

St. Kitts & Nevis International Ship Registry

*Flying the flag of the
Federation Worldwide*



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Maritime Circular to Maritime Registrars, Shipowners, Masters, Managers & Operators of St. Kitts & Nevis Ships, Classification Societies, Recognised Organisations, Recognised Security Organisations, Surveyors of Ships & Flag State Inspectors to this Administration, Seafarers & IMO Member States

Maritime Circular No. MC/52/13

DATE: June 2013

SEAFARER DOCUMENTATION **PENALTIES FOR CONTRAVENTION OF TRAINING, CERTIFICATION, SAFE MANNING, HOURS OF WORK AND WATCHKEEPING REGULATIONS**

Reference is made to the **Merchant Shipping (Training, Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations 2012**.

It has become clear that some owners/managers are not complying with their obligations regarding the Certification and other requirements for seafarers working onboard St. Kitts & Nevis ships and the Safe Manning requirements for the ship. Our findings indicate that a small number of ships operate without fully or properly certificated seafarers; i.e. the seafarers are missing either;

- a Certificate of Processing an Endorsement (CPE);
- a Certificate of Endorsement (CoE);
- a Seaman's Record Book (Continuous Discharge Certificate – CDC); and/or
- the ship has a manning level below that of the Minimum Safe Manning Certificate.

This Maritime Circular is to advise all Owners & Managers that when a ship is operating with seafarers who do not have the correct documents/certificates, unless a dispensation has been previously agreed, in accordance with section 46 of the abovementioned regulations the owners/managers may be fined. A ship operating with a manning level below that of the Minimum Safe Manning Certificate may also result in the owner/managers being fined.

If as a result of a seafarer not being properly certificated or the manning level not being according to the Minimum Safe Manning Certificate, a ship is detained by Port State Control, this may result in an additional fine.

Other fines may be levied in accordance with the abovementioned Regulations.

Section 46 and the Schedule of Fines are attached to this Maritime Circular for reference. All legislation can be found on our website www.stkittsnevisregistry.net

Thanking you for your cooperation in this matter.

Yours sincerely,

Nigel E Smith
International Registrar of Shipping & Seamen



AA) EXTRACT FROM THE MERCHANT SHIPPING (TRAINING, CERTIFICATION, SAFE MANNING, HOURS OF WORK AND WATCHKEEPING) REGULATIONS, 2012

Section 46 - Penalties

(1) Any owner who contravenes regulation 24(1) shall be guilty of an offence, and be liable to a fine not exceeding Level 2 on the Standard Scale of Fines as set out under section 452 (4) of the Act.

(2) Any company which contravenes regulation 27(2) or (4), 28(1), (3) or (4), 33(1), (2), (9) or (11) or 41 shall be guilty of an offence and shall be liable to a fine not exceeding Level 2 on the Standard Scale of Fines as set out under section 452 (4) of the Act .

(3) Any master who contravenes regulation 27(6), 28(2), 34(3), 37(1) or (2), 38, 39 or 41 shall be guilty of an offence and shall be liable to a fine not exceeding Level 2 on the Standard Scale of Fines as set out under section 452 (4) of the Act.

(4) Any member of the crew who contravenes regulation 27(6) shall be guilty of an offence and shall be liable to a fine not exceeding Level 1 on the Standard Scale of Fines as set out under section 452 (4) of the Act.

(5) Any chief engineer officer who contravenes regulation 37(3) shall be guilty of an offence shall be liable to a fine not exceeding Level 2 on the Standard Scale of Fines as set out under section 452 (4) of the Act.

(6) Any company which contravenes regulation 31(1) shall be guilty of an offence and shall be liable to a fine not exceeding Level 2 on the Standard Scale of Fines as set out under section 452 (4) of the Act.

(7) Any employer who contravenes regulation 31(1) shall be guilty of an offence and shall be liable to a fine not exceeding Level 2 on the Standard Scale of Fines as set out under section 452 (4) of the Act.

(8) Any master who contravenes regulation 32, 33(10) or (11) shall be guilty of an offence and shall be liable to a fine not exceeding Level 1 on the Standard Scale of Fines as set out under section 452 (4) of the Act.

(9) Any seafarer who contravenes regulation 32 shall be guilty of an offence and shall be liable to a fine not exceeding Level 1 on the Standard Scale of Fines as set out under section 452 (4) of the Act.

(10) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to avoid commission of the offence.

(11) In any proceedings for an offence under these Regulations consisting of a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it shall be for the accused to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

BB) EXTRACT FROM THE MERCHANT SHIPPING ACT

FIFTH SCHEDULE

(Section 452(4))

STANDARD SCALE OF FINES

Level 1 – EC\$ 2,700

Level 2 – EC\$ 5,400

Level 3 – EC\$ 8,100

Level 4 – EC\$10,800

Level 5 – EC\$13,500

Note - USD 1 = EC\$ 2.7