CCS 通 函

Circular

China Classification Society
(2013) Circ.No.18 Total No.304
Feb 26, 2013 (Total 7 Pages)

TO: Related departments of CCS Headquarters; Branches and Offices; and Ship Companies

Minimum Hours of Rest

--- The Marshall Islands Maritime Authority Marine Notice No.7-051-2 Rev.5/12

The Office of The Maritime Administrator of Marshall Islands issued the Marine Notice No.7-051-2，Rev.5/12 to all shipowners, operators, masters and officers of merchant ships, and recognized organizations. This Notice clarifies the requirements with regard to the limits on the minimum hours of rest and related provisions, and prescribes the standard formats for the table of shipboard working arrangements and record of hours of rest. This Notice supersedes the original issue of 12/09 and reflects the revision to item 1.3 and the addition of new items 1.5 and 1.6 in section 1.0, revisions to section 3.0 and the addition of new section 4.0. This Notice establishes the Republic of the Marshall Islands (RMI) Maritime Administrator"s (the "Administrator") policy that applies to all seafarers serving aboard RMI flagged vessels to which the STCW Convention and/or the Maritime Labour Convention, 2006 (MLC, 2006), applies. All the parties concerned are requested to pay attention to the requirements and act accordingly.

Attachment: THE Marshall Islands Maritime Authority Marine Notice No. 7-051-2 Rev. 5/12, total 6 pages

For any question please contact the Certification Management Dept. of CCS

REPUBLIC OF THE MARSHALL ISLANDS

OFFICE OF THE MARITIME ADMINISTRATOR

Marine Notice

No. 7-051-2

Rev. 5/12

TO: **ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF MERCHANT SHIPS, AND RECOGNIZED ORGANIZATIONS**

SUBJECT: **Minimum Hours of Rest.**

References:
- **(a) ILO Consolidated Maritime Labour Convention, 2006**
- **(b) STCW Convention, 1978, and the STCW Code, as amended**
- **(c) Marshall Islands Maritime Regulations (MI-108), § 7.51**
- **(d) IMO/ILO Guidelines for the Development of Tables of Seafarers Shipboard Working Arrangements and Formats of Records of Seafarers Hours of Work or Hours of Rest**

PURPOSE:

This Notice clarifies the requirements with regard to the limits on the minimum hours of rest and related provisions, and prescribes the standard formats for the table of shipboard working arrangements and record of hours of rest. This Notice supersedes the original issue of 12/09 and reflects the revision to item 1.3 and the addition of new items 1.5 and 1.6 in section 1.0, revisions to section 3.0 and the addition of new section 4.0.

APPLICABILITY:

This Notice establishes the Republic of the Marshall Islands (RMI) Maritime Administrator's (the "Administrator") policy that applies to all seafarers serving aboard RMI flagged vessels to which the STCW Convention and/or the Maritime Labour Convention, 2006 (MLC, 2006), applies.

REQUIREMENTS:

1.0 <u>Minimum Hours of Rest</u>

1.1 Reference (a) above mandates that each Member State shall (within specified limits) fix either a maximum number of hours of work, or minimum number of hours of rest, for a given period of time. In keeping with this mandate, this Administrator has elected to establish a minimum hours of rest standard with which shipowner/operators must comply.

Inquiries concerning the subject of this Notice should be directed to the Office of the Maritime Administrator, Republic of the Marshall Islands, c/o Marshall Islands Maritime and Corporate Administrators, Inc., 11495 Commerce Park Drive, Reston, VA 20191-1506 USA. The most current version of all Republic of the Marshall Islands Marine Notices may be found at www.register-iri.com.

MI-01, Rev. 1/12

1.2 The minimum limits on hours of rest provided under reference (c) above are summarized as follows:

.1 10 hours in any 24-hour period, which may be divided into no more than two (2) periods – one of which shall be at least six (6) hours in length, and no more than 14 hours between any consecutive periods; and

.2 77 hours in any seven-day period.

1.3 Additional provisions under reference (c) above address the timing of musters and drills, as well as compensatory rest periods for seafarers on call-when normal periods of rest are disturbed by call outs to work.

1.4 Notwithstanding paragraph 1.2, the Master shall have the right to suspend the minimum limits on hours of rest and require a seafarer to perform 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 other ships or persons in distress at sea. In such cases, and as soon as practicable after normal conditions have been restored, the Master shall ensure the seafarers are provided with an adequate period of rest.

1.5 Whilst reference (b) above provides for specific exceptions from the minimum limits on hours of rest, exceptions to these limits are only permitted under reference (c) above when recognized within a collective agreement. Due to the difference between the two Conventions on this issue, the exception provisions under reference (b) above shall not be utilized unless permitted under the seafarer's collective agreement where applicable.

1.6 Ultimately, it is the responsibility of the shipowner/operator to ensure that all seafarers employed onboard its vessels adhere to the minimum limits on hours of rest prescribed in paragraph 1.2. The Company shall consider the trade in which the ship is engaged and the workload of the crew, which may require assignment of additional personnel for the safe execution of tasks with respect to SMS duties in normal operations and during emergencies.

2.0 Table of Shipboard Working Arrangements

2.1 As required under reference (c) above, as applicable, a table of shipboard working arrangements shall be provided to each ship, tabulating the anticipated daily working or rest periods scheduled for all seafarers. This is to ensure that expected routine working arrangements are made available for the awareness of the crew. It should be borne in mind, however, that due to the nature of service at sea some deviation from the schedule is to be expected, and such deviations do not necessarily indicate non-compliance with the minimum rest periods required under reference (c) above.

2.2 The table shall be specific to each vessel, and shall be prepared by the shipowner/operator. To facilitate preparation of this table, a standard format has been established by the Administrator based on IMO/ILO Guidelines, reference (d) above, and is provided under Annex I, Table of Shipboard Working Arrangements, of this Notice.

2.3 Shipowners/operators should utilize the standard format provided for consistency and to ensure compliance, but are free to develop or adapt forms unique to the Company provided that at least the following criteria are conveyed:

.1 entries for each position / rank of seafarer;

.2 schedules of service at sea and in port; and

.3 statement of the minimum hours of rest as required under reference (c) above.

2.4 In order to facilitate awareness of the shipboard working arrangements, the table shall be written in English and the working language(s) of the ship, if not English, and shall be posted in a place or places easily accessible to the seafarers working onboard.

3.0 Records of Hours of Rest

3.1 Each seafarer is required to maintain a record of his/her daily hours of rest on a daily basis.

3.2 The Administrator has developed a standard format for the record of daily hours of rest, based on IMO/ILO Guidelines, reference (d) above, and is provided under Annex II, Records of Hours of Rest, of this Notice. As with the table of shipboard working arrangements, nothing precludes the shipowner/operator from developing or adapting such records unique to the Company, including electronic recordkeeping, provided that at least the minimum criteria and information within the standard format are maintained. Use of electronic record keeping systems, such as "ISF Watchkeeper" (found at the following link: http://www.marisec.org/watchkeeper/index.htm), are acceptable and encouraged to readily demonstrate compliance.

3.3 Where a Company finds that the recordkeeping arrangements for hours of rest in section 3.2, above, are wholly incompatible with that Company's electronic recordkeeping system, 'hours of work' may be recorded, provided that the minimum hours of rest are adhered to as required and that such compliance is readily verifiable.

3.4 The records of daily hours of rest shall be maintained in English and the working language(s) of the ship, if not English. Each seafarer shall receive a copy of the records pertaining to him or her, which shall be endorsed by the Master, or a person authorized by the Master, and by the seafarer. The principal purpose for the record is to allow monitoring and to provide documentary evidence of compliance with the minimum hours of rest provisions stipulated under reference (c) above.

3.5 The Convention does not specify a period of record retention; therefore, completed records may be kept and/or disposed of according to the established practices of the Company. Notwithstanding, in order to provide a sufficient duration to allow ongoing monitoring of compliance, records shall be made available on board for each seafarer during their full time on board or for 12 months, whichever is greater.

4.0 Oil Pollution Act of 1990 (OPA 90)

4.1 For vessels operating within United States waters to which OPA 90 requirements apply, as the limit specified in paragraph 1.2.1 is more stringent than the OPA 90 limitation of no more than 15 hours work in any 24 hour period, adherence to the minimum limit of 10 hours of rest in any 24 hour period would be in compliance with both STCW/MLC, 2006 and OPA 90 requirements.

4.2 However, the OPA 90 restriction of no more than 36 hours of work in any 72 hour period is unique and distinct from the limits prescribed under references (a) and (b) above. Therefore, adherence to the limit specified in paragraph 1.2.2 may not ensure compliance with this unique 72 hour period limit. Accordingly, it is advised that ship owners and operators take measures which ensure that the most onerous limits for all periods (24-hour, 72-hour and 7-day periods) are met while operating under OPA 90 regulations.

ANNEX I

Table of Shipboard Working Arrangements

Name of Ship: _____ Flag of Ship: Marshall Islands IMO Number: _____ Last Updated: _____ ( ) of ( ) pages

The minimum hours of rest are applicable in accordance with Maritime Regulations (MI-108) §7.51 issued in conformity with the ILO Maritime Labour Convention, 2006, and with any applicable collective agreement registered or authorized in accordance with that Convention and with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, (STCW Convention).

Minimum Hours of Rest: Minimum Hours of Rest shall not be less than: (i) 10 hours in any 24-hour period; and (ii) 77 hours in any 7-day period.

Other Requirements: _____

Position / Rank[1]	**Scheduled Daily Work Hours at Sea**		**Scheduled Daily Work Hours in Port**		**Comments**	**Total Daily Rest Hours**	
	Watchkeeping (from – to)	**Non-Watchkeeping Duties (from – to)**[2]	**Watchkeeping (from – to)**	**Non-Watchkeeping Duties (from – to)**[2]		**At Sea**	**In Port**

Signature of Master: _____

1 Terminology used should be the same as listed in other documents such as the Minimum Safe Manning Certificate or the Station Bill

2 For watchkeeping personnel, the comments section may be used to indicate anticipated hours that may be devoted to unscheduled work, and any such hours should be included when recording the total daily rest hours column.

ANNEX II

Records of Hours of Rest
(MLC, 2006)

Name of Ship: ____________________ IMO Number: ____________________ Flag of Ship: Marshall Islands

Seafarer (full name): ____ Position / Rank: ____

Month and Year: ____ Watchkeeper: Yes □ No □

Please mark periods of rest with an "X", or using a continuous line or arrow:

Date	0	0	1	0	2	0	3	0	4	0	5	0	6	0	7	0	8	0	9	1	0	1	1	1	2	1	3	1	4	1	5	1	6	1	7	1	8	1	9	2	0	2	1	2	2	2	3		Hours of rest in 24-h period	Comments

I agree that this record is an accurate reflection of the hours of rest of the seafarer concerned.

Name / Signature of Master or Authorized Person: ______________________________ Signature of Seafarer: ______________________________

______________________________ Date: ______________________________

A copy of this record is to be given to the seafarer. This form is subject to examination and endorsement under procedures established by the Republic of the Marshall Islands