—
- (a) failure of the seafarer recruiting agent to meet its obligations to the seafarer; and
 - (b) failure of the shipowner which is party to the seafarer employment agreement to meet its obligations to the seafarer.
- (10) Every seafarer recruiting agent:-
- (a) Shall subject to sub-paragraph (d) , keep records which are sufficient to show whether the provisions of these Regulations are being complied with, including—
 - (i) the particulars, in relation to every application received by the seafarer recruiting agent from a job-seeker;
 - (ii) the particulars, in relation to every application received by the seafarer recruiting agent from an employer; and
 - (iii) the particulars relating to dealings with other seafarer recruiting agents.
 - (b) Shall keep the records mentioned in sub-paragraph (a) —
 - (i) for a period of at least two years starting on the date of their creation; and
 - (ii) in the case of the particulars referred to in sub-paragraphs (a) (i) and (a) (ii) , for a period of at least one year starting on the date on which the seafarer recruiting agent last provided services in the course of its business as an seafarer recruiting agent to the applicant to whom they relate.
 - (c) The obligation to keep records of the particulars referred to in sub-paragraphs (a) (i) and (a) (ii) does not apply to applications in respect of which the seafarer recruiting agent takes no action.
 - (d) The records mentioned in sub-paragraph (a) shall be kept by a seafarer recruiting agent either—
 - (i) at any premises it uses for or in connection with the carrying on of a seafarer recruiting agent; or
 - (ii) at another location where the records are readily accessible by it.
 - (e) The records, a seafarer recruiting agent is required to keep pursuant to this regulation may be kept in electronic form, provided that the information so recorded is capable of being reproduced in legible form.
 - (f) Any person or entity desirous to be authorized as a seafarer recruiting agent to provide recruitment and placement service in Bangladesh shall apply to the Director General along with a prescribed fees for a licence to be issued for that purpose in accordance with seafarer recruiting agent(licensing) rules 2005 and such licence may be granted on such terms and conditions as the Director General may specify.

(11) Any breach of sub-section 4 to 10 of this section is an offence by the relevant person or entity.

PART 4

CONDITIONS OF EMPLOYMENT

9. Seafarer employment agreement—(1) A seafarer shall have a seafarer employment agreement which complies with this regulation.

(2) Subject to paragraph (4), if the seafarer is an employee but is not an employee of the shipowner—

- (a) the employer of the seafarer shall be a party to the seafarer employment agreement; and
- (b) the seafarer employment agreement shall include provision under which the shipowner guarantees to the seafarer the performance of the employer's obligations under the agreement.

(3) If the seafarer is not an employee or if the seafarer is an employee of the shipowner, the shipowner shall be a party to the seafarer employment agreement.

(4) A breach of paragraphs (1) to (3) is an offence by the shipowner.

(5) In this Part—

“employer” means a person by whom the seafarer is employed under a contract of employment.

10. Content of seafarer employment agreement—(1) Subject to paragraph (2), a seafarer employment agreement shall include provision about the following matters—

- (a) if the seafarer is an employee of the shipowner or of any other person, the matters in Part 1 and Part 2 of Schedule 1 of these regulations;
- (b) if the seafarer is not an employee, the matters in Part 1 and Part 3 of Schedule 1 of these regulations,

(2) Such provision may be achieved by way of reference to another document or regulations which includes provision about those matters including—

- (a) social security related matters such as medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit;
- (b) procedures for settlement of dispute.

(3) A breach of paragraph (1) is an offence by the shipowner.

(4) Prior to entering into a seafarer employment agreement, the shipowner shall take reasonable steps to satisfy itself with regard to the following requirements—

- (a) the seafarer shall have had a sufficient opportunity to review and take advice on the terms and conditions of the agreement;
- (b) the seafarer shall have received an explanation of the rights and responsibilities of the seafarer under the agreement; and
- (c) the seafarer shall be entering into the agreement freely.

(5) Where a shipowner fails to take such reasonable steps the shipowner commits an offence.

11. Minimum notice period—(1) Subject to paragraph (3), the minimum period of notice which shall be given before terminating a seafarer employment agreement is seven days or such longer period as may be specified in the agreement.

(2) The minimum period of notice which shall be given by a seafarer before terminating a seafarer employment agreement shall not be longer than the minimum period of notice which shall be given by the ship-owner.

(3) Nothing in this regulation prevents the earlier termination of a seafarer employment agreement without penalty where this is requested by the seafarer on compassionate grounds or where the seafarer is dismissed for reasons of gross misconduct.

12. Copy of Agreement—(1) As soon as is practicable after entering into a seafarer employment agreement, the shipowner shall provide to the seafarer an original of the agreement signed by each party and a copy of any document referred to in that agreement.

(2) A breach of paragraph (1) is an offence by the shipowner.

(3) The shipowner shall—

- (a) ensure that a copy of the seafarer employment agreement (and a copy of any document referred to in that agreement) for each seafarer on a ship is held on board; and
- (b) allow each seafarer to see the copy of the seafarer employment agreement to which the seafarer is a party (and a copy of any document referred to in that agreement) on request.
- (c) ensure that a Bangla translation of the provisions of the seafarer employment agreement (including any provisions which are contained in another document referred to in the agreement) is held on board.

(4) A breach of paragraph (3) is an offence by the shipowner.

(5) As soon as is practicable after a seafarer's work on board a ship comes to an end, the shipowner shall provide to the seafarer a written record of the seafarer's work on that ship.

(6) For the purposes of paragraph (5), the record—

- (a) shall contain provision about the matters set out in Schedule 2;
- (b) shall not contain provision about the quality of the seafarer's work; and

(c) shall not contain provision about the seafarer's wages.

(7) A breach of paragraph (5) or (6) is an offence by the shipowner.

13. Duty of master to produce seafarer employment agreement—(1) The master of a ship shall produce to the Registrar-General of Shipping and Seamen or the shipping master (or any person acting on their behalf) on demand copies of any documentation held on board pursuant to regulations 12(3) (a) and 12 (3) (c) .

(2) A breach of paragraph (1) is an offence by the master of the ship.

14. Hours of work and hours of rest—(1) (a) It is the duty of shipowner, master and employer to ensure that a seafarer in relation to a ship to which this regulation applies is provided with at least the minimum hours of rest.

(b) A muster, drill or training session held on board may require the participation of a seafarer during the seafarer's hours of rest, such activities must be conducted in a manner which minimizes disturbance of the seafarer's hours of rest and does not induce fatigue.

(c) A seafarer who is on-call on board ship may be required to do call-outs during hours of rest, such call-out work done during hours of rest must be provided with an adequate compensatory rest period.

(d) This regulation is for periods other than emergency.

(2) —(a) The minimum hours of rest are—

(i) 10 hours in any 24-hour period; and

(ii) 77 hours in any 7-day period.

(b) The 10 hours of rest mentioned in paragraph (a) (i) may be divided into no more than 2 periods, one of which is to be at least 6 hours in length.

(c) This regulation is subject to sub-section 7.

(3) —(a) The DOS may authorise collective agreements which—

(i) provide exceptions to the minimum hours of rest mentioned in subsection(6) (a) (ii) ;

(ii) provide for exceptions to sub-section(6) (b) .

(b) A collective agreement under paragraph (a) (i) must require that—

(i) there are at least 70 hours total rest in any period of 7 days;

(ii) the exceptions provided for in the agreement do not apply in relation to a period of more than two consecutive weeks; and

(iii) where the exceptions apply in relation to two periods separated by an interval, the interval is at least twice the duration of the longer of the two periods.

(c) A collective agreement under sub-paragraph (a) (ii) must require that the 10 minimum hours of rest mentioned in regulation (6) (a) (i) are divided into three periods—

(i) one of the three periods is at least 6 hours long and neither of the two other periods are less than one hour long;

(ii) intervals between consecutive periods do not exceed 14 hours each; and

(iii) the exceptions provided for in the agreement do not apply in relation to more than two 24-hour periods in any 7 day period.

(d) Sub-paragraphs (b) and (c) do not apply in relation to ships which—

(i) operate only within 60 miles of a safe haven;

(ii) are not engaged in the transport of cargo or passengers; and

(iii) do not operate to or from, or call at, any port in a country other than Bangladesh.

(e) A “safe haven” is a harbour of shelter of any kind which affords entry and protection from the weather.

(4) —(a) The master of a ship to which this regulation applies, or a person authorised by the master, must ensure that the following tables are posted up in a prominent and easily accessible place in the ship—

(i) a table of scheduled watchkeeping; and

(ii) a table of scheduled hours of rest.

(b) A table under paragraph (a) is to—

(i) contain the information specified by the Director General through Merchant Shipping Notice;

(ii) be in the format specified in that Merchant Shipping Notice, or in a format substantially like it; and

(iii) be in English and in the working language of the ship, if that is not English.

(5) —(a) The master of a ship to which this regulation applies may require a seafarer to work any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to another ship or to a person in distress at sea.

(b) As soon as practicable after the normal situation has been restored the master must ensure that any seafarer who has performed work in hours of rest scheduled in the table under sub-section (9) is provided with an adequate rest period.

(6) —(a) The master of a ship to which this regulation applies, or a person authorised by the master, must maintain records of each seafarer’s daily hours of rest in accordance with the requirements of Merchant Shipping Notice issued by the Director General

- (b) Records under sub-paragraph (a) must be in a format which complies with the requirements specified in Merchant Shipping Notice.
- (c) Records under paragraph (a) must be in English and in the working language of the ship if that is not English.
- (d) The records kept under sub-paragraph (a) must be endorsed by—
- (i) the master, or the person authorised by the master; and
 - (ii) the seafarer to whom the record relates.
- (e) The master, or a person authorised by the master, must give a copy of the endorsed record to the seafarer to whom the record relates.
- (f) A relevant inspector must examine and endorse, at appropriate intervals, records kept under sub-paragraph (a).
- (g) The shipowner and the master must ensure that a copy of these Regulations, relevant Merchant Shipping Notice and any collective agreements relevant to the ship which are authorised under sub-section(7) are carried at all times on board ship in an easily accessible place.
- (7) A shipowner in relation to a ship to which this regulation applies must provide the DOS with such information as the DOS may specify on watchkeepers and other seafarers working at night.
- (8) —(a) An employed seafarer on a ship to which this regulation applies is entitled to—
- (i) paid annual leave that is to be calculated on the basis of two and a half days for each month of employment in the leave year and pro rata for incomplete months; and
 - (ii) additional paid leave of eight days in each leave year and pro rata for incomplete years.
- (b) Leave to which a seafarer is entitled under this regulation—
- (i) may be taken in installments; and
 - (ii) may not be replaced by payment in lieu, except where the seafarer's employment is terminated.
- (c) Justified absences from work are not to be considered annual leave for the purposes of sub-paragraph (a) (i) .
- (d) For the purposes of this regulation, “justified absences from work” include any absence authorised by—
- (i) any enactment;
 - (ii) any contract between the seafarer's employer and the seafarer;
 - (iii) any collective agreement; or

(iv) custom and practice.

(9) The shipowner and the master of a ship to which this regulation applies must ensure that shore leave is granted to seafarers who work on the ship to benefit their health and well-being where consistent with the operational requirements of their positions.

15. Requirements for foreign flag ships in Bangladesh —(1) A ship shall not be operated unless it complies with the requirements—

(a) in paragraph 1 of Standard A2.1 (seafarers' employment agreements) of the MLC;

(b) in paragraph 4 of Standard A2.1 of the MLC regarding the particulars to be contained in seafarers' employment agreements, whether or not the State whose flag the ship is entitled to fly has adopted any relevant laws or regulations;

(c) to provided with at least the minimum hours of rest in accordance with the provisions of Standard A2.3 of the Maritime Labour Convention;

(d) to post a table of the working shipboard arrangements in accordance with the provisions of paragraphs 10 and 11 of Standard A2.3 of the Maritime Labour Convention;

(e) to maintain records of seafarers' daily hours of rest or work and provide copies of such records to seafarers in accordance with the provisions of paragraph 12 of Standard A2.3 of the Maritime Labour Convention; and

(f) to ensure that the seafarer is given paid annual leave in accordance with Regulation 2.4 of the Maritime Labour Convention.

(2) A breach of paragraph (1) and 4 of standard 2.1 and 2.4 of the MLC is an offence by the shipowner.

(3) A breach of the requirement in sub-paragraph 1(d) of Standard A2.1 and standard 2.3 of the MLC is an offence by the master of the ship.

PART 5

WAGES

16. Payment of wages etc.—(1) Payment of wages to seafarers shall be paid on time and subject to paragraph (2) , if any amount in respect of wages or other remuneration payable to a seafarer under a seafarer employment agreement is not paid on the due date, interest shall be paid on the unpaid amount at the rate of 20 per cent per annum from the date on which the amount was due until the date of payment.

(2) Paragraph (1) does not apply to the extent that the failure to make such payment on the required date was due to—

- (a) a mistake;
- (b) a reasonable dispute as to liability;
- (c) the act or default of the seafarer; or
- (d) any other cause not being the wrongful act or default of the persons liable to make the payment or of their servants or agents.

17. Account of wages etc.—(1) The shipowner shall ensure that an account of the seafarer's wages or other remuneration under a seafarer employment agreement is prepared and delivered to the seafarer—

- (a) periodically during the term of the seafarer employment agreement, at intervals not exceeding one month; and
 - (b) within one month of the agreement terminating.
- (2) Where the seafarer is an employee, such account shall include the following information—
- (a) the name of the seafarer;
 - (b) the date of birth of the seafarer;
 - (c) the number of the seafarer's current discharge book;
 - (d) the capacity in which the seafarer worked on board the ship;
 - (e) the period covered;
 - (f) the amounts payable for the period covered; and
 - (g) the type and amount of any deductions made during the period covered.
- (3) Where, pursuant to paragraph (2) , the account includes information of amounts which have been determined by reference to a currency exchange rate, the account shall include details of the relevant exchange rate and any commission paid.
- (4) Where the seafarer is not an employee, such account shall include the following information—
- (a) payments due;
 - (b) payments made (including any not falling within sub-paragraph (a)) ; and
 - (c) any rates of exchange and any commissions paid which are relevant to those payments.
- (5) A breach of paragraphs (1) to (4) is an offence by the shipowner.

18. Requirements for foreign ships—(1) A ship shall not be operated unless the shipowner complies with the requirements in paragraph 2 of Standard A2.2 (wages) .

- (2) A breach of paragraph (1) is an offence by the shipowner.

PART 6

REPATRIATION

19. Duty to repatriate seafarers—(1) Subject to regulation 21, a shipowner shall make such provision as is necessary for repatriation of a seafarer as soon as is practicable in the following cases—

- (a) where the seafarer employment agreement expires;
- (b) where the seafarer employment agreement is terminated by the shipowner;
- (c) where the seafarer employment agreement is terminated by the seafarer in accordance with the terms of the agreement;
- (d) where the seafarer is no longer able to carry out the seafarer's duties under the seafarer's employment agreement or cannot be expected to carry them out in the specific circumstances, including in the following circumstances—
 - (i) the seafarer has an illness, injury or medical condition which requires their repatriation when found medically fit to travel;
 - (ii) shipwreck;
 - (iii) the shipowner is not able to fulfill its legal or contractual obligations to the seafarer following insolvency, the sale of the ship or a change in the ship's registration; or
 - (iv) the ship is bound for a war zone to which the seafarer does not consent to go;
- (e) where the seafarer has completed the maximum period of service on board following which the seafarer is entitled to repatriation in accordance with the seafarer employment agreement; and
- (f) where the seafarer employment agreement is terminated pursuant to an order of a court or tribunal.

(2) A breach of paragraph (1) is an offence by the shipowner.

20. Place for return—(1) Where there is a duty on a shipowner to provide for the repatriation of a seafarer under regulation 19, a seafarer is entitled to repatriation to the destination provided for in the seafarer employment agreement, or such other place as may subsequently be agreed with the shipowner.

(2) If the seafarer employment agreement does not identify a destination, and there has been no agreement between the seafarer and the shipowner as to the destination, the seafarer is entitled to repatriation to the seafarer's choice of the following destinations—

- (a) the place at which the seafarer entered into the seafarer's employment agreement; or
- (b) the seafarer's country of residence.

21. Scope of duty to repatriate— Where there is a duty on a shipowner to provide for the repatriation of a seafarer under regulation 19, that duty ends when—

- (a) the seafarer is repatriated in accordance with regulation 20;
- (b) the shipowner makes reasonable arrangements for repatriation which are unsuccessful because of the seafarer's unreasonable conduct;
- (c) the shipowner has used reasonable endeavours to contact the seafarer for a period of three months or more, but has been unable to make such contact;
- (d) the seafarer confirms in writing to the shipowner that repatriation is not required; or
- (e) the seafarer is dead.

22. Duty pending repatriation—(1) A shipowner to which a duty in regulation 19 applies shall make such provision as is necessary for the seafarer's relief and maintenance pending repatriation.

(2) The shipowner shall have regard to the seafarer's personal circumstances and requirements when determining what provision is required under paragraph (1) .

(3) Without prejudice to the generality of paragraph (1) the provision for relief and maintenance shall include—

- (a) food;
- (b) clothing;
- (c) accommodation;
- (d) toiletries and other personal necessities;
- (e) surgical, medical, dental or optical treatment (including the repair or replacement of any appliance) for any condition requiring immediate care; and
- (f) in cases where legal aid is unavailable or insufficient, reasonable costs for the defence of the seafarer in any criminal proceedings in respect of any act or omission within the scope of the seafarer's employment, being proceedings where neither the shipowner nor an agent of the shipowner is the complainant.

(4) The duty in paragraph (1) ends when the duty in regulation 19 ends.

(5) A breach of paragraph (1) is an offence by the shipowner.

23. Prohibition on recovering costs from seafarer—(1) Subject to paragraph (2) , a shipowner shall not enter into an agreement with a seafarer under which the seafarer shall make payment in respect of either—

- (a) repatriation costs; or
- (b) relief and maintenance costs.

(2) A seafarer employment agreement may provide that the seafarer shall reimburse repatriation costs where the agreement is terminated because of the seafarer's serious misconduct.

(3) If a seafarer employment agreement contains provision described in paragraph (2) and that obligation arises, a deduction equivalent to those costs may be made from the wages due to the seafarer under that agreement.

(4) If a seafarer employment agreement does not contain provision such as that described in paragraph (2), the shipowner may only recover the costs described in paragraph (1) (or damages in respect of such costs) where the agreement is terminated because of the seafarer's serious misconduct.

(5) A breach of paragraph (1) is an offence by the shipowner.

(6) An agreement is void to the extent it provides that a seafarer shall make a payment to the shipowner in respect of either repatriation costs or relief and maintenance costs in breach of paragraph (1) .

24. Seafarer property—(1) This regulation applies where—

(a) a shipowner is under a duty under regulation 19 in respect of a seafarer; and

(b) property belonging to that seafarer has been left behind on board a ship.

(2) The master of the ship shall take charge of that property and enter a description of each item in the official log book.

(3) A breach of paragraph (2) is an offence by the master of the ship.

(4) Subject to paragraph (6) , the master of the ship and the shipowner shall ensure that reasonable care is taken of the property pending its delivery in accordance with paragraph (10) .

(5) A breach of paragraph (4) is an offence by the master of the ship and the shipowner.

(6) The master of the ship may at any time—

(a) sell any part of the property which is of a perishable or deteriorating nature; and

(b) destroy or otherwise dispose of any part of the property considered a potential risk to the health or safety of any person.

(7) The proceeds of any sale under paragraph (6) (a) are the property of the seafarer and the master of the ship shall ensure that details of the sale are entered in the official log book.

(8) The master of the ship shall ensure that details of any destruction or disposal under paragraph (6) (b) are entered in the official log book.

(9) A breach of paragraphs (7) or (8) is an offence by the master of the ship.

(10) Subject to paragraph (11) , the shipowner shall cause the property and a document containing the information entered in the log book pursuant to paragraphs (7) and (8) to be delivered to the seafarer or to the seafarer's next of kin.

(11) The duty in paragraph (10) is discharged if the shipowner causes the delivery to be made to the last known address of the seafarer or the next of kin, as the case may be.

(12) A breach of paragraph (10) is an offence by the shipowner.

(13) The seafarer or the next of kin, as the case may be, shall reimburse the shipowner for the reasonable delivery costs if demanded.

25. Duty to carry documents—(1) A shipowner shall ensure that a copy of Part 6 of these Regulations are held on board the ship and are available to seafarers.

(2) Unless the shipowner reasonably considers that all of the seafarers on board the ship understand English sufficiently to understand the documents referred to in paragraph (1) , the duty in paragraph (1) includes the duty to hold on board the ship and make available to seafarers such translated versions of this document as is sufficient to ensure that all of the seafarers on board the ship can understand at least one version.

(3) A breach of paragraphs (1) or (2) is an offence by the shipowner.

26. Financial security requirement applicable to all ships—(1) A ship shall not be operated unless there is in force a contract of insurance or other financial security adequate to ensure that the shipowner will be able to meet any liabilities arising from the duties in regulations 19 and 22; or

(b) in the case of a foreign ship in Bangladesh waters the financial security is provided in accordance with paragraph 2 of Regulation 2.5 (repatriation) of the MLC.

(2) A breach of paragraph (1) is an offence by the shipowner.

27. Director General functions in the event of shipowner default—(1) If a shipowner of a Bangladesh ship fails to make provision required under regulation 19 or 22, the Director General shall make the required provision (or secure that it is made) and may recover costs incurred from the shipowner as a civil debt.

(2) If a shipowner of a ship which is not a Bangladesh ship fails to make provision required under regulation 19 or 22, the Director General may make the required provision (or secure that it is made) and may recover costs incurred from the shipowner as a civil debt.

(3) Subject to paragraph (5) , the costs which the Director General may recover under paragraph (1) and (2) include—

(a) costs incurred by the Director General in making the required provision (or securing that it is made) ; and

(b) costs incurred by the Director General in reimbursing another person (including a State which has made provision pursuant to paragraph 5 of Standard A2.5 (repatriation) of the MLC) for having made the required provision (or having secured its provision) , whether or not the Director General has requested or required them to do so.

(4) Subject to paragraph (5), if a shipowner of a Bangladesh ship fails to make provision required under regulation 19 or 22 and the seafarer incurs costs in making the required provision or securing that it is made, the seafarer may recover such costs from the shipowner as a civil debt.

(5) The costs incurred by the seafarer which are referred to in paragraph (4) —

(a) may not be recovered by the seafarer under paragraph (4) if they have been recovered by the Director General under paragraph (1) ; and

(b) may not be recovered by the Director General under paragraph (1) if they have been recovered by the seafarer under paragraph (4) .

28. Requirements for foreign ships with respect to repatriation—(1) A shipowner shall make such provision as is necessary for the repatriation of a seafarer as soon as is practicable in the circumstances described in paragraph 1 of Standard A2.5 of the MLC, subject to any national provisions which have been adopted by the State whose flag the ship is entitled to fly pursuant to paragraph 2 of Standard A2.5.

(2) A breach of paragraph (1) is an offence by the shipowner.

(3) A shipowner shall comply with –

(a) the prohibitions in paragraph 3 of Standard A2.5, whether or not those prohibitions apply in the State whose flag the ship is entitled to fly; and

(b) the requirement in paragraph 9 of Standard A2.5, whether or not the State whose flag the ship is entitled to fly has imposed that requirement in its national laws or otherwise.

(4) A breach of paragraph (3) is an offence by the shipowner.

PART 7

SEAFARER ACCOMMODATION

29. Seafarer accommodation requirements—(1) In this Part, “seafarer accommodation” means accommodation, including the construction, machinery, fittings and equipment of that accommodation, intended for or used by seafarers.

(2) Subject to regulations 30, 31 and 32, a ship shall comply with the requirements relating to seafarer accommodation as set out in schedule 3 of this regulation.

(3) A breach of paragraph (2) is an offence by the shipowner.

(4) The master of the ship, or an officer appointed by the master for that purpose, shall, at intervals not exceeding 7 days and accompanied by at least one member of the seafarer, inspect the seafarer accommodation to ensure it is clean, decently habitable and maintained in a good state of repair.

(5) A breach of paragraph (4) is an offence by the master of the ship.

(6) The master of the ship, or an officer appointed by the master for that purpose, shall record the findings of inspections undertaken pursuant to paragraph (4) in the official log book of the ship specifying—

(a) the time and date of the inspection;

(b) the name and rank of each person making the inspection; and

(c) particulars of any respect in which the seafarer accommodation was found by any of the persons making the inspection not to comply with these Regulations.

(7) A breach of paragraph (6) is an offence by the master of the ship.

30. Provision for new and existing ships—(1) A ship the keel of which was laid or which was at a similar stage of construction before November 2019 shall be considered as an existing ship and shall comply with the requirements of schedule 3 of this regulation from such dates as specified in that schedule.

(2) A ship the keel of which was laid or which was at a similar stage of construction after November 2019 shall comply with the requirements of schedule 3 of this regulation with respect to the seafarer accommodation.

(3) In this regulation “similar stage of construction” means the stage at which—

(a) construction identifiable with a specific ship begins; and

(b) 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 less.

(4) A breach of paragraphs (1) or (2) is an offence by the shipowner.

31. Exemptions—(1) The Director General may exempt a ship from some or all of the requirements of regulation 29(2) where —

(a) the exemption is expressly permitted by Standard A3.1 (accommodation and recreational facilities) of the MLC; and

(b) in sub-paragraph (a) , the reference to an exemption which is expressly permitted includes anything permitted in accordance with paragraph 6(a) or (d) of Standard A3.1 of the MLC or allowed in accordance with paragraph 9(g) of that Standard.

(2) An exemption under this regulation—

- (a) shall be given in writing;
- (b) may be granted on such terms as the Director General may specify; and
- (c) may be altered or cancelled by the Director General giving written notice to the shipowner.

(3) A breach of the terms of an exemption granted under paragraph (1) is an offence by the shipowner.

32. Approvals to allow substantial equivalences—(1) In respect of a particular ship, or ships of a particular description, the Director General may approve arrangements which, when taken together with the conditions to which the approval is subject, the Director General considers are substantially equivalent to the requirements.

(2) An approval under this regulation—

- (a) shall be given in writing; and
- (b) shall specify the date on which it takes effect and the conditions (if any) on which it is given.

(3) Such an approval may be cancelled and the terms of an approval may be altered, in both cases by the Director General giving written notice to the shipowner.

(4) A breach of a condition on which such an approval is given is an offence by the shipowner.

33. Requirements for foreign ships—(1) Subject to paragraph (2), a ship shall not be operated unless it complies with the minimum standards for on-board accommodation and recreational facilities set out in paragraphs 6 to 17 of Standard A3.1 (accommodation and recreational facilities) of the MLC.

(2) The requirement in paragraph (1) is subject to—

- (a) the application provision in paragraph 2 of Regulation 3.1 of the MLC; and
- (b) any permissions, exemptions or variations which have been granted or allowed by the State whose flag the ship is entitled to fly and which are permitted by the MLC provisions referred to in paragraph (1) .

(3) A breach of paragraph (1) is an offence by the shipowner.

(4) The master of a ship shall comply with the requirements in paragraph 18 of Standard A3.1 of the MLC with regard to—

- (a) frequent inspections; and
- (b) the recording of the results of such inspections and making those results available for review, whether or not the State whose flag the ship is entitled to fly has imposed those requirements in its national laws or otherwise.

(5) A breach of paragraph (4) is an offence by the master of the ship.

PART 8

FOOD AND CATERING

34. Provision of food and drinking water—(1) The shipowner and the master of a ship shall ensure that food and drinking water are provided on board the ship which—

(a) are suitable in respect of quantity, quality and, in relation to food, nutritional value and variety, taking account of—

(i) the number of seafarers on board and the character, nature and duration of the voyage; and

(ii) the different religious requirements and cultural practices in relation to food of the seafarers on board;

(b) do not contain anything which is likely to cause sickness or injury to health or which renders any food or drinking water unpalatable; and

(c) are otherwise fit for consumption.

(2) The shipowner and master of a ship shall ensure that food and drinking water provided in accordance with paragraph (1) are provided free of charge to all seafarers while they are on board.

(3) A breach of paragraphs (1) or (2) is an offence by the shipowner and the master of the ship.

35. Organisation and equipment of the catering department—(1) The shipowner and the master shall ensure that:

(a) food and drinking water which are provided for seafarers are stored and handled; and (b) the catering department is organised and equipped so as to permit the provision to seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions, in accordance with the requirements in this regulation.

(b) Galleys, storerooms and sanitary rooms shall be maintained in a clean and habitable condition and all equipment and installations shall be maintained in good working order.

(2) A breach of paragraph (1) is an offence by the shipowner and the master of the ship.

36. Inspection of food and catering facilities—(1) The master of a ship shall ensure that, not less than once a week—

(a) the supplies of food and drinking water on board are inspected to check compliance with regulation 34 and 35; and

(b) the catering department and its equipment are inspected to check compliance with regulation 35.

(2) An inspection under paragraph (1) shall be carried out by—

(a) the master of the ship; or

(b) a person authorised by the master, together with a member of the catering staff.

(3) A breach of paragraphs (1) or (2) is an offence by the master of the ship.

(4) The master of the ship shall ensure that the results of any inspection under paragraph (1) are recorded in the official logbook of the ship.

(5) A breach of paragraph (4) is an offence by the master of the ship.

37. Requirement to carry a qualified ship's cook—(1) This regulation does not apply to—

(a) a ship which ordinarily operates with fewer than 10 seafarers on board; or

(b) a ship which operates only within 60 miles of a safe haven and which does not operate to or from, or call at, a port in a country other than the Bangladesh, and in this paragraph “safe haven” means a harbour or shelter of any kind which affords entry and protection from the weather.

(2) Subject to paragraph (3), a ship shall not be operated unless a qualified ship's cook is on board.

(3) In circumstances of exceptional necessity the Director General may grant an exemption from the requirement in paragraph (2) —

(a) until the next port of call, or

(b) for a period not exceeding one month,

but only if there is a person on board the ship who is trained or instructed in areas including food and personal hygiene and safe handling and storage of food in accordance with the relevant requirements.

(4) An exemption under this regulation—

(a) shall be given in writing;

(b) may be granted on such terms as the Director General may specify; and

(c) may be altered or cancelled by the Director General giving written notice to the shipowner.

(5) The Director General may approve as respects a particular ship, or as respects ships of a particular description, arrangements which, when taken together with the conditions to which the approval is subject, the Director General considers are substantially equivalent to the requirement in paragraph (2).

(6) An approval under this regulation—

(a) shall be given in writing; and

(b) shall specify the date on which it takes effect and the conditions (if any) on which it is given.

(7) Such an approval may be cancelled and the terms of an approval may be altered, in both cases by the Director General giving written notice to the shipowner.

(8) A breach of—

(a) paragraph (2) ;

(b) the terms of an exemption granted under paragraph (3) ; or

(c) a condition on which an approval is given under paragraph (5) ,is an offence by the shipowner and the master of the ship.

38. Certificate of competency as a ship's cook—(1) the Director General shall issue certificate of competency as a ship's cook to an applicant after receipt of an application and the appropriate fee, and after being satisfied that the applicant fulfills all the requirements for issuance of that certificate.

(2) Before the issue of any such certificate, the Director General may require the applicant to produce such certificates of discharge and such other documentary evidence as may be necessary to establish to the satisfaction of the Director General that the applicant is an eligible person.

(3) Chapter 16 of the Merchant Shipping Act 2020 and the provisions prescribed in the Merchant Shipping Seafarers Certification Regulations 2020 apply in respect of a certificate of competency issued under paragraph (1) .

(4) For the purposes of any inquiry and investigation in relation to a certificate of competency as a ship's cook and matters arising out of the expiration, suspension or cancellation of certificates, the relevant provisions of chapter 16 of the Merchant Shipping Act and the regulation made thereunder apply to the holder of a certificate of competency referred to in paragraph (1) .

39. Recognition of existing certificates of competency—(1) A certificate of competency as ship's cook issued under the Bangladesh Merchant Shipping Officers and Ratings Training, Certification, Recruitment, Work Hours and Watchkeeping Rules, 2011 which is in force and not suspended on the date when these Regulations come into force, has effect as if it were a certificate of competency as a ship's cook issued under regulation 38 of these Regulations.

(2) A certificate to which paragraph (1) applies remains valid for a period of 5 years beginning on the date on which these Regulations come into force unless it is suspended or cancelled.

40. Training requirements for catering staff and other persons processing food in the galley—(1) The shipowner shall ensure that—

(a) every member of catering staff is properly trained or instructed for their position in accordance with the relevant requirements set out in the notification by the Director General; and

(b) any person processing food in the galley is properly trained or instructed in areas including food and personal hygiene and handling in accordance with the relevant requirements set out in Merchant Shipping Notice issued by the Director General.

(2) A breach of paragraph (1) is an offence by the shipowner.

41. Requirements for foreign ships—(1) A ship shall not be operated in Bangladesh waters unless it complies with paragraphs 1 and 2 of Regulation 3.2 (food and catering) of the MLC.

(2) A breach of paragraph (1) is an offence by the shipowner and the master of the ship.

(3) The master of a ship shall comply with the requirements in paragraph 7 of Standard A3.2 of the MLC with regard to –

(a) frequent inspections; and

(b) the documenting of such inspections,

whether or not the State whose flag the ship is entitled to fly has imposed those requirements in its national laws or otherwise.

(4) A breach of paragraph (3) is an offence by the master of the ship.

(5) A ship shall not be operated unless it meets the minimum standards set out in—

(a) sub-paragraph 2(b) of Standard A3.2 of the MLC; and

(b) sub-paragraph 2(c) of that Standard.

(6) A breach of paragraph (5) (a) is an offence by the shipowner and the master of the ship.

(7) A breach of paragraph (5) (b) is an offence by the shipowner.

(8) Subject to any dispensation issued by the State whose flag the ship is entitled to fly in accordance with paragraph 6 of standard A3.2 of the MLC, a shipowner shall comply with the requirements in paragraphs 3 and 4 of Standard A3.2 of the MLC.

(9) A breach of paragraph (8) is an offence by the shipowner.

42. Interpretation

In this Part—

“catering department” means the galley, mess rooms and any other areas on board intended or used for the storage or preparation of food for seafarers or the service of meals to seafarers;

“catering staff” means seafarers whose normal duties include the preparation and storage of food, the service of meals to seafarers on board the ship or other work in the galley or in areas where food is stored or handled;

“eligible person” means a seafarer who—

(a) is 18 years of age or over;

(b) has completed training in accordance with the requirements specified by the Director general; and

(c) has served for not less than three month at sea;

“qualified ship’s cook” means a person who has been issued with a ship’s cook certificate which has not expired or been cancelled and which is not suspended; and

“ship’s cook certificate” means—

- (a) a certificate of competency as a ship’s cook which has been issued under regulation 38; or
- (b) a certificate which under regulation 39 has effect as if it were a certificate of competency as a ship’s cook issued under regulation 38;

PART 9

MEDICAL CARE

43. Shipowner duty to make provision for seafarer medical and other expenses—(1) This regulation applies in relation to a seafarer who suffers sickness or injury falling within paragraph (2) .

(2) Sickness or injury falls within this paragraph if it—

(a) first occurs during a period—

(i) which starts on the date on which that seafarer’s seafarer employment agreement commences and ends on the next date on which the shipowner’s duty to make provision for the repatriation of that seafarer under regulation 19 ends under regulation 21; or

(ii) which starts after a period referred to in sub-paragraph (i) but is caused by circumstances or events arising during that period; and

(b) does not first occur during a period of leave, other than shore leave.

(3) Subject to paragraphs (5) and (6) , the shipowner shall—

(a) ensure that the seafarer is provided with medical care on board, so far as is practicable; and

(b) meet any expenses falling within paragraph (4) which are reasonably incurred in connection with the seafarer’s sickness or injury.

(4) Expenses falling within this paragraph are—

(a) expenses of surgical, medical, dental or optical treatment (including the supply, repair or replacement of any appliance) ; and

(b) expenses for board and lodging.

(5) The duty to meet expenses referred to in paragraph (3) (b) —

(a) does not apply to expenses which are met by a public authority; and

(b) does not affect any duty on the shipowner under regulation 22 and does not apply in respect of any expenses met by the shipowner in accordance with that duty.

(6) Subject to paragraph (7) , the duty to meet expenses referred to in paragraph (3) (b) is limited to expenses incurred during whichever of the following periods is the shorter—

(a) a period of 16 weeks beginning on the day on which the sickness or injury first occurs; or

(b) a period beginning on the day on which the sickness or injury first occurs and ending on the day on which a person authorised to issue seafarer medical certificates notifies the seafarer of a decision that—

(i) the seafarer is not fit to carry out the duties which that seafarer is required to carry out under the terms of that seafarer’s seafarer employment agreement, and

(ii) the seafarer is unlikely to be fit to carry out duties of that nature in the future.

(7) If a person authorised to issue seafarer medical certificates has notified a seafarer of a decision in the terms described in paragraph (6) (b) and that or another such person subsequently notifies the seafarer that such a decision no longer applies in both or either respects, the duty to meet expenses referred to in paragraph (3) (b) is limited to expenses incurred during the period set out in paragraph (6) (a) .

(8) The shipowner may recover from the seafarer as a civil debt any expenses it has met under the duty to meet expenses referred to in paragraph (3) (b) in connection with—

(a) injury suffered otherwise than in the service of the ship;

(b) injury or sickness arising from the willful misconduct of the seafarer who is injured or sick;
or

(c) injury or sickness intentionally concealed by the seafarer prior to entering into the seafarer employment agreement.

(9) If any expenses are incurred by a seafarer to which the duty in paragraph (3) applies, the seafarer may (other than in the circumstances referred to in sub-paragraphs (a) to (c) of paragraph (8)) recover those expenses from the shipowner as a civil debt.

(10) A breach of paragraph (3) is an offence by the shipowner.

44. Obligations to carry medical practitioner on ship—(1) Subject to paragraph (2) , a ship shall not be operated unless a medical practitioner is carried on board the ship.

(2) This regulation does not apply to a ship unless—

(a) it has 100 or more persons on board; and

(b) it is engaged on an international voyage lasting more than 72 hours.

(3) A breach of paragraph (1) is an offence by the shipowner.

45. Right to medical attention—(1) When a ship is in a port of call, the shipowner shall permit a seafarer to go ashore for medical attention of a kind which is not available on board the ship, where this is reasonably practicable.

(2) A breach of paragraph (1) is an offence by the shipowner.

46. Requirements for foreign ships—(1) A seafarer shall—

(a) be given access to prompt and adequate medical care whilst working on board the ship at no cost to the seafarer; and

(b) be permitted to visit a qualified medical doctor or dentist without delay in ports of call, where practicable.

(2) A breach of paragraph (1) is an offence by the shipowner.

(3) Subject to paragraph (4), a ship shall not be operated unless it carries a qualified medical doctor who is responsible for providing medical care.

(4) Paragraph (3) does not apply to a ship unless—

(a) it has 100 or more persons on board; and

(b) it is engaged on an international voyage lasting more than 72 hours.

(5) A breach of paragraph (3) is an offence by the shipowner.

(6) In paragraph (3), “qualified medical doctor” means a person who is recognised as such by, and who (for the purposes of sub-paragraph 4(b) of Standard A4.1 (medical care on board ship and ashore) of the MLC) has the qualifications required by, the State whose flag the ship is entitled to fly.

47. Interpretation- In this Part —

“person authorised to issue seafarer medical certificates” means a person who has been authorised by the Director General or another national maritime administration to issue medical certificates to seafarers for the purposes of Regulation 1.2 of the MLC (medical certificate) or Regulation I/9 of the STCW Convention;

“medical practitioner” means—

(a) in the case of a practitioner ordinarily resident in the Bangladesh, a fully registered person who—

(i) holds a licence to practise; or

(ii) meets the criteria specified in DOS Circular no 916 being criteria which the Director General considers appropriate having regard to the evidence of continuing professional development which such a practitioner shall demonstrate in order to obtain a licence to practise; or

- (b) in the case of a practitioner not ordinarily resident in the Bangladesh, a person who meets the criteria specified in DOS Circular no 916, being criteria which the Director General considers appropriate having regard to the qualifications and other credentials which shall be demonstrated by a person falling within paragraph (a) ; and

“the STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978) , as amended.

PART 10

SHIPOWNERS' LIABILITY

48. Shipowners' liability for seafarer unemployment and losses following loss or foundering of ship—(1) This regulation applies in relation to a seafarer working on board a ship which founders or is lost.

(2) If the loss or foundering of the ship causes the seafarer to become unemployed, the shipowner shall pay to the seafarer an amount equivalent to the wages which would otherwise have been payable under the seafarer employment agreement for every day on which the seafarer is unemployed in the two month period commencing on the day following the day on which the loss or foundering occurred.

(3) If the loss or foundering of the ship causes the seafarer to suffer injury or loss (other than the loss of wages referred to in paragraph (2)), the shipowner shall pay compensation to the seafarer.

(4) In relation to loss other than personal injury or death, the duty in paragraph (3) is limited to the amount specified (if any) in the seafarer employment agreement.

(5) A seafarer may recover any sum due from the shipowner under paragraph (2) or (3) as a civil debt.

49. Financial security requirement applicable to all ships—(1) A ship shall not be operated unless the requirement in paragraph (2) is met.

(2) The requirement referred to in paragraph (1) is that there is in force in relation to the ship a contract of insurance (or other form of security) which provides financial assurance of an amount which the shipowner reasonably considers adequate to ensure that the shipowner will be able to meet any liabilities the shipowner may have, including liabilities under seafarer employment agreements, to provide compensation in the event of death or long term disability to seafarers arising from occupational injury, illness or hazard.

(3) A breach of paragraph (1) is an offence by the shipowner.

50. Shipowners' liability for wages following sickness or injury sustained by seafarer—(1)

Subject to paragraph (11) , this regulation applies in relation to a seafarer who suffers sickness or injury which—

(a) first occurs during a period—

(i) which starts on the date on which the seafarer's seafarer employment agreement commences and ends on the next date on which the shipowner's duty to make provision for the repatriation of that seafarer under regulation 19 ends under regulation 21; or

(ii) which starts after a period referred to in sub-paragraph (i) but is caused by circumstances or events arising during that period;

(b) does not first occur during a period of leave, other than shore leave; and

(c) results in the seafarer's incapacity for work.

(2) If a seafarer falling within paragraph (1) (a) (i) does not receive the wages payable under the seafarer employment agreement in respect of the period specified in paragraph (3) , the shipowner shall pay to the seafarer a sum equal to the difference between—

(a) any sums received by the seafarer in respect of wages for that period under that agreement; and

(b) the wages which would have been payable to the seafarer under that agreement if the seafarer had remained fit for work throughout that period, and (where the agreement would otherwise have terminated during that period) if the agreement had continued on the same terms throughout that period.

(3) The period referred to in paragraph (2) is a period—

(a) starting on the date of the injury or the first day of the sickness; and

(b) ending on the date on which the duty to repatriate the seafarer under regulation 19 ends under regulation 21 (or, if such a duty does not arise, the date on which the seafarer leaves the ship) .

(4) Subject to paragraphs (5) to (7) , if a seafarer falling within paragraph (1) is incapable of work after the date on which the duty to repatriate the seafarer under regulation 19 ends under regulation 21 (or if such a duty does not arise, the date on which the seafarer leaves the ship) , and the seafarer does not receive the basic wages payable under the seafarer employment agreement for the period starting on that date and ending on the date on which the seafarer is again fit for work, the shipowner shall pay to the seafarer a sum equal to the difference between—

(a) any sums received by the seafarer in respect of basic wages for that period under that agreement; and

(b) the basic wages which would have been payable to the seafarer under that agreement if the seafarer had remained fit for work throughout that period, and (where the agreement would otherwise have terminated during that period) if the agreement had continued on the same terms throughout that period.

(5) The duty in paragraph (4) ends on the expiry of the period of 16 weeks commencing on the day following the date of the injury or the first day of the sickness referred to in paragraph (1).

(6) The duty in paragraph (4) is conditional upon the seafarer applying for all relevant social security benefits payable in consequence of—

(a) the seafarer's incapacity for work; and

(b) the sickness or injury which resulted in the incapacity for work,

under the laws of the Bangladesh or the laws or arrangements in the country to which the seafarer is repatriated.

(7) If the seafarer receives social security benefits of the kind described in paragraph (6) in respect of the period referred to in paragraph (5) or any part of that period—

(a) the amount which the shipowner shall pay to the seafarer under paragraph (4) is to be reduced by that amount; and

(b) the shipowner may recover as a civil debt any payments already made to the seafarer to the extent that they exceed such reduced amounts.

(8) The seafarer shall on request provide information to the shipowner as to the amounts received by the seafarer in social security benefits during the period referred to in paragraph (5).

(9) The sums payable to the seafarer under paragraphs (2) and (4) shall be paid in the same manner and at the same frequency as wages are (or, as the case may be, were) payable under the seafarer employment agreement.

(10) The seafarer may recover any sum due from the shipowner under paragraph (2) or (4) as a civil debt.

(11) This regulation does not apply to a seafarer where—

(a) the injury referred to in paragraph (1) was sustained while the seafarer was not at work;

(b) the injury or sickness referred to in paragraph (1) was sustained or arose due to the seafarer's willful misconduct; or

(c) the sickness or incapacity for work existed at the time when the seafarer entered the seafarer employment agreement, and the seafarer deliberately concealed the sickness or incapacity from the shipowner.

51. Property left behind by sick or injured seafarer— The property left behind on board the ship by a sick or injured seafarer shall be dealt with by the master in accordance with relevant and appropriate provisions of regulation 24.

52. Shipowners' liability in respect of burial or cremation of seafarer—(1) Subject to paragraph (2), if a seafarer dies while—

(a) on board a ship on which the seafarer works; or

(b) on shore leave in a country other than the seafarer's country of residence,

The shipowner shall meet any expenses reasonably incurred in connection with the seafarer's burial or cremation.

(2) The duty in paragraph (1) does not apply to expenses which are met by a public authority.

(3) Where the seafarer's personal representatives incur costs in meeting expenses which should be met by the shipowner under paragraph (1), whether by incurring such costs directly or by reimbursing another person who has incurred those costs, those representatives may recover those costs from the shipowner as a civil debt.

53. Social security for seafarers —(1) 'Seafarers contributory provident fund', 'Seafarers welfare fund', 'levy fund' and 'Seafarers education trust fund' established under the Merchant Shipping Act 2020 shall be administered to provide seafarers social security protection and welfare-related measures. Further measures to enhance seafarers social security including social security agreements, insurance, establishment of 'pension fund' investment of funds shall be undertaken by the welfare directorate with approval of the authority, in accordance with the timeline specified in part 1(b) of SCHEDULE 1, to progressively ensure seafarers medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit.

(2) All Bangladeshi seafarers and their dependents, who are ordinarily resident in Bangladesh shall enjoy the protection of nine branches of social security protection, medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors benefit, under social security scheme for seafarers (SSSS) in a progressive manner as determined by the welfare directorate from time to time, until comprehensive social security protection is achieved.

(3) To develop and maintain SSSS, priority shall be given to poor and vulnerable group of the seafarer, urban group and geographically disadvantage seafarers suffering from natural calamities and climate change.

- (5) Shipping companies may maintain similar social security scheme for their permanent employees.
- (6) All Bangladeshi seafarers, who are ordinarily resident in Bangladesh, shall make registration with welfare directorate for contribution, maintaining accounts, receiving benefits and other activities as required under SSSS.
- (7) All seafarer, who are not resident in Bangladesh, serving in Bangladeshi ship, shall make separate registration.
- (8) All Bangladeshi seafarers, who are ordinarily resident in Bangladesh, shall contribute for SSSS Fund as determined by welfare directorate in consultation with seafarers and ship-owners representative.
- (9) Owners of Bangladesh flag ships shall contribute for SSSS Fund as determined by welfare directorate in consultation with seafarers and ship-owners representative.
- (10) The welfare directorate may arrange funds from other sources approved by Bangladesh Government to maintain the SSSS fund.
- (11) The ship-owners, managers, operators or agents of the foreign flagships, employing Bangladeshi seafarer who are ordinarily resident in Bangladesh shall contribute to SSSS fund as determined by the welfare directorate, or according to the flag state law or CBA whichever is greater.
- (12) All contributions shall be made in due time at regular intervals determined by the welfare directorate.
- (13) Seafarers welfare directorate shall be responsible to maintain the accounts of SSSS fund.
- (14) The SSSS fund may be utilized under social insurance scheme, health insurance scheme, public or private pension scheme, children's education scheme or any other measures for increasing or extending, the protection or providing comparable benefits to seafarers with adequate coverage.
- (15) There shall be a committee consists of representatives from relevant organizations to ensure adoption of appropriate social security scheme.
- (16) There shall be result based monitoring and evaluation system of SSSS for sustainability and improve effectiveness of the programmes.
- (17) There shall be Monitoring and Evaluation committee headed by Director General or his representative comprising members from all contributors and stakeholders.
- (18) The Monitoring and Evaluation committee shall submit yearly report on the performance and effectiveness of the social security schemes.
- (19) In order to achieve comprehensive social security protection progressively for all Bangladeshi seafarers resident in Bangladesh, the welfare directorate shall review, every three years, the social security protection available to seafarers, giving consideration to any subsequent improvement in the national circumstances as well as to the prospects of making use, where possible and appropriate, contributory fund raising system, insurance or other effective means for increasing or extending the protection or benefits to seafarers and their dependants of adequate coverage.

(20) The welfare directorate shall cooperate, through bilateral or multilateral agreements or other arrangements, to ensure the maintenance of social security rights, provided through contributory or non-contributory schemes, which have been acquired, or are in the course of acquisition, by all seafarers regardless of residence. Where seafarers are subject to more than one national legislation covering social security, the welfare directorate shall cooperate in order to determine by mutual agreement which legislation is to apply, taking into account such factors as the type and level of protection under the respective legislations which is more favourable to the seafarer concerned as well as the seafarer's preference.

(21) The seafarer registered with welfare directorate may appeal to Director General regarding any disputes relevant to contribution, accounts, claims or benefits received, irrespective of the manner in which the coverage is provided.

(22) The Director General shall establish fair, equitable and effective procedures for the settlement of disputes.

(23) Nothing in this section shall bar any seafarer to seek judgement from the appropriate court of Bangladesh.

PART 11

SURVEY CERTIFICATION INSPECTION AND DETENTION OF SHIPS

54. Application Survey and certification—

(1) This Part shall apply to —

- (a) any Bangladesh ship, ordinarily engaged in commercial activities; and
- (b) any ship in Bangladesh, not being a Bangladesh ship, whether publicly or privately owned, ordinarily engaged in commercial activities.

(2) Following ships to be surveyed—

(a) A ship falling within paragraph (b) is subject to surveys—

- (i) before a Maritime Labour Certificate is first issued in relation to the ship, an initial survey by a certifying authority, as set out in MLC implementation Circular of DOS.
- (ii) within five years of the first issue of a Maritime Labour Certificate, and thereafter at intervals which must be no more than five years, a renewal survey by a certifying authority, as set out in MLC implementation Circular of DOS.
- (iii) in the period between the anniversary dates of a Maritime Labour Certificate in its second and third years of validity, an intermediate survey by a certifying authority, as set out in MLC implementation Circular of DOS.

(b) A ship falls within this paragraph if it is a ship of 500 gross tonnage or over which—

- (i) is engaged in international voyages,
 - (ii) is operating to and from a port in a country other than Bangladesh, or
 - (iii) is operating between ports in a country other than Bangladesh.
- (c) A ship which does not fall within paragraph (b) is subject to a survey by a certifying authority as set out by DOS,
- (d) In this regulation, “international voyage” means a voyage from a country to a port outside such a country.
- (3) Maritime Labour Certificates shall be issued—
- (a) Where a certifying authority is satisfied after the completion of an initial or renewal survey carried out in accordance with the provisions of regulation 2(a) (i) or (ii) that the Maritime Labour Convention standards are being complied with, that authority must issue a Maritime Labour Certificate.
 - (b) Where a certifying authority is satisfied after the completion of an intermediate survey carried out in accordance with the provisions of regulation 2(a) (iii) that the Maritime Labour Convention standards are being complied with, that authority must so endorse the Maritime Labour Certificate.
 - (c) Where requested by the shipowner, a certifying authority, if satisfied after the completion of a survey carried out in accordance with regulation 2(c) that the Maritime Labour Convention standards are being complied with, must issue a Maritime Labour Certificate or endorse a Maritime Labour Certificate to that effect.
 - (d) A certifying authority may have regard to the results of a survey conducted before the date on which these Regulations come into force when deciding whether it is satisfied that standards referred to in this regulation are being complied with.
 - (e) in a form corresponding to the model given in **SCHEDULE 4** of this regulations and have the content specified in that Schedule.
- (4) For Survey and certification of Bangladesh ships by Governments of other States—**
- (a) The Director General may, through a proper officer or otherwise, request the Government of a Convention State—
 - (i) to carry out an initial, renewal or intermediate survey, of a Bangladesh ship to which regulation (2) (a) applies, by reference to standards provided by the Director General (which must reflect the relevant Maritime Labour Convention standards) ; and
 - (ii) if satisfied that the standards are met—

(1) to issue or authorise the issue of a Maritime Labour Certificate in relation to the ship, or to endorse or authorise the endorsement of that certificate, in accordance with the requirements of the Maritime Labour Convention,

(.2) to include in the certificate a statement to the effect that it has been issued at the request of the Director General, and

(.3) to transmit a copy of the survey report and the certificate to the Director General as soon as possible.

(b) A certificate issued or endorsed in accordance with paragraph (a) has the same force and must receive the same recognition as a certificate issued or endorsed in accordance with regulation(2) .

(c) A Maritime Labour Certificate issued under this regulation must be drawn up in a form corresponding to the model given in SCHEDULE 4 of this regulations and have the content specified in that Schedule.

(5) Interim Maritime Labour Certificate may be issued—

(a) to a ship falling within regulation 5(b) —

(i) upon the registration of the ship as a Bangladesh ship, where this is—

(.1) the first registration of the ship, or

(.2) a transfer of the ship from the flag of another State, or

(ii) where a Maritime Labour Certificate has been issued by a certifying authority in respect of the ship, upon a person taking responsibility for the operation of the ship who—

(.1) is not the person named as the shipowner in that certificate, and

(.2) has not been named as the shipowner in any Maritime Labour Certificate previously issued in respect of that ship.

(b) By a certifying authority or (where requested by the Director General) by the Government of a Convention State after verifying that—

(i) a ship has been subjected to a survey, so far as reasonable and practicable, as set out by DOS,

(ii) the shipowner has demonstrated that the ship has adequate procedures to comply with the Maritime Labour Convention standards,

(iii) the master of the ship is familiar with—

(.1) the requirements of the Maritime Labour Convention, and

(.2) the responsibilities which people have in connection with the implementation of the Maritime Labour Convention as respects a Bangladesh ship, and

(iv) the Director General or the Government of that Convention State has the information which would be necessary for it to produce Part 1 of the Declaration of Maritime Labour Compliance as respects the ship, that certifying authority or the Government of that State may issue an interim Maritime Labour Certificate.

(c) Except in relation to a ship if—

(i) an interim Maritime Labour Certificate has previously been issued in relation to that ship by a certifying authority or a Convention State, and

(ii) no valid Maritime Labour Certificate has since been issued in respect of that ship (whether by that authority or State or another body).

(d) Only for a period not exceeding six months.

(e) Under this regulation must be drawn up in a form corresponding to the model given in SCHEDULE 4 of this regulations and have the content specified in that Schedule.

(6) Survey and certification of foreign flag ship may be done—

(a) By a certifying authority, at the request of a Government of a Convention State, inspect a ship registered in that State by reference to such standards as may be specified in the request (which must reflect the requirements of the Maritime Labour Convention as implemented by that State) and, if satisfied that the standards are met—

(i) issue as respects the ship a Maritime Labour Certificate or endorse such a certificate to that effect, or

(ii) issue as respects the ship an interim Maritime Labour Certificate.

(b) By the certifying authority who must include in any certificate issued or endorsed in accordance with paragraph (a) a statement to the effect that it has been issued or endorsed at the request of the Government of the State in which the ship is registered, and must transmit a copy of the survey report and the certificate to that State as soon as possible and such certificate issued or endorsed in accordance with this regulation shall have effect as if issued or endorsed by the State which requested.

(7) A Maritime Labour Certificate—

(a) Shall subject to paragraph (b), be issued—

(i) on the date of the completion of the relevant survey, and

(ii) with a period of validity starting on the date of issue and not exceeding five years.

(b) Renewal survey as required by regulation (2) (a) (ii) has been completed within a period of three months before the expiry of a Maritime Labour Certificate, the new certificate must be issued as being valid from the date of expiry of the existing certificate.

(c) Shall cease to be valid—

- (i) as respects a ship falling within regulation (2) (b) , if an intermediate survey has not been completed within the period specified in regulation (2) (a) (iii) and the certificate endorsed in accordance with regulation (3) (b) , or
 - (ii) where a certifying authority has issued the certificate in accordance with regulation (3) (c) , if that certificate has not been endorsed in accordance with the requirements.
- (d) Where ceases to be valid for a reason specified in paragraph (c) (i) or (ii), the Director General may issue a new certificate if satisfied that the non-compliance has been suitably addressed and remedied, notwithstanding that the ship has not been subject to a survey falling within regulation (3) since the previous certificate was cancelled.
- (e) or an interim Maritime Labour Certificate ceases to be valid—
- (i) upon transfer of the ship to the flag of another State,
 - (ii) if the person who is named on the certificate as the shipowner ceases to have responsibility for the operation of the ship,
 - (iii) if substantial changes are made to the ship's accommodation or its recreational facilities for seafarers or its food and catering facilities, or
 - (iv) if the ship's accommodation or its recreational facilities for seafarers or the ship's food and catering facilities have sustained damage or otherwise become deficient and that damage or deficiency has not been rectified.
- (f) issued to a Bangladesh ship may be cancelled by the Director General where the Director General has reason to believe that the certificate was issued on the basis of incorrect information, and may require such a certificate to be surrendered as directed.
- (g) Or where interim Maritime Labour Certificate has been issued to a ship and has not expired and—
- (i) the Director General has issued to that ship an improvement notice under section () of the Merchant Shipping Act 2020 and the contravention specified in the improvement notice has not been remedied within the period specified in the notice, or
 - (ii) the Director General has determined that there is clear evidence that the ship does not comply with the requirements of the Maritime Labour Convention and that the failure of the ship to comply endangers the safety of the ship or its crew,

The Director General may suspend the validity of the Maritime Labour Certificate or interim Maritime Labour Certificate.

- (h) Where suspended by the Director General, shall give a notice of such suspension to the shipowner and the master of the ship, and may require the certificate which has been so suspended to be surrendered as directed.

(8) Declaration of Maritime Labour Compliance—

(a) As regards a ship which is subject to a survey in accordance with regulation (2) , (4) or (5) , the shipowner must—

(i) provide to the certifying authority or Government of a Convention State undertaking the survey the information necessary for the certifying authority or Government of a

Convention State to draw up Part 1 of the Declaration of Maritime Labour Compliance as respects the ship, and

(ii) draw up Part 2 of the Declaration of Maritime Labour Compliance as respects the ship and provide this to the certifying authority or Government of a Convention State.

(b) Where a certifying authority or Government of a Convention State has been provided with the necessary information in accordance with paragraph (a) (i) and with Part 2 of the Declaration of Maritime Labour Compliance as respects the ship, the certifying authority or Government of a Convention State must—

(i) draw up Part 1 of the Declaration of Maritime Labour Compliance, and

(ii) if satisfied that Part 2 of the Declaration of Maritime Labour Compliance is compatible with the Maritime Labour Convention standards—

(.1) certify it to that effect, and

(.2) issue to the shipowner Part 1 and Part 2 of the Declaration of Maritime Labour Compliance.

(c) The certifying authority or Government of a Convention State—

(i) when issuing or endorsing a Maritime Labour Certificate in accordance with regulation 6 must attach to that certificate Part 1 and Part 2 of the Declaration of Maritime Labour Compliance,

(ii) when carrying out any survey as set out by the Department of Shipping or any verification of the compliance of a ship with the Maritime Labour Convention, must record the results of that survey or verification in Part 1 of the Declaration of Maritime Labour Compliance or otherwise make that information available to seafarers on the ship, certifying authorities, inspectors from other States concerned with flag state or port state inspections, and shipowners' and seafarers' representatives.

(d) In paragraphs (a) and (b) , “Part 1 of the Declaration of Maritime Labour Compliance” and “Part 2 of the Declaration of Maritime Labour Compliance” mean a document drawn up in a form corresponding to the model given in SCHEDULE 4 of this regulations and have the contents, duration and validity specified in that Schedule.

(9) Documents to be carried on board ship and made available—

(a) The shipowner and the master of a ship must ensure that there is carried on board the ship at all times a copy of the Maritime Labour Convention.

(b) The shipowner and the master of a ship to which a Maritime Labour Certificate or interim Maritime Labour Certificate has been issued and which has not expired must ensure that the following documents are carried on board the ship and posted in a conspicuous place on board where they are available to seafarers—

(i) the Maritime Labour Certificate or interim Maritime Labour Certificate for the ship,

(ii) if the ship has a Maritime Labour Certificate, the Declaration of Maritime Labour Compliance.

(c) The shipowner and the master of a ship must make the documents referred to in paragraphs (a) and (b) available, upon request, to the persons authorized by DOS for the purpose.

(10) On-board and on-shore complaint procedure—

(a) The shipowner and the master of a ship to which this regulation applies must ensure that there is available to a seafarer on that ship a procedure to lodge a complaint alleging a breach of the requirements of the Maritime Labour Convention and for that complaint to be resolved fairly, effectively and expeditiously.

(b) A procedure to lodge a complaint and have it resolved must—

(i) seek to resolve the complaint at the lowest level possible,

(ii) enable a seafarer to complain directly to the master of the ship and appropriate external authorities,

(iii) include the right of the seafarer to be accompanied or represented during any hearing which takes place under that procedure,

(iv) comply with the requirements of relevant DOS Circular issued from time to time.

(c) The shipowner and the master of a ship must ensure that a seafarer joining the ship is or has been provided with—

(i) a copy of the complaint procedure which is available to the seafarer in accordance with paragraph (a) ,

(ii) contact information for the certifying authority for the ship,

(iii) where applicable, contact information for the authority which is the competent authority for the purposes of the Maritime Labour Convention in the seafarer's country of residence, and

(iv) the name of a person on board the ship who can, on a confidential basis, provide the seafarer with impartial advice on their complaint and otherwise assist them in following the complaint procedure.

(d) A seafarer may lodge with the DOS or the Shipping Master or the Welfare Director a complaint alleging a breach of the requirements of the Maritime Labour Convention, and the receiver of the complaint must treat the source of any such complaint as confidential.

(e) The shipowner and the master of a ship must ensure that a seafarer is not subjected to any detriment on the grounds that the seafarer has lodged a complaint, whether through an on-board procedure or to the DOS, alleging a breach of the requirements of the Maritime Labour Convention.

(f) For the purposes of paragraph (b) (i) , seeking to resolve a complaint at the lowest level possible means—

(i) having the complaint considered by the lowest level of manager or officer who has the expertise and authority appropriate to consider such a complaint, provided that the person considering the complaint is not directly involved with the particular complaint,

(ii) if that person is unable to resolve or reject the complaint, escalating the complaint to be considered by the next level of manager or officer who has the expertise and authority appropriate to consider such a complaint, provided that the person considering the complaint is not directly involved with the particular complaint, and

(iii) continuing to escalate the complaint in such manner until it is resolved or rejected.

55. Inspection of vessels in port—(1) A ship shall be subject to inspection by a surveyor of ships or any person duly authorised by the Director General.

(2) Subject to subsection (3) , any such inspection shall be limited to verifying that there are carried on board the ship —

(a) a valid Maritime Labour Certificate or a valid interim Maritime Labour Certificate; and

(b) a valid Declaration of Maritime Labour Compliance, issued under this Act in respect of a Bangladesh ship, or their equivalent issued under the national laws of the flag State of the ship if that ship is not a Bangladesh ship.

(3) If any of the conditions mentioned in subsection (4) apply, the ship may be subject to a detailed inspection by a surveyor of ships or a person duly authorised by the Director General, to determine whether the ship —

(a) being a Bangladesh ship, is in compliance with the requirements of this Regulation; or

(b) being a ship that is not a Bangladesh ship, is in compliance with the requirements of the Convention.

(4) The conditions referred to in subsection (3) are as follows:

- (a) the documents referred to in subsection (2) are not produced;
- (b) the documents referred to in subsection (2) are invalid, are not maintained, are falsely maintained, or do not contain particulars or information required by this Act or the Convention, as the case may be;
- (c) there are clear grounds for believing that the working and living conditions on board the ship do not conform to the requirements of this Regulation, or of the Convention, as the case may be;
- (d) there are reasonable grounds for believing that the ship has changed flag for the purpose of avoiding compliance with this Regulation or the Convention, as the case may be;
- (e) there is a complaint alleging that specific working and living conditions on board the ship do not comply with the requirements of this Regulation or of the Convention, as the case may be;
- (f) the working and living conditions present could constitute a clear hazard to the safety, health or security of seafarers;
- (g) the surveyor of ships or the person duly authorised by the Director General has grounds to believe that any deficiencies present constitute a serious breach of the requirements of this Regulation or of the Convention, as the case may be.

(5) In this section, “complaint” means any information submitted by any seafarer, professional body, association, trade union, or person with an interest in the safety of the ship or the safety and health of the seafarers on board any ship.

(6) An inspection conducted on a ship that is not a Bangladesh ship pursuant to subsection (4) (a) , (b) , (c) or (d) shall in principle cover the following scope: -

- a. Minimum age.
- b. Medical certification.
- c. Qualifications of seafarers.
- d. Seafarer’s employment agreements.
- e. Use of any licensed or certified or regulated private recruitment and placement service.
- f. Hours of work or rest.
- g. Manning levels for the ship.
- h. Accommodation.
- i. On-board recreational facilities.
- j. Food and catering.
- k. Health and safety and accident prevention.
- l. On-board medical care.

- m. On-board complaint procedures.
- n. Payment of wages.
- o. Financial security for repatriation.
- p. Financial security relating to shipowner's liability.

(7) An inspection conducted pursuant to subsection (4) (e) shall generally be limited to the scope of the complaint.

(8) The surveyor of ships or the person duly authorised by the Director General may for the purposes of an inspection —

- (a) board any ship, without previous notice to the shipowner, master or person in charge of that ship, for the purposes of inspecting that ship;
- (b) inspect any ship, after giving previous notice to the shipowner, master or person in charge of that ship;
- (c) summon any person before him and require him to answer questions;
- (d) require the production of any book, log book, certificate, register, document or other information relating to any ship;
- (e) take samples of any products, cargo, drinking water, provisions, materials or substances used or handled in the possession of any person on board any ship, as may be necessary with a view to analysing these samples;
- (f) require the display of notices, certificates or documents required by this Regulation or the Convention, as the case may be; and
- (g) require rectification of deficiencies that may be identified in the seafarers' working and living conditions on any ship.

(9) Any sample taken under this section shall be disposed of and accounted for in such manner as the Director General may direct.

56. Power to detain ships—(1) Where, following a more detailed inspection referred to in section 55(3), a ship is found not to conform to the requirements of this Regulation or the Convention, as the case may be, and —

- (a) the conditions on board are clearly hazardous to the safety, health or security of seafarers; or
- (b) the non-conformity constitutes a serious or repeated breach of the requirements (inclusive of seafarers' rights) of this Regulation or of the Convention, as the case may be, the authorized surveyor or person shall serve on the shipowner and the master of the ship, a notice of detention requiring that the ship shall not proceed to sea until any non-conformity that falls within the scope of paragraph (a) or (b) has been rectified, or until

the Director General has accepted a plan of action to rectify such non-conformity and is satisfied that the plan will be implemented in an expeditious manner.

(2) If the ship, after service of the notice of detention, goes to sea before it is released by the Director General, the shipowner and the master shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding 100,000 penalty units or to imprisonment for a term not exceeding 2 years or to both.

(3) If it is proven that a ship was unduly detained or delayed under this section, the Authority shall be liable to pay to the shipowner his costs of and incidental to the detention of the ship, and also compensation for any loss or damage sustained by him by reason of the detention.

57. Detention of foreign ships at request of foreign State—(1) Subject to paragraph (2), a ship is liable to be detained if the Director General receives a request from the consul, diplomatic representative or appropriate maritime authorities of another State which has ratified the MLC that the ship be detained pursuant to paragraph 6 of Standard A2.5 of the MLC (power for States to detain or request detention of ships in connection with a shipowner defaulting in its duty to repatriate a seafarer).

(2) A ship may not be detained under this regulation unless the Director General receives satisfactory evidence that—

(a) the State has incurred costs pursuant to paragraph 5 of Standard A2.5 (repatriation) of the MLC in connection with a failure of the shipowner to comply with its legal duties concerning repatriation; and

(b) a request for reimbursement has been made but those costs have not been reimbursed.

(3) Where a ship is detained under this regulation and the Director General receives—

(a) satisfactory evidence that the costs referred to in paragraph (2) have been reimbursed; or

(b) a request from the consul, diplomatic representative or appropriate maritime authorities of the relevant State that the ship be released from detention,

a person having power to detain the ship shall immediately release the ship.

58. Supplementary provisions as respects detention of ships—(1) The power under regulation 56 or regulation 57 to detain a ship may be exercised as regards a Bangladesh ship wherever it may be, but as regards a foreign ship may only be exercised if the ship in question is—

(a) in a port in Bangladesh; or

(b) at an offshore terminal in Bangladesh waters.

(4) Where a ship is liable to be detained under regulation 56 or regulation 57, the person detaining the ship shall serve on the master of the ship a detention notice which—

(a) states the grounds for the detention; and

(b) requires the terms of the notice to be complied with until the ship is released.

(5) Where a ship other than a Bangladesh ship is detained, the Director General shall immediately inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly, or the appropriate maritime authorities of that State, and invite them to send a representative to attend the ship.

PART 12

OFFENCES AND PENALTIES

59. Penalties—(1) Subject to paragraphs (2) to (5), offences under these Regulations are punishable on summary conviction by a fine not exceeding 500000 penalty units.

(2) Offences under the following provisions are punishable on summary conviction by a fine not exceeding 400000 penalty units for violation of regulation 10(3) and (7);12(4); 15(2), 15(1) (b); 36(3); 45(2); and 46(2) .

(3) Offences under the following provisions are punishable on summary conviction by a fine not exceeding 300000 penalty units for violation of regulation12(8) ;13(3) ; 24(5) , (9) and (12) ;25(3) ;28(4) , 28(3) (b) ;29(5) ;33(5) , 33(4) (a) ;36(5) ; and41(4) , 41(3) (b) .

(4) Offences under the following provisions are punishable on summary conviction by a fine not exceeding 200000 penalty units for violation of regulation 17(5) ;18(2) ; 24(3) ;29(7) ; and33(5) , 33(4) (b) .

(5) Offences under the following provisions are punishable on summary conviction by a fine not exceeding 500000 penalty units or on conviction on indictment to imprisonment for a term not exceeding two years, or to both for violation of regulation 29(3) ;30(4) ;31(3) ; 32(4) ; 33(3) ;37(8) ;41(9) ; and49(3) .

60. Defence—In any proceedings for an offence under these Regulations (other than an offence under regulation 10(5)) it is a defence for the person charged to show that all reasonable steps had been taken by that person to ensure compliance with the provision concerned.

PART 13

REVIEW

61. Review—(1) The Director General shall from time to time carry out a review of these Regulations;

(2) In carrying out the review the Director General shall, so far as is reasonable, have regard to how the MLC is implemented in other member States.

(3) The report shall in particular set out the objectives intended to be achieved by these Regulations and assess the extent to which those objectives are achieved;

(4) The first report under this regulation shall be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Director General.

Director General
Department of Shipping
29th July 2019

DRAFT

SCHEDULE 1
(Reference Regulation 10)

Provision to be included in a Seafarer Employment Agreement

PART 1

(a) Provision to be included in all agreements

1. The full name, birthplace and date of birth (or age at the time of entering into the agreement) of the seafarer.
2. The name and address of the shipowner.
3. The place where the agreement is entered into.
4. The date on which the agreement is entered into.
5. The capacity in which the seafarer is to work.
6. If the agreement has been made for a definite period, the termination date.
7. If the agreement has been made for an indefinite period, the period of notice of termination required and the circumstances in which such notice may be given.
8. If the agreement has been made for a particular voyage, the destination port and the period following arrival after which the agreement terminates.
9. The health and social security protection benefits to be provided to the seafarer under the agreement (which shall be in accordance with paragraph (b) of this part.)
10. The maximum period of service on board following which the seafarer is entitled to repatriation (which shall not exceed a period of 12 months less the number of days statutory paid leave to which the seafarer is entitled) .
11. The seafarer's entitlement to repatriation (including the mode of transport and destination of repatriation) .
12. The circumstances in which the seafarer is required to meet or reimburse the shipowner for the costs of repatriation.
13. The maximum sum which the shipowner will pay to the seafarer in respect of compensation for any loss of personal property arising from the loss or foundering of the ship.
14. Details of any collective bargaining agreement which is incorporated (in whole or in part) into the agreement or is otherwise relevant to it.

(b) Provisions to be included progressively in all employment agreement regarding social security protection for seafarers, complementing protection to medical care on board and ship owners' liability, as follows:-

(Reference Regulation 10 and 53)

1. Till 31st December 2025 all employment agreement shall include at least three branches of social security amongst medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit, as appropriate.
2. From 1 January 2030 all employment agreement shall include at least five branches of social security amongst medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit, as appropriate.
3. From 1 January 2035 all employment agreement shall include at least seven branches of social security amongst. medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit, as appropriate.
4. From 1 January 2040 all employment agreement shall include comprehensive social security protection on medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit.

PART 2

Provision to be included where seafarer is an employee

1. The wages (either the amount or the formula to be used in determining them) .
2. The manner in which wages shall be paid, including payment dates (the first of which shall be no more than one month after the date on which the agreement is entered into, with all subsequent dates being no more than one month apart) and the circumstances (if any) in which wages may or shall be paid in a different currency.
3. The hours of work.
4. The paid leave (either the amount or the formula to be used in determining it) .
5. Any pension arrangements, including any entitlement to participate in a pension scheme.
6. The grievance and disciplinary procedures.

PART 3

Provision to be included where seafarer is not an employee

1. The remuneration (either the amount or the formula to be used in determining it) .
2. The manner in which the remuneration shall be paid, including payment dates (the first of which shall be no more than one month after the date on which the agreement is entered into,

with all subsequent dates being no more than one month apart) and the circumstances (if any) in which the remuneration may or shall be paid in a different currency.

SCHEDULE 2

(Reference Regulation 12)

Provision to be included in a written record of work on a ship

1. Name, port of registry, gross or register tonnage and official number of the ship.
2. Description of voyage.
3. Capacity in which seafarer worked on the ship.
4. Date on which seafarer started work on the ship.
5. Date and location of seafarer's discharge from the ship.

SCHEDULE 3

(Reference Regulation 29)

Crew accommodation standards for ships the keel of which is laid after 06 November 2014

1. Application

- 1.1 Bangladesh ships constructed, before November 2014, when the MLC come into force for Bangladesh, the existing requirements relating to ship's accommodation construction and equipment will continue to apply.
- 1.2 For ships which were constructed in or after November 2014 and before November 2019 the requirements relating to ship's accommodation construction and equipment as are set out in this SCHEDULE 3 of Bangladesh Merchant Shipping (MLC) (seafarer employment wages accommodation recreational facilities medical care welfare food catering ships' cook) Regulations 2020, shall apply after November 2021.
- 1.3 Requirements with respect to seafarers' accommodation in this SCHEDULE 3 of Bangladesh Merchant Shipping (MLC) (seafarer employment wages accommodation recreational facilities medical care welfare food catering ships' cook) Regulations 2020, shall apply to ships constructed after November 2019.
- 1.4 The date of construction of a ship is normally the date on which the keel is laid. If the ship has no keel, it is the date on which the ship reaches a similar stage of construction.

2. General

2.1 All parts of the seafarer accommodation except store rooms shall:

- (a) wherever practicable be situated amidships or aft; but in no case may any part of the seafarer accommodation, except a store room be situated forward of the collision bulkhead; and
- (b) be situated wholly above the Summer Load Line (if any) marked on the ship in accordance with the provisions of rules made or treated as made under the Merchant Shipping Act (Load Line) Regulations 2020.

2.2 The seafarer accommodation shall be so situated, constructed and arranged as to exclude so far as reasonably practicable:

- (a) noise coming from other parts of the ship; and
- (b) noise coming from other parts of the seafarer accommodation.

2.3 Sleeping rooms forming part of the seafarer accommodation of a passenger ship shall not be situated immediately beneath a working passageway.

2.4 Any bulkhead, casing or deck separating a sleeping room from:

- (a) a machinery space;
- (b) a mess room;
- (c) a recreation room;
- (d) a room in which films or television are shown;
- (e) a games room; and
- (f) a public room;

shall be acoustically insulated in a way which will prevent the occupants of that sleeping room from being disturbed by excessive noise from that space or room.

2.5 All parts of the seafarer accommodation except cold store rooms, shall have a clear headroom of at least 203 centimeters at every point where free movement is necessary, but a reduction in headroom in any space or part of a space in such accommodation may be permitted if it is reasonable to do so and such reduction will not result in discomfort to the seafarer.

2.6 With the exception of hospitals on passenger ships, no part of the seafarer accommodation may be shared with passengers or used by or for the benefit of passengers.

- 2.7 Inside paneling in the seafarer accommodation shall be constructed of a material suitable for the purpose and conducive to ensuring a healthy environment.
- 2.8 The seafarer accommodation shall be so situated, constructed and arranged as to ensure the exclusion from the seafarer accommodation of effluvia originating in other spaces in the ship.
- 2.9 The DOS may issue:
- a) exemptions from the standards set out in this schedule, where provided for in Standard A3.1 of the MLC; and
 - b) approvals for substantially equivalent arrangements.
- 2.10 In either case in 2.9 above, application should be made to DOS. If agreed, any exemption or approval will be given in writing, may be subject to conditions, and may be altered or cancelled with notice being given to the shipowner. Standards to which exemptions are permitted are set out in the following sections.
- 2.11 Ships of less than 200 gross tonnage may be exempted after consultation with the shipowners' and seafarers' organisations, where it is reasonable to do so, taking into account the size of the ship and the number of persons on board in relation to the requirements of:
- (a) paragraphs 7.1 and 20.1 to 20.4; and
 - (b) paragraph 11 with respect to floor area only.
- 2.12 In the case of ships where there is need to take account, without discrimination, of the interests of seafarers having differing and distinctive religious and social practices, the Department of Shipping (DOS) , may after consultation with the shipowners' and seafarers' organisations concerned permit fairly applied variations on condition that such variations do not result in overall facilities less favourable for seafarers.
- 3. Divisions between the seafarer accommodation and other parts of the ship**
- 3.1 Bulkheads which enclose any part of the seafarer accommodation and are exposed to the weather shall be properly constructed of steel or other suitable material and shall be of watertight construction; any openings in them shall be provided with means of a weather tight closure. The means of a weather tight closure for any entrance shall be a hinged door.
- 3.2 Bulkheads which enclose any part of the seafarer accommodation and are exposed to the weather, and any part of the side of the ship which forms a wall or part of a wall of the seafarer accommodation; shall be so insulated as to prevent overheating or condensation

unless the seafarer accommodation is so protected by its situation and ventilation that overheating and condensation are unlikely to occur.

3.3 Every bulkhead, casing or deck separating any part of the seafarer accommodation from any space (including a cold store room) which is subject to abnormal heat or cold shall be so insulated as to prevent condensation or discomfort to the seafarer.

3.4 Every bulkhead which separates any part of the seafarer accommodation (other than recreation deck space) from a space used as:

- (a) a machinery space;
- (b) a bunker;
- (c) a room for storing fire extinguishing gases;
- (d) a chain locker;
- (e) a cofferdam;
- (f) a cargo space;
- (g) a store room;
- (h) a lamp room or a paint room;
- (i) a battery locker;

shall be of gastight construction, and shall be of watertight construction where necessary to protect the seafarer accommodation.

3.5 There shall be no opening in any of the bulkheads referred to in paragraph 3.4 except that where sanitary accommodation or changing rooms provided for the exclusive use of engine room officers and rating are sited adjacent to the propelling machinery space there may be an opening in the propelling machinery space bulkhead to the sanitary accommodation or changing rooms and an opening from the sanitary accommodation to a passageway forming part of the seafarer accommodation provided that a hinged, steel self-closing gastight door is fitted to one of such openings.

3.6 No batteries of a type which emit gases shall be stored in the seafarer accommodation and there shall be no opening from the seafarer accommodation into a space where such batteries are stored. Precautions shall be taken to ensure that fumes from batteries cannot be discharged into the seafarer accommodation.

3.7 No manhole or other opening to a fuel tank shall be situated in the seafarer accommodation.

4. Interior bulkheads

4.1 All bulkheads within the seafarer accommodation shall be properly constructed of steel or other suitable material.

4.2 Subject to sub-paragraph (c) :

(a) Every bulkhead which separates any part of seafarer accommodation from:

- (i) sanitary accommodation;
- (ii) a laundry;
- (iii) a drying room;
- (iv) a galley;
- (v) a cold store room;
- (vi) a dry provision store room;

shall be of gastight construction, and

(b) Every bulkhead which separates any part of the seafarer accommodation from any of the spaces specified in subparagraphs (a) (i) to (v) inclusive shall be watertight to a height of not less than 23 centimeters, except in the case of doorways situated in bulkheads when the bulkheads shall be watertight to a height of not less than 10 centimeters;

(c) The requirements of sub-paragraphs (a) and (b) do not apply to bulkheads separating:

- (i) spaces that are used for the same purpose;
- (ii) a laundry from a drying room;
- (iii) a private bathroom from the sleeping room if there is direct access from the sleeping room to the private bathroom.

4.3 There shall be no openings in any bulkhead separating any sanitary accommodation, laundry or drying room from any part of the seafarer accommodation except a passageway, recreation deck space or other sanitary accommodation, laundry or drying room; nor in a bulkhead separating a galley from a sleeping room.

5. Floor decks

5.1 Every floor deck which forms the floor of any part of the seafarer accommodation (called a "floor deck") shall be properly constructed. If it is directly over an oil tank or permanent coal bunker it shall be oil tight or gastight respectively. Every floor deck shall have a surface which provides a good foothold and can be easily kept clean. Any floor covering shall be impervious to water and if the deck is directly over an oil tank, impervious to oil.

5.2 Every floor deck made of metal, except floor decks in sanitary accommodation, galleys, laundries and store rooms, shall be covered with material suitable to its purpose. The material shall be laid properly and the joins where the floor meets the walls shall be rounded in such a way as to avoid crevices.

5.3 Every floor deck in sanitary accommodation, galleys and laundries shall be covered with terrazzo tiles or other hard material which is impervious to liquids and provides a good

foothold. The covering shall be properly laid and joins where the floor meets the walls shall be rounded in such a way as to avoid crevices.

6. Pipes in seafarer accommodation

6.1 Hawse pipes shall not pass through seafarer accommodation.

7. Heating

7.1 Except in ships employed solely within the Tropics or the Gulfs area, all sleeping rooms, mess rooms, day rooms, recreation rooms, rooms for watching films and television, hobbies and games rooms, offices, studies, sanitary accommodation and hospitals shall be installed with a main heating system capable of ensuring that:

(a) the ventilation system provided for the room or seafarer accommodation is working so as to supply at least 25 cubic metres of fresh air per hour for each person which the room or seafarer accommodation is designed to accommodate at any one time; and

(b) the temperature of the ambient air is -1°C ;

the temperature in the room or seafarer accommodation can be maintained at 21°C .

7.2 The main heating system shall be operated by either steam, hot water or electricity, or shall be a system which supplies warm air.

7.3 Means for turning on or off or varying the heat emitted by a radiator or other heating device without using a tool or key shall be provided, wherever reasonably practicable, in the space in which that radiator or other device is fitted. All heating equipment shall be constructed so that its operation is not affected by the use or non use of propelling machinery, steering gear, deck machinery, calorifiers or cooking appliances.

7.4 (a) Subject to subparagraph (b) below, the seafarer accommodation shall be heated by means of the main heating system at all times when any members of the seafarer are living or working on board and the circumstances are such that heating is required.

(b) Heating by means of the main heating system need not be provided when the vessel is in port if such parts of the seafarer accommodation as are then in use are provided with a safe and efficient temporary means of heating capable of ensuring the standard required by paragraph 7.1.

7.5 Heating equipment shall be so constructed and installed, and if necessary shielded, as to avoid risk of fire or of danger of discomfort to the seafarer.

8. Lighting

8.1 In passenger ships all parts of the seafarer accommodation, except galleys, pantries, laundries, drying room, lockers, private and semi- private bathrooms and store rooms, shall wherever reasonably practicable be adequately lit by natural light.

8.2 In all other ships other than passenger ships:

(a) subject to paragraph (b) below, all parts of the seafarer accommodation except galleys, pantries, laundries, drying room, lockers, private and semi-private bathrooms and store rooms shall be adequately lit by natural light; and

(b) sanitary accommodation and passageways shall wherever practicable be adequately lit by natural light.

8.3 An electric lighting system shall be installed which is capable of supplying adequate light in all parts of the seafarer accommodation. Electric lights shall be so arranged as to give maximum benefit to the seafarer and shall include an electric reading lamp for each bed with a controlling switch at the head of the bed.

9. Ventilation

9.1 Every enclosed space in the seafarer accommodation, except a cold store room, shall be provided with a ventilation system capable of maintaining the air in that space in a sufficiently pure condition for the health and comfort of the seafarer in all conditions of weather and climate which the ship is likely to encounter during the voyages on which she is intended to be engaged, and capable of being controlled as necessary for that purpose.

9.2 Without prejudice to the generality of paragraph 9.1:

(a) in all foreign going ships of 1000 gross tonnage or over except those regularly engaged in latitudes north of latitude 50° North or south of latitude 45° South; and

(b) in all ships of under 1000 gross tonnage regularly engaged on voyages solely within the area of the Tropics or the Gulfs area;

the ventilation system provided for every enclosed space in the seafarer accommodation except a cold store or a galley shall be an air conditioning system which shall be designed:

(i) to maintain the air at a satisfactory temperature and relative humidity as compared with the outside air conditions, and to ensure a sufficiency of air changes in all air-conditioned spaces; and

(ii) to take account of the particular characteristics of operations at sea and not produce objectionable noises and vibrations.

9.3 In ships provided with an air- conditioning system, sanitary accommodation, laundries, drying rooms, changing rooms and pantries shall be provided with mechanical exhaust ventilation

capable of ensuring rates of air changes sufficient for the type of accommodation for which it is provided.

9.4 In every ship of 3,000 tons or over every side scuttles hall be at least 300 millimeters in diameter.

10. Drainage

10.1 The seafarer accommodation shall have efficient drainage. In particular:

- (a) drainage pipes and channels shall be provided wherever necessary to clear water shipped from the sea; and
- (b) in order to preclude effluvia from the seafarer accommodation, the soil and other waste water drainage system shall be so arranged and fitted with such water seals, air vents and storm valves as are necessary to prevent siphonage or blow-back.

10.2 Each space in the sanitary accommodation (except private bathrooms) and each laundry shall be served by one or more scuppers which do not serve any space other than sanitary accommodation or another laundry.

10.3 There shall be no drainage into sanitary accommodation from any source outside that accommodation except other sanitary accommodation.

11. Sleeping rooms

11.1 When sleeping accommodation on board ships is required, the following requirements for sleeping rooms apply:

- (a) in ships other than passenger ships, an individual sleeping room shall be provided for each seafarer; in case of ships less than 3000 gross tonnage or special purpose ships, exemptions from this requirement may be granted after consultation with the shipowners' and seafarers' organisations concerned;
- (b) in single berth seafarers' sleeping rooms the floor area should be not less than:
 - (i) 4.5 square metres in ships of less than 3000 gross tonnage;
 - (ii) 5.5 square metres in ships of 3000 gross tonnage or over but less than 10,000 gross tonnage;
 - (iii) 7 square metres in ships of 10,000 gross tonnage or over.

- 11.2 However, in order to provide single berth sleeping rooms on ships of less than 3000 gross tonnage, passenger ships and special purpose ships, a reduced floor area may be permitted.
- 11.3 In ships of less than 3000 gross tonnage other than passenger ships and special purpose ships, sleeping rooms may be occupied by a maximum of two seafarers; the floor area of such sleeping rooms shall not be less than 7 square metres.
- 11.4 On passenger ships and special purpose ships the floor area of sleeping rooms for seafarers not performing the duties of ships' officer shall be not less than:
- (i) 7.5 square metres in rooms accommodating two persons;
 - (ii) 11.5 square metres in rooms accommodating three persons;
 - (iii) 14.5 square metres in rooms accommodating four persons.
- 11.5 On special purpose ships sleeping rooms may accommodate more than four persons.
- The floor area of such sleeping rooms shall not be less than 3.6 square metres per person.
- 11.6 In the case of seafarers performing the duty of petty officers there should be not more than two persons per sleeping room.
- 11.7 On passenger ships and special purpose ships the floor area per person of sleeping rooms for seafarers performing the duties of ships' officers where no private sitting room or day room is provided, shall be for junior officers not be less than 7.5 square metres and for senior officers not less than 8.5 square metres; junior officers are understood to be at operational level and senior officers at the management level.
- 11.8 On ships other than passenger ships and special purpose ships, the floor area per person of sleeping rooms for seafarers' who perform the duties of ships' officers, where no private sitting room or day room is provided, shall be not less than:
- (i) 7.5 square metres in ships of less than 3000 gross tonnage;
 - (ii) 8.5 square metres in less of 3000 gross tonnage or over but less than 10,000 gross tonnage;
 - (iii) 10 square metres in ships of 10,000 gross tonnage or over.
- 11.9 The master, the chief engineer and the chief navigating officer shall have, in addition to their sleeping rooms, an adjoining sitting room, day room or equivalent additional space; ships of less than 3000 gross tonnage may be exempted from this requirement after consultation with the shipowners' and seafarers' organisations.
- 11.10 In determining the floor area of a room for the purpose of this regulation, spaces occupied by berths, lockers, seats or chests of drawers and other furniture shall be included in the measurement of the floor area but spaces which by reason of their small size or irregular

shape cannot accommodate furniture and do not contribute to the area available for free movement shall not be so included.

11.11 Where sleeping rooms are shared, separate sleeping rooms shall be provided for male and female persons.

12. Beds

12.1 Every sleeping room shall be fitted with a bed for each person accommodated in the room.

12.2 Beds shall not be fitted fore and aft along the ships' side unless the size of the room is such that it would be impracticable to fit them elsewhere. Where beds are fitted along the ships' side, they shall be in single- tier, except in a room where there is no sidescuttle fitted or in which any side scuttle fitted is fitted clear of the beds.

12.3 The minimum inside dimension of beds shall be adequate to accommodate mattresses of a size not less than 198 centimetres by 80 centimetres.

12.4 Every bed shall be fitted with either:

- (a) a spring bottom or spring under-mattress and a top mattress of a material which will resist damp and is unlikely to harbour vermin; or
- (b) a suitable resilient mattress on a suitably ventilated base.

12.5 Leeboards or lee-rails shall be fitted to the upper berth of every double tier bed.

12.6 Where a double tier bed is fitted a suitable portable ladder shall be supplied for access to the upper berth. The ladder shall be so constructed that it hooks on to the lee rail to prevent any slipping when in use. Suitable provision shall be made for its safe stowage when not in use.

13. Furniture and fittings in sleeping rooms

13.1 Every sleeping room shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness.

13.2 For each occupant, the furniture shall include a clothes locker of ample space (minimum 475 litres) and a drawer or equivalent space of not less than 56 litres; if the drawer is incorporated in the clothes locker then the combined minimum volume of the clothes locker shall be 500 litres; it shall be fitted with a shelf and be able to be locked by the occupant so as to ensure privacy.

- 13.3 Each sleeping room shall be provided with a table or desk, which may be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation.
- 13.4 Sleeping rooms shall be fitted with curtains or equivalent for the sidelights.
- 13.5 Sleeping rooms shall be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.
- 13.6 With the exception of passenger ships, each sleeping room shall be provided with a washbasin having hot and cold running fresh water, except where a private bathroom with such a washbasin is provided.

14. Mess Rooms

- 14.1 Unless the circumstances are such that no members of the seafarer are required to mess on board, mess rooms shall be provided for the seafarer; each mess room shall be large enough to accommodate the greatest number of persons likely to use it at any one time.
- 14.2 Mess rooms shall be located away from sleeping rooms and as close as practicable to the galley. Ships of less than 3000 gross tonnage may be exempted from this requirement after consultation with the shipowners' and seafarers' organisations concerned.
- 14.3 Mess rooms should be of adequate size and comfort and properly furnished and equipped (including ongoing facilities for refreshment), taking account of the number of seafarers likely to use them at any one time.
- 14.4 Mess room facilities may be either common or separate. The decision in this respect should be taken after consultation with seafarers' and shipowners' representatives and subject to the agreement of the DOS. Account should be taken of factors such as the size of the ship and the distinctive cultural, religious and social needs of the seafarers.
- 14.5 Where separate mess room facilities are to be provided to seafarers, then separate mess rooms shall be provided for:
- (a) master and officers; and
 - (b) petty officers and other seafarers.

14.6 On ships other than passenger ships, the floor area of mess rooms for seafarers should be not less than 1.5 square metres per person of the planned seating capacity.

15. Furniture and fittings in mess rooms

15.1 In all ships, mess rooms should be equipped with tables, appropriate seats, fixed or moveable, sufficient to accommodate the greatest number of seafarers likely to use them at any one time.

15.2 Every mess room provided for persons who do not provide their own food shall be provided with adequate stowage space for mess utensils in a sideboard, dresser or in separate lockers.

15.3 Every mess room provided for persons who do provide their own food shall be fitted with a stowage locker for each person likely to use the room. Each such stowage locker shall be:

- (i) large enough to contain one person's mess utensils and supply of food;
- (ii) fitted with a secure lock or hasp for a padlock;
- (iii) so fitted as to be clear of the floor by at least 300 millimetres; and
- (iv) adequately ventilated.

Lockers provided in pursuance of this paragraph may be fitted together in the mess room or in a suitable place readily accessible from it.

15.4 There shall be available at all times when seafarers are on board:

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

15.5 Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils shall be provided.

16. Recreation spaces

16.1 Recreation rooms, conveniently situated and appropriately furnished, shall be provided for officers and ratings. Where these are not provided separately from the mess rooms the latter shall be planned, furnished and equipped to give recreational facilities. Furnishings for recreation accommodation shall as a minimum include a bookcase and facilities for reading, writing and where practicable, for games.

16.2 Appropriate seafarers' recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who shall live and work on ships, shall be provided on board for

the benefit of all seafarers, taking into account provisions on health and safety protection and accident prevention.

16.3 In every ship, deck space permanently reserved for the use of the seafarer for recreational purposes shall be provided on an open deck. The space shall be adequate in area having regard to the number of persons in the seafarer and the size of the ship.

17. Offices

17.1 All ships shall be provided with separate offices or common ship's office for use by deck and engineering departments; ships of less than 3,000 gross tonnage may be exempted from this requirement after consultation with the shipowners' and seafarers' organisations concerned.

18. Sanitary accommodation

18.1 The following private and semi-private bathrooms, ie., a bathroom provided for the exclusive use of two persons, shall be provided for officers:

- (a) in ships of 5,000 gross tonnage, or over but less than 15,000 gross tonnage at least 5 officers' sleeping rooms shall be provided with adjoining private bathrooms for the use of the officers occupying those sleeping rooms;
- (b) in ships of 15,000 gross tonnage or over every officer's sleeping room shall be provided with an adjoining private bathroom for the use of the officer using that sleeping room;
- (c) without prejudice to (a) in ships of 10,000 gross tonnage or over but less than 15,000 gross tonnage, every officer's sleeping room which is not provided with an adjoining private bathroom shall have a semi-private bathroom appropriated to it;

18.2 In ships of 25,000 gross tonnage or over, other than passenger ships, every rating's sleeping room which is not provided with a private bathroom shall have a semi-private bathroom appropriated to it. These semi-private bathrooms shall not be shared by petty officers and other ratings.

18.3 All seafarers shall have convenient access on the ship to sanitary facilities meeting minimum standards of health and hygiene and reasonable standards of comfort, with separate sanitary facilities being provided for men and women.

18.4 In all ships a minimum of one toilet, one wash basin and one tub or shower or both for every six persons or less who do not have personal facilities shall be provided at a convenient location.

18.5 Every bath and shower shall be provided with a handrail, grating or mat. Except in private or semi-private bathrooms the showers shall be provided with individual drainage.

18.6 Hot and cold fresh running water shall be available in all wash places.

18.7 The hot water shall be at a constant temperature of at least 66°C and shall be heated by thermostatically controlled calorifiers of adequate capacity or by some equally safe and efficient means.

18.8 Every shower shall be provided with an anti-scalding mixing valve which shall be set in such a way that the temperature of the shower water can be varied by the person using it to any temperature between the ambient temperature and a temperature of at least:

(i) in the case of a thermostatically controlled mixing valve, 38°C but not more than 43°C; or

(ii) in the case of any other mixing valve, 35°C but not more than 40°C.

18.9 All sanitary spaces shall have ventilation to the open air, independently of any other part of the accommodation.

18.10 Every water closet shall be provided with the following:

(a) (i) a water closet pedestal of a single type with a pan of white vitreous china or other suitable material;

(ii) a hinged seat of a suitable hard smooth impervious material;

(iii) a trap with a metal inspection plate; and

(iv) an efficient ventilator connected to the outlet;

(b) an adequate flush of water which shall always be available and supplied through self-closing non-concussive supply valves with a portable seating of metal which is not likely to become corroded.

18.11 Where water closets specified in paragraph (18.10) would be unsuitable for use by some members of the seafarer because of distinctive national habits or customs then those water closets may be suitably adapted or other suitable closets shall be provided for those members of the seafarer, provided that the sanitary accommodation does not result in overall facilities less favourable than those which would result from the application of paragraph 18.10.

18.12 In ships of 1,600 gross tonnage or over the following additional sanitary accommodation shall be provided:

(a) a separate room containing a water closet and a washbasin easily accessible from the navigating bridge for the use of those working in that area;

(b) a separate room containing a water closet and a washbasin within or near to the engine room control compartment or, in ships not fitted with such a compartment within easy access of the propelling machinery space;

- (c) a separate room containing a water closet and a washbasin easily accessible from the galley for the use of those working in that area; and
- (d) except in ships in which single-berth sleeping rooms and private or semi-private bathrooms are provided for the use of all engine room personnel, washing accommodation fitted with showers, washbasins and mirrors in sufficient number having regard to the number of such personnel not provided with single-berth sleeping rooms and private or semi-private bathrooms situated in a place outside but conveniently close to the propelling machinery space.

19. Supply of drinking water and fresh water

- 19.1 Cold drinking water for the purposes of drinking, cooking and dishwashing shall be laid on to taps in galleys, bars and pantries and in the case of any mess room provided for members of the seafarer for whom no pantry is provided, a tap to the mess room.
- 19.2 The tanks from which the drinking water and the fresh water laid on to the washbasins, baths and showers is supplied and any plant installed on board ship from which drinking water and/or fresh water is produced shall be of a capacity to ensure an adequate supply of such water at all times for all members of the seafarer, provided that as a minimum the tanks shall be sufficient to provide at least 2 days supply of such water.
- 19.3 Where drinking water and/or fresh water is produced by plant on board the water so produced shall be treated by suitable automatic means of disinfection.

20. Washing/Drying Facilities

- 20.1 In all ships, except where due to the nature of the service the seafarer are not accommodated overnight, facilities for washing, drying and ironing clothes shall be provided for officers and ratings on a scale appropriate to the size of the seafarer and the normal duration of the voyage. These facilities shall, wherever possible, be located within easy reach of their accommodation and arrangements shall be made to ensure separate availability of the facilities to officers and ratings.
- 20.2 The facilities to be provided shall include:
 - (a) suitable sinks and washing machines which may be installed in wash rooms if provision of a separate laundry facility is not reasonably practicable, with an adequate supply of hot and cold fresh water or by means of heating water;
 - (b) drying machines and adequately heated and ventilated drying rooms unless drying machines are of a type which dry clothes completely; and
 - (c) electric irons and ironing boards or their equivalent.

20.3 Adequately ventilated compartments or lockers for use solely for hanging oilskins and other working clothes shall be provided in a place outside but conveniently near to the sleeping rooms. Separate compartments or lockers shall be provided for officers and ratings.

20.4 Where washing accommodation is provided in accordance with paragraph 18(12) (d) such accommodation shall be provided with a clothes locker for each member of the engine room department not provided with a single-berth sleeping room and a private or a semi-private bathroom. Clothes lockers so provided shall comply with the requirements of paragraph 20.3 in respect of lockers for working clothes.

21. Galleys

21.1 Except in ships in which no member of the seafarer will be required to mess on board, a galley suitably positioned clear of working areas and situated as close as practicable to the mess rooms shall be provided for the preparation of food for the seafarer.

21.2 Every galley shall be provided with all equipment necessary to enable food in sufficient quantity to be properly and readily prepared for all persons whom the galley is intended to serve, and to be served hot to them in the mess room in all weathers.

21.3 Every galley shall be provided with facilities for washing up. Hot fresh water and cold drinking water shall be laid on to any sink or other washing up facility in the galley. In ships of 3,000 gross tonnage or over there shall, in addition, be provided a washbasin supplied with hot and cold fresh water.

21.4 The ventilation in the galley shall be so arranged as to ensure an adequate supply of fresh air and the efficient discharge of fumes into the open air.

22. Dry provision store rooms

22.1 In every ship, except one in which each member of the seafarer provides his own food, one or more store rooms shall be provided for the storage of provisions for the seafarer. The rooms shall be fitted with sufficient shelves, cupboards and bins having regard to the maximum period likely to elapse between successive replenishment of stores and to the maximum number of persons for whom food is to be provided. Shelves, cupboards and bins shall be so constructed as to enable them to be effectively cleaned.

22.2 Access to every dry provision store room shall be obtained from a passageway, galley, pantry or other dry provision store room.

23. Cold store rooms and refrigerating equipment

23.1 Subject to paragraph 22.2:

(a) in every foreign going ship of 1,000 gross tonnage or over, cold store rooms shall be provided for the storage of perishable provisions;

(b) in every foreign going ship of under 1,000 gross tonnage and in every coastal ship, there shall be provided for the storage of perishable provisions for the seafarer either cold store rooms or adequate alternative cold store room facilities:

(c) if the door to such a room or facility opens into any part of the seafarer accommodation, the door shall be of steel, gastight and self-closing.

23.2 A red warning light outside every cold store room or group of cold store rooms shall be included in the lighting circuit of each such room or groups of rooms. Every cold store room shall be fitted with an internal means of sounding an external alarm and with a means of releasing the door fastenings from the inside.

24. Hospitals

24.1 Ships carrying 15 or more seafarers and engaged on voyages of more than three days duration shall provide separate hospital accommodation to be used exclusively for medical purposes. Vessels that remain within 60 miles of the coast are not bound by this. The hospital accommodation, shall be easy to access in all weathers, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention.

24.2 Every hospital, whether permanent or temporary, shall be situated so that it is as quiet and comfortable as possible and is readily accessible in all weathers:

(a) from the sleeping room of a member of the seafarer who is, and is employed as, a duly qualified doctor or nurse; and

(b) if no such doctor or nurse is carried, from the master's accommodation.

24.3 At least one bed in every permanent hospital shall be a single -tier bed and shall, wherever practicable, be placed so that it is accessible from both sides and from the foot.

25. Medical cabinet

25.1 A cabinet or other suitable facility for storing medicines and other medical stores, which the ship is required by the Merchant Shipping Act 2020 to carry for the seafarer, shall be well ventilated and fitted in the seafarer area of the ship which is:

(a) is always dry;

(b) is readily accessible from (but not sited in) the permanent or temporary hospital; and

(c) is not subject to abnormal heat.

25.2 Where a medical cabinet is required it shall be provided with the following:

- (a) an outer door with an efficient lock;
- (b) where controlled drugs are to be stored, an inner cupboard fitted with a door and a lock which cannot be opened by the same key as the lock to the outer door;
- (c) suitable arrangements for the storage of these medicines, medical stores and associated measuring devices all as required by the regulations referred to in paragraph 25(1) ;
and
- (d) a dispensing counter with a surface that can be easily kept clean.

26. Protection from mosquitoes

26.1 Ships regularly trading in mosquito infested ports shall be fitted with the appropriate devices as required by the competent authority.

27. Cleaning, maintenance and inspection of seafarer accommodation

27.1 The seafarer accommodation shall be maintained in a clean and habitable condition and all equipment and installations shall be maintained in good working order.

27.2 Every part of the seafarer accommodation, except store rooms, shall be kept free from stores and other property not belonging to or provided for the use of persons for whom that part of the accommodation is appropriated, and in particular no cargo shall be kept in any part of the seafarer accommodation.

27.3 The requirements for inspection, and the recording of such inspections, are set out in regulation 29.

SCHEDULE 4

(Reference Regulation 54)

Model forms of certificates and the declaration of maritime labour compliance for a Bangladesh ship

Maritime Labour Certificate

(Note: This Certificate shall have a Declaration of Maritime Labour Compliance attached)

Issued under the provisions of Article V and Title 5 of the

Maritime Labour Convention, 2006

(referred to below as “the Convention”)

under the authority of the Government of the People’s Republic of Bangladesh,

by <the Mercantile Marine Office, CGO Building, Agrabad, Chittagong,
Bangladesh> <Recognized Organization> (*strike out the statement which is not applicable*)

Particulars of the ship

Name of ship

Distinctive number or letters

Port of registry

Date of registry

Gross tonnage¹

IMO number

Type of ship

Name and address of the shipowner²

.....

.....

¹ For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the **REMARKS** column of the International Tonnage Certificate (1969) . See Article II(1) (c) of the Convention.

2 *Ship owner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on Ship owners in accordance with this Convention, regardless of whether any other organizations or persons fulfill certain of the duties or responsibilities on behalf of the ship owner. See Article II(1) (j) of the Convention.

This is to certify:

1. That this ship has been inspected and verified to be in compliance with the requirements of the Convention, and the provisions of the attached Declaration of Maritime Labour Compliance.
2. That the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned domestic requirements implementing the Convention. These domestic requirements are summarized in the Declaration of Maritime Labour Compliance, Part I.

This Certificate is valid until subject to inspections in accordance with Standards A5.1.3 and A5.1.4 of the Convention.

This Certificate is valid only when the Declaration of Maritime Labour Compliance issued at on is attached.

Completion date of the inspection on which this Certificate is based was

Issued at on

Signature of the duly authorized official issuing the Certificate

Stamp of the
issuing authority

Endorsements for mandatory intermediate inspection and, if required, any additional inspection

This is to certify that the ship was inspected in accordance with Standards A5.1.3 and A5.1.4 of the Convention and that the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the above-mentioned domestic requirements implementing the Convention.

Intermediate inspection :

(to be completed between the second and
third anniversary dates)

Signed :

(Signature of authorized official)

Place :

Date :

Stamp of the
authority

Additional endorsements (if required)

This is to certify that the ship was the subject of an additional inspection for the purpose of verifying that the ship continued to be in compliance with the domestic requirements implementing the Convention, as required by Standard A3.1, paragraph 3, of the Convention (re-registration or substantial alteration of accommodation) or for other reasons.

Additional inspection :

(if required)

Signed :

(Signature of authorized official)

Place :

Date :

Stamp of the authority

Additional inspection :
(if required)

Signed :

(Signature of authorized official)

Place :

Date :

Stamp of the authority

Additional inspection :
(if required)

Signed :

(Signature of authorized official)

Place :

Date :

Stamp of the authority

Maritime Labour Convention, 2006

Declaration of Maritime Labour Compliance – Part I

(Note: This Declaration must be attached to the ship's Maritime Labour Certificate)

Issued under the authority of the
Government of the People's Republic of Bangladesh,
by the Mercantile Marine Office

With respect to the provisions of the Maritime Labour Convention, 2006, the following
referenced ship:

Name of Ship

IMO Number

Gross tonnage

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- a) the provisions of the Maritime Labour Convention are fully embodied in the domestic requirements referred to the Annex attached;
- b) these domestic requirements are contained in the domestic provisions referenced to the Annex attached; explanations concerning the content of those provisions are provided where necessary;
- c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided in the section provided for this purpose below;
- d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and

- e) any ship-type specific requirements under domestic legislation are also referenced under the requirements concerned.

1. Minimum age (Regulation 1.1)
2. Medical certification (Regulation 1.2)
3. Qualifications of seafarers (Regulation 1.3)
4. Seafarers' employment agreements (Regulation 2.1)
5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)
6. Hours of work or rest (Regulation 2.3)
7. Manning levels for the ship (Regulation 2.7)
8. Accommodation (Regulation 3.1)
9. On-board recreational facilities (Regulation 3.1)
10. Food and catering (Regulation 3.2)
11. Health and safety and accident prevention (Regulation 4.3)
12. On-board medical care (Regulation 4.1)
13. On-board complaint procedures (Regulation 5.1.5)
14. Payment of wages (Regulation 2.2)

Stamp of the
authority

Signature :

Name :

Title :

Place :

Date :

Substantial equivalencies

*(Note: Strike out the statement which is not applicable *)*

The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated in the Annex attached:

No equivalency has been granted.

Stamp of the
authority

Signature :

Name :

Title :

Place :

Date :

Exemptions

*(Note: Strike out the statement which is not applicable *)*

The following are exemptions granted by the competent authority as provided in Title 3 of the Convention:

No exemption has been granted.

Stamp of the
authority

Signature :

Name :

Title :

Place :

Date :

Maritime Labour Convention, 2006

Declaration of Maritime Labour Compliance – Part II

Measures adopted to ensure ongoing compliance between inspections

The following measures have been drawn up by the ship owner, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

(State below the measures drawn up to ensure compliance with each of the items in Part I)

1. Minimum age (Regulation 1.1) ☐
.....
2. Medical certification (Regulation 1.2) ☐
.....
3. Qualifications of seafarers (Regulation 1.3) ☐
.....
4. Seafarers' employment agreements (Regulation 2.1) ☐
.....
5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4) ☐
.....
6. Hours of work or rest (Regulation 2.3) ☐
.....
7. Manning levels for the ship (Regulation 2.7) ☐

.....
8. Accommodation (Regulation 3.1) ☐

.....
9. On-board recreational facilities (Regulation 3.1) ☐

.....
10. Food and catering (Regulation 3.2) ☐

.....
11. Health and safety and accident prevention (Regulation 4.3) ☐

.....
12. On-board medical care (Regulation 4.1) ☐

.....
13. On-board complaint procedures (Regulation 5.1.5) ☐

.....
14. Payment of wages (Regulation 2.2) ☐

I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

Stamp of the
ship owner¹

Name of ship owner :

Company address :

Name of the authorized
signatory :

Title :

Signature of the
authorized signatory :

Date :

The above measures have been reviewed by <the Mercantile Marine Office> <Recognized Organization>*(strike out the statement which is not applicable)* and, following inspection of the ship, have been determined as meeting the purposes set out under Standard A5.1.3, paragraph 10(b) , regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Stamp of the
authority

Name :

Title :

Address :

Signature :

Place :

Date : _____

1 *Ship owner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on Ship owners in accordance with this Convention, regardless of whether any other organizations or persons fulfill certain of the duties or responsibilities on behalf of the ship owner. See Article II(1) (j) of the Convention.

Interim Maritime Labour Certificate

Issued under the provisions of Article V and Title 5 of the

Maritime Labour Convention, 2006

(referred to below as “the Convention”)

under the authority of the

Government of the People’s Republic of Bangladesh,

By the Mercantile Marine Office, CGO Building, Agrabad, Chittagong, Bangladesh>

<Recognized Organization>*(strike out the statement which is not applicable)*

Particulars of the ship

Name of ship

Distinctive number or letters

Port of registry

Date of registry

Gross tonnage¹

IMO number

Type of ship

Name and address of the ship owner²

.....
.....
This is to certify, for the purposes of Standard A5.1.3, paragraph 7, of the Convention, that:

- a) this ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I to the Convention, taking into account verification of items under (b) , (c) and (d) below;
- b) the ship owner has demonstrated to the competent authority or recognized organization that the ship has adequate procedures to comply with the Convention;
- c) the master is familiar with the requirements of the Convention and the responsibilities for implementation; and
- d) relevant information has been submitted to the competent authority or recognized organization to produce a Declaration of Maritime Labour Compliance.

1 For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969) . See Article II(1) (c) of the Convention.

2 *Ship owner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on Ship owners in accordance with this Convention, regardless of whether any other organizations or persons fulfill certain of the duties or responsibilities on behalf of the ship owner. See Article II(1) (j) of the Convention.

This Certificate is valid until subject to inspections in accordance with Standards A5.1.3 and A5.1.4.

Completion date of the inspection referred to under (a) above was.....

Issued at..... on.....

Signature of the duly authorized official issuing the interim certificate

Stamp of the
Issuing Authority