

SKANLSTG
COPY

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 33 of 2008

MERCHANT SHIPPING (CARIBBEAN CARGO SHIP SAFETY) REGULATIONS, 2008

Arrangement of Regulations

Regulation

1. Citation.
2. Interpretation.
3. Application.
4. Exemption.
5. Ships to be surveyed within six months.
6. Survey before issue of a Caribbean cargo ship safety certificate.
7. Annual survey.
8. Periodic Surveys.
9. Surveys by marine surveyors from the Department of Maritime Affairs.
10. Responsibilities of owner and master.
11. Procedures to be adopted when safety equipment is deficient.
12. Penalties.
13. Power to detain.

Schedule

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 33 of 2008

MERCHANT SHIPPING (CARIBBEAN CARGO SHIP SAFETY) REGULATIONS, 2008

In exercise of the power conferred under section 456 of the Merchant Shipping Act, No. 24 of 2002, the Minister responsible for Maritime Affairs makes these Regulations:

[Published 30th October 2008 – Official Gazette No. 52 of 2008]

1. **CITATION.** These Regulations may be cited as the Merchant Shipping (Caribbean Cargo Ship Safety) Regulations, 2008.
2. **INTERPRETATION.** In these Regulations
 - “Act” means the Merchant Shipping Act, 2002;
 - “anniversary date” means the date in each year corresponding to the date of expiry of the Caribbean Cargo Ship Safety Certificate;
 - “Code” means the Code of Safety for Caribbean Cargo Ships, 1996;
 - “Caribbean Trading Area” means the area bounded by the east coasts of North, Central and South America; and a line from the east coast of the United States in latitude 32° 30'N to a point 20°N:60' W, thence to a point 10°N:50' W, and thence south to the coast of South America;
 - “Director” means the Director of Maritime Affairs appointed pursuant to section 411 of the Act;
 - “gross tonnage” means gross tonnage as determined by the Merchant Shipping (Tonnage) Regulations, 2007;
 - “international voyage” means a voyage from a port in one country to a port in another country;
 - “nominated surveyor” means a surveyor nominated by the Minister to undertake the surveys required by these Regulations and includes a surveyor from the Department of Maritime Affairs;
 - “safety equipment” means life-saving appliances, fire appliances, lights, shapes, means of making sound signals, pilot ladders and associated equipment, mechanical pilot hoists, echo-sounder installations, gyro compass installations, direction-finder installations and radar installations;
 - “Safety Regulations” means any Regulations for safety, including Regulations for life-saving appliances, fire protection, safety construction, safety radio, collision and distress signals, navigational equipment and pilot ladders and hoists, made under the Act;
 - “tanker” means a cargo ship constructed or adapted for the carriage in bulk of

liquid cargoes of a flammable nature.

3. **APPLICATION.** Subject to regulation 4 these Regulations apply in relation to sea-going Saint Christopher and Nevis ships of less than 500 gross tonnage but above 24m in length, engaged in voyages in the Caribbean Trading Area, except passenger ships, fishing vessels and pleasure crafts.

4. **EXEMPTION.** The Minister may grant exemptions from all or any of the provisions of these Regulations, as may be specified in the exemption for classes of cases or individual cases on such terms, if any, as he may so specify.

5. **SHIPS TO BE SURVEYED WITHIN SIX MONTHS.** Every ship in relation to which these Regulations apply shall be surveyed in accordance with regulation 6 not later than six months after these Regulations come into operation.

6. **SURVEY BEFORE ISSUE OF A CARIBBEAN CARGO SHIP SAFETY CERTIFICATE.** (1) The owner of every ship in relation to which these Regulations apply shall cause the same to be surveyed on completion and thereafter at intervals not exceeding five years by a surveyor.

(2) The survey referred to in sub-regulation (1) shall include the following

- (a) a complete inspection of the structure, machinery and equipment, other than those items surveyed with the lifesaving appliances and installations to ensure that
 - (i) the arrangements, materials, scantlings and workmanship of the structure, boilers and other pressure vessels, their appurtenances, main auxiliary machinery including steering gear and associated control systems, electrical installation and other equipment comply with the requirements of the Code and applicable Safety Regulations;
 - (ii) they are in satisfactory condition; and
 - (iii) they are fit for the service for which the ship is intended and that the required stability information is provided;
- (b) an inspection of the pump rooms, cargo, bunker, ventilation piping systems and associated safety devices in the case of tankers or barges carrying liquid cargoes of flammable nature in bulk;
- (c) an inspection of the outside of the ship's bottom and related items on dry dock, to ensure that they are fit for the service for which the ship is intended;
- (d) a complete inspection of the fire safety system and appliances, life-saving appliances and arrangements except radio installations, the ship borne navigational equipment, means of embarkation for pilots and other equipment to which chapters 2, 3, 4 and 6 of the Code apply to ensure that they comply with the requirements of the Code, and applicable Safety Regulations and are in satisfactory condition and are

fit for the service for which the ship is intended;

- (e) a complete inspection of the fire control plans, nautical publications, lights, shapes, means of making sound signals and distress signals for the purpose of ensuring that they comply with the requirements of the Code and applicable Safety Regulations;
- (f) a complete inspection of the radio installations, including those used in life-saving appliances to ensure that they comply with the requirements of the Code and applicable Safety Regulations.

(3) The results of the survey referred to in subregulation (1) shall be recorded in the ship's Record of Equipment and Ship Information Book, a copy of which shall be kept on board the ship.

(4) Every application for the survey of a ship under this regulation shall be made by or on behalf of the owner of the ship to the Director and shall be accompanied by such information relating to the ship as the Director may require for the purposes of the survey and the prescribed fee.

(5) The nominated surveyor shall, upon receipt of an application, survey the ship and satisfy himself that the ship and its equipment

- (a) comply with the requirements of the Code and Safety Regulations applicable to the ship, or are exempt from those requirements; and
- (b) are in all respects satisfactory for the service for which the ship is intended, having regard to the period for which a certificate in respect of the ship is to be issued.

(6) The nominated surveyor, where satisfied on the survey that he may properly do so, shall forward to the Director a Declaration of Survey containing such particulars of the ship and its equipment as are required by the Director to enable him to issue a Caribbean Cargo Ship Safety Certificate in respect of the ship.

7. ANNUAL SURVEY. (1) The owner of every ship in respect of which a Caribbean Cargo Ship Safety Certificate has been issued shall, subject to the requirements of regulations 6 and 8 and as long as the certificate remains in force, cause the ship to be surveyed at the interval and in the manner specified in sub-regulations (2) and (3), for the purpose of seeing whether the certificate should remain in force, and where the ship is not so surveyed, the Minister may cancel the certificate.

(2) The survey shall be carried out within three months before or after the anniversary date of the Caribbean Cargo Ship Safety Certificate.

(3) Every application for the survey of a ship under this regulation shall be made by or on behalf of the owner of the ship to the Director and shall be accompanied by such information relating to the ship as the Director may require for the purposes of the survey and the prescribed fee.

(4) The nominated surveyor shall, upon receipt of an application, survey the

ship in accordance with the procedures specified in Part I of the Schedule and shall satisfy himself that –

- (a) such parts of the ship and its equipment specified in Part I of the Schedule remain efficient; and
- (b) no material alterations have been made, in the equipment of the ship to which the Caribbean Cargo Ship Safety Certificate relates, without the approval of the Minister.

(5) On completion of the survey in accordance with the requirements of sub-regulation (4), the nominated surveyor shall, where he is so satisfied, endorse the attachment to the Caribbean Cargo Ship Safety Certificate to that effect.

8. PERIODIC SURVEYS. (1) The owner of every ship in respect of which a Caribbean Cargo Ship Safety Certificate has been issued shall, so long as the certificate remains in force, cause the ship to be periodically surveyed at the intervals and in the manner specified in sub-regulations (2) and (3) for the purpose of determining whether the certificate should remain in force, and where the ship is not so surveyed the Minister may cancel the certificate.

(2) The surveys to be carried out under sub-regulation (1) shall be conducted within three months before or after the second anniversary date or within three months before or after the third anniversary date of issue of the Caribbean Cargo Ship Safety Certificate and should take the place of one of the anniversary surveys.

(3) The nominated surveyor shall, upon receipt of an application, survey the ship in accordance with the procedures specified in Part II of the Schedule and shall satisfy himself that

- (a) such parts of the ship and its equipment specified in Part II of the Schedule remain efficient; and
- (b) no material alterations have been made, in the equipment of the ship to which the Caribbean Cargo Ship Safety Certificate relates, without the approval of the Minister.

(4) On completion of the survey in accordance with the requirements of sub-regulation (3), the nominated surveyor shall, where he is so satisfied, endorse the attachment to the Caribbean Cargo Ship Safety Certificate to that effect.

9. SURVEYS BY MARINE SURVEYORS FROM THE DEPARTMENT OF MARITIME AFFAIRS. (1) A survey made pursuant to regulation 6, 7, or 8 in a port in Saint Christopher and Nevis or the waters thereof shall be carried out by a marine surveyor from the Department of Maritime Affairs or a nominated surveyor.

(2) At least one survey pursuant to regulation 6, 7 or 8 in any period of five years shall be carried out by a marine surveyor from the Department of Maritime Affairs.

10. RESPONSIBILITIES OF OWNER AND MASTER. (1) The owner or master of every ship to which these Regulations apply shall ensure that

- (a) the condition of the safety equipment is maintained so as to comply

with the relevant Safety Regulations and the Code;

- (b) after any survey required by these Regulations has been completed, no material change shall be made in the safety equipment subject to such survey without the approval of the Minister;
- (c) whenever an accident occurs to a ship or a defect is discovered either of which affects the safety of the ship or the efficiency or completeness of its safety equipment, it shall be reported at the earliest opportunity to the Minister or a proper officer, either of whom shall cause investigations to be initiated to determine whether a survey by a nominated surveyor is necessary and shall if a survey is needed in that event require such a survey to be carried out; and
- (d) where the ship is in a port outside of Saint Christopher and Nevis the master or owner shall, in addition, make such a report immediately to the appropriate authorities of the country in which the port is situated.

(2) The nominated surveyor shall ascertain from the appropriate authorities of the country in which the port is situated that the report referred to in sub-regulation (1)(d) has been made.

11. PROCEDURES TO BE ADOPTED WHEN SAFETY EQUIPMENT IS DEFICIENT. (1) In any case where the nominated surveyor determines that the condition of the ship does not correspond substantially with the particulars of the Caribbean Cargo Ship Safety Certificate or is such that the ship is not fit to proceed to sea without danger to the ship or persons on board, the nominated surveyor shall advise the owner or master of the corrective action which in his opinion is required, and shall notify the Minister.

(2) Where such corrective action is not taken within such period, being a reasonable period, as the nominated surveyor may specify, the nominated surveyor shall at the end of that time, immediately notify the Minister who may, on receipt of such notification, suspend the validity of the Cargo Ship Safety Certificate issued in relation to the ship.

(3) The Minister shall give notice of any suspension under sub-regulation (2) to the owner and to the nominated surveyor and the nominated surveyor shall notify the master.

(4) The master shall thereupon deliver up the certificate issued in relation to the ship to the nominated surveyor on demand and the owner shall on receipt of notice of suspension deliver up the duplicate certificate to the Minister.

(5) When the nominated surveyor is satisfied that corrective action has been taken he shall notify the Minister who shall thereupon, in any case where the validity of the certificate has been suspended

- (a) restore the validity of the certificate;
- (b) give notice thereof to the owner; and
- (c) return the duplicate certificate to the owner;

and the nominated surveyor shall return the certificate issued in relation to the ship to the master.

(6) Where the ship is not within a Saint Christopher and Nevis port and corrective action in accordance with sub-regulation (3) has not been taken, the nominated surveyor shall in addition immediately notify the appropriate authorities of the country in which the port is situated.

12. **PENALTIES.** Where a ship to which these Regulations apply proceeds or attempts to proceed to sea without the requirements of these Regulations having been complied with, the owner or master of the ship shall each be guilty of an offence and liable to a fine not exceeding level 5 of the standard scale of fines set out in Schedule 5 of the Act or to imprisonment for six months or to both such fine and imprisonment.

13. **POWER TO DETAIN.** In any case where a ship to which these Regulations apply does not comply with the requirements of these Regulations, the ship shall be liable to be detained and section 436 of the Act, which relates to the detention of a ship, shall have effect in relation to the ship.

SCHEDULE

(Regulation 7)

ANNUAL AND PERIODIC SURVEYS

PART 1

ANNUAL SURVEYS

General

1. In general the scope of the annual survey should be as follows:
 - 1.1 it should consist of
 - .1 an examination of the ship's certificates; and
 - 2 a visual examination of sufficient extent together with certain tests of the ship and its equipment to confirm that their condition is being properly maintained;
 - 1.2 it should also include a visual examination to confirm that no unauthorised modifications have been made to the ship and its equipment;
 - 1.3 the thoroughness or stringency of the survey should depend upon the condition of the ship and its equipment;

Further examination and testing

2. Should any doubt arise as to the condition of the ship or its equipment, further examination and testing should be conducted as the surveyor deems necessary.

CONDUCT OF SURVEY*Examination of ship's certificates*

3. The examination of the ship's certificates in general should consist of checking
 - 3.1 the validity of the Caribbean Cargo Ship Safety Certificate, the Cargo Ship Safety Radio Certificate as applicable and Exemption Certificate.
 - 3.2 the validity of the International Load Line Certificate, or the International Load Line Exemption Certificate; and
 - 3.3 an examination, with testing from the local and remote operating locations, of all watertight doors in watertight bulkhead penetrations as far as is practicable;
 - 3.4 an examination of the watertight bulkhead penetrations as far as is practicable;
 - 3.5 confirming, as far as is practicable, that no significant changes have been made to the structural fire protection arrangements; and
 - 3.6 an examination of the fire doors including their operation.
4. The survey of the machinery and electrical installation should consist of
 - 4.1 a general examination of the machinery spaces with particular attention to the propulsion system auxiliary machinery and the provisions against fire and explosion hazards, confirming that the emergency escape routes are free of obstructions;
 - 4.2 an examination of all main and auxiliary steering arrangements including their associated equipment and control systems including their operation;
 - 4.3 testing all means of communication between the navigating bridge and the machinery control positions and between the navigating bridge and the alternative steering position, if applicable;
 - 4.4 an examination of the bilge pumping systems and bilge wells, as far as practicable including the operation of the pumps, remote valve operating devices and level alarms, if fitted;
 - 4.5 an external examination of the boilers and other pressure vessels together with their safety devices, foundations, controls, relieving gear, high pressure and steam escape piping, insulation and gauges;
 - 4.6 a general visual examination and, where feasible, an examination in operation of the electrical machinery, the emergency sources of power, the switchgear and other electrical equipment;
 - 4.7 confirming, as far as practicable, the correct operation of all emergency sources of power including, where applicable, their operation automatically;
 - 4.8 an examination of the record of surveys and inspections for the automatic and remote control systems in ships with periodically unattended machinery spaces;

- 4.9 an examination of the official log book to establish that the steering gear has been tested as required by the Act or Regulations made under the Act.

Survey of the life-saving appliances and other equipment

5. The survey of life-saving appliances and other equipment should consist of
- 5.1 confirmation that any new equipment has been properly approved before installation and that no changes have been made such as would affect the validity of the Certificate;
 - 5.2 an examination of the ship's Official Log Book to establish that the required musters, training, emergency procedures and inspections of lifeboat equipment have been carried out as required by the Act or Regulations made under the Act together with posting of the appropriate Muster List as required by the Act, Regulations made under the Act and the Code;
 - 5.3 an examination of all lifeboats, davits, embarkation arrangements and launching gear in position, as far as practicable, and wherever practicable, one of the lifeboats should be lowered to the water;
 - 5.4 an examination of the lifeboat engines, where permitted by cargo handling conditions, to establish that they will readily start and operate in the ahead and astern mode;
 - 5.5 checking that the inflatable liferafts have been serviced during the past twelve months, provided that in any case where this has not been practicable such interval has not been exceeded by more than three months;
 - 5.6 checking that the stowage will facilitate proper release and that launching instructions are posted;
 - 5.7 an examination of the arrangement of inflatable liferafts and, where provided, the arrangement of davit launched liferafts;
 - 5.8 checking the provision of radio equipment for survival craft;
 - 5.9 checking that lifebuoys are in good condition and that the required number are fitted with self-igniting lights and self-activating smoke signals and that all are properly stationed;
 - 5.10 checking that rigid liferafts are in good condition and that stowage will facilitate rapid launching;
 - 5.11 checking that ship and lifeboat distress signals and the line-throwing appliance rockets are not out of date; and
 - 5.12 testing the emergency lighting and general alarm system.

Survey of the fire appliances

6. The survey of the fire appliances should consist of

- 6.1 ascertaining whether or not any fire has occurred on board necessitating the operation of the fixed fire extinguishing system, or the portable fire extinguishers since the last survey;
- 6.2 confirmation that fire control plans are properly posted;
- 6.3 examination as far as possible and testing, where feasible, of the fire and/or smoke detection system(s);
- 6.4 an examination of the fire main fire system and confirmation that each fire pump including the emergency fire pump can be operated separately so that the two required jets of water can be produced simultaneously from different hydrants;
- 6.5 confirmation that fire hoses, nozzles and applicators are in good working condition and situated at their respective locations;
- 6.6 an examination of fixed fire-fighting system controls, piping, instructions and marking; checking for evidence of proper maintenance and servicing, including date of last system tests;
- 6.7 confirmation that all non-portable and portable fire extinguishers are in their correct position along with checking for evidence of proper maintenance and servicing and conducting random checks for evidence of discharged containers;
- 6.8 confirmation, as far as practicable, that the remote controls for stopping fans and machinery and for shutting off fuel supplies in machinery spaces are in working order;
- 6.9 an examination of the closing arrangements for ventilators, funnel annular spaces, skylights, doorways and tunnel, where applicable;
- 6.10 confirming that the fireman's outfits are complete and in good condition and that the cylinders of any required self-contained breathing apparatus are charged.

Survey of the navigational equipment

7. The survey of the navigational equipment should consist of
 - 7.1 checking that navigation lights, shapes, sound signalling equipment and daylight signalling lamps are in order;
 - 7.2 checking that the compass deviation record book is properly maintained;
 - 7.3 checking that the radar, echo-sounder, gyro-compass and direction finder installation are in working order;
 - 7.4 checking that pilot ladders, associated equipment and mechanical pilot hoists are in good condition and operational; and
 - 7.5 checking that the nautical publications and charts are adequate for the ship's intended trading programme and that they comply with the requirements pursuant to the Act, Regulations made under the Act and the Code.

ADDITIONAL SURVEY REQUIREMENTS FOR TANKERS*Additional survey for tanker*

8. The survey should consist of
 - 8.1 an external examination of the piping of the cargo pump room fixed fire-fighting system; and
 - 8.2 confirming that the deck foam system and deck sprinkler system are in satisfactory operating condition.

Tankers with fitted Inert gas systems

9. For the inert gas systems, when fitted, the survey should consist of
 - 9.1 an external examination of the condition of all piping and components for signs of corrosion or gas leakage/effluent leakage;
 - 9.2 confirming of the proper operation of both inert gas blowers;
 - 9.3 observing the operation of the scrubber room ventilation system;
 - 9.4 checking as far as practicable the deck water seal for automatic filling and draining and checking for presence of water carry-over and checking the condition of the non-return valve;
 - 9.5 checking as far as practicable the operation of all remotely operated or automatically controlled valves and, in particular, the flue gas isolating valve(s);
 - 9.6 testing the interlocking feature of soot blowers;
 - 9.7 observing that the gas pressure regulating valve automatically closes when the inert gas blowers are stopped; and
 - 9.8 checking as far as practicable the following alarms and safety devices of the inert gas system using simulated conditions where necessary;
 - .1 high oxygen content of gas in the inert gas main;
 - .2 low gas pressure in the inert gas main;
 - .3 low pressure in the supply to the deck water seal;
 - .4 high temperature of gas in the inert gas main;
 - .5 low water pressure to the scrubber;
 - .6 accuracy of portable and fixed oxygen measuring equipment by means of calibration gas.
10. On the weather deck the survey should consist of
 - 10.1 an examination of cargo tank openings including joints, covers coamings and screens;
 - 10.2 an examination of the cargo tank pressure/vacuum valves and flame arresting screens;

- 10.3 an examination, as far as is practicable, of the flame arresting screens on all bunker, oily ballast and oily slop tanks and void space vents;
- 10.4 an examination of the cargo, crude oil washing, bunker, ballast and vent piping systems, including vent masts and heaters; and
- 10.5 confirming that all electrical equipment in hazardous zones is in good condition and has been properly maintained

11. For cargo pump rooms the survey should consist of

- 11.1 confirming that potential sources of ignition and fire in or near the cargo pump rooms, e.g loose equipment, excessive product in bilges, excessive vapour, combustible material, are eliminated and that the access ladders are in good condition;
- 11.2 confirming that all electrical equipment is in good condition and has been properly maintained;
- 11.3 an examination of all pump room bulkheads for signs of oil leakage or fractures and, in particular, the penetration seal arrangements;
- 11.4 an examination of the condition of all piping systems
- 11.5 an examination, as far as is practicable, of the cargo, bilge ballast and stripping pumps for excessive gland seal leakage and verification of the proper operation of electrical and mechanical remote operating and shut down devices;
- 11.6 an inspection of the pump room bilge pumping system;
- 11.7 confirming that the pump room ventilation system is operating correctly and that the ducting is intact, the dampers are operational and the screens are clean; and
- 11.8 verifying that the cargo discharge system pressure gauges and the cargo tank contents gauges are operational

PART II

PERIODIC SURVEYS

General

- 1. The periodic survey shall be such as to ensure that the ship and its equipment have been maintained in accordance with the Act, Regulations made under the Act and the Code and are in satisfactory working order.

Compliance with Caribbean Cargo Ship Certificate

- 2. The survey should be sufficiently extensive to ensure that the ship's degree of compliance with the Caribbean Cargo Ship Safety Certificate warrants the continued possession of that certificate and that the ship can continue to be operated with safety.

Survey of the Hull

3. The intermediate survey of the hull, machinery, appliances and equipment should, in any case, include all the relevant items specified in Part I and the following additional items.
- 4.1 The survey should consist of
 - .1 an examination of the shell including the bottom and bow plating, keel, stem, stern frame and rudder;
 - .2 an examination of the sea connections and overboard discharge valves;
 - .3 an examination, as far as is practicable, of the anchoring and mooring equipment, for which purpose the anchors should be partially lowered and raised using the windlass;
 - .4 an examination of at least two cargo tanks internally; and
 - .5 checking the rudder bearing clearances.
- 4.2 For the examination required by paragraph 4.1.4 of this Part, cargo tanks are to be cleaned and the ship made gas-free so that the necessary surveys can be safely conducted, taking into account whether or not the ship is fitted with an inert gas system.

Survey of the machinery and electrical installation

5. The survey of the machinery and electrical installation should consist of
 - 5.1 an examination of the propeller and shaft seals, as far as is practicable, checking the propeller shaft clearances;
 - 5.2 checking that the surveys of boilers and other pressure vessels have been carried out in accordance with the Act, Regulations made under the Act and the Code; and
 - 5.3 a general examination of the electrical equipment and cables in hazardous zones such as cargo pump rooms and areas adjacent to cargo tanks, including checking of the insulation resistance of the circuits, subject to the following conditions:
 - .1 records of insulation resistance tests measured by the crew may be accepted.
 - .2 if the condition of the cables, lights, fixtures or equipment appears defective in any way, insulation resistance measurements shall be required.
 - .3 these measurements should be made only when the ship is gas-free.
 - .4 insulation resistance testing of intrinsically safe circuits should not normally be undertaken

Survey of piping on the weather deck

- 6.1 Where upon examination of the cargo, crude oil washing, bunker, ballast, steam and vent piping there is any doubt as to the condition of the piping it shall be pressure tested, thickness tested, or both;

6.2 Particular attention shall be paid to any repairs which have been made by welding.

Made the 29th day of October, 2008.

EARL ASIM MARTIN
Minister responsible for Maritime Affairs