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PART 1 - General

1. Foreword

1.1 For the avoidance of doubt, this Code is the Code of Safety Practice referred to in Article 3(1) of the Shipping (Safety Code – Yachts and Small Ships) (Jersey) Regulations 2013 (the Regulations).

1.2 Compliance with the Regulations does not replace the obligation to comply with other Jersey legislation which may be relevant, such as, *inter alia*:

- Shipping (Jersey) Law 2002
- Shipping (Training, Certification and Manning) (Jersey) Order 2004
- Shipping (Load Line) (Jersey) Regulations 2004
- Shipping (Distress Signals and Prevention of Collisions) (Jersey) Order 2004
- Shipping (Registration) (Jersey) Regulations 2004
- Shipping (Local Small Ships Registration) (Jersey) Regulations 2004
- Shipping (Tonnage) (Jersey) Regulations 2004
- Shipping (Safety of Navigation) (Jersey) Order 2009
- Shipping (Employment of Young People) (Jersey) Order 2007
- Shipping (MARPOL) (Jersey) Regulations 2012

1.3 Maritime Labour Convention 2006 – This came into force on 20 August 2013. If operating a vessel that is ordinarily engaged in commercial activities and in which seafarers are employed or engaged or work in any capacity, then compliance with Part 2 of this Code will indicate as far as possible, compliance with the Convention. If necessary, further advice should be sought.

Employment of seafarers through a Jersey Recruitment and Placing service - To comply with the Convention, this must be in accordance with the Employment Agencies (Registration) (Code of Conduct) (Jersey) Order 1970 as amended on 5 July 2013.

1.4 Compliance with the Code in no way obviates the need for vessels and / or Masters and seafarer to comply with relevant laws when in the territorial waters of another jurisdiction.

2. Definitions

“Administration” means the Minister for Economic Development in Jersey (the Minister) or where delegated to do so, the Registrar acting on his behalf.

“Registrar” means the Registrar of Shipping in Jersey as appointed under article 188 of the Shipping (Jersey) Law 2002.

3. Role of the Administration

- 3.1 The Administration may carry out the examination, survey and certification of vessels itself in addition to delegating those functions to appropriate Recognised Organisations and Certifying Authorities. It retains the enforcement duties of the underpinning Regulations and is responsible for auditing those delegated.
- 3.2 The initial and continuing appointment of a Recognised Organisation or Certifying Authority depends amongst other factors, on the standards maintained, the quality system in use, the control and training of surveyors and the general compliance oversight of Jersey vessels.

4 Interpretation, Application and updating the Code

- 4.1 Interpretation - Where a question of application of the Code or an interpretation of a part of the Code arises, the relevant Recognised Organisation or Certifying Authority may be able to assist the owner or managing agent of the vessel concerned. However, where there is any doubt, clarification must be sought by written application to the Jersey Administration, which may consult with others as deemed appropriate.

References in the UK Codes and legislation to the UK Secretary of State and the Maritime and Coastguard Agency are to be generally read as if these were references to the Minister and the Registrar.

- 4.2 Publication and Updating the Code - The Code and any amendments are published on:
www.gov.je/shipsregistry

- 4.3 Equivalent Standards and Exemptions -

When the Code requires a particular piece of equipment or machinery should be provided or carried in a vessel or that any particular provision should be made, to a specified standard, the Administration may permit another piece of equipment or machinery to be provided or carried, or any other provision to be made, provided that the Administration is satisfied by trials or otherwise that the alternative is at least as effective as that required by the Code. Occasionally the Administration may also grant exemption for a class of ship or a specific ship from compliance with a specified provision of the Code.

Application for an equivalent or exemption will be referred to the Registrar who is authorised to act on behalf of the Administration. Where an equivalent or exemption has already been accepted by the Maritime and Coastguard Agency of the United Kingdom, this will normally be accepted in Jersey.

5 Compliance

- 5.1 Unless exceptionally exempted, a ship to which the Code applies must comply with the technical and operational requirements referred to in PART 2, below.
- 5.2 The ship must not proceed or attempt to proceed to sea when it does not comply with the Code.
- 5.3 A valid certificate issued in accordance with the Regulations by an approved Recognised Organisation or Certifying Authority is evidence of compliance.
- 5.4 Failure to comply is an offence and a person so convicted is liable to imprisonment of up to two years and a fine.

Further Advice - This is obtainable from: Registrar of Shipping, Liberation Place, St Helier, Jersey, JE1 1BB.
Tel: 0044 (0) 1534 448128 or e-mail: shipsregistry@gov.je

PART 2 – TECHNICAL, SEAFARER and OPERATIONAL REQUIREMENTS

A All Ships subject to this Code

Maritime Labour Convention, 2006 (MLC)

Seafarer agreements - Currently only the 2014 Workboat Code makes adequate provision to ensure compliance with the Convention. Until UK MGN 280, the Passenger Yacht Code and the Large Yacht Code are fully modified, surveyors, masters and owners are to follow MLC requirements in the 2014 Workboat Code.

The Passenger Yacht Code, the Large Yacht Code and the 2014 Workboat Code should be followed as appropriate for seafarer accommodation and other MLC matters.

Direction and guidance are available from the UK Marine Guidance Notes MGN 480(M), MGN 490(M), MGN 491(M) and the UK Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 (Statutory Instrument 2014 No. 1613).

Further details on MLC compliance, according to ship type and size, is given below.

B Small Commercial Ships

A ship is a small commercial ship if it is not a pleasure vessel; and

- a. if built before 21 July 1968, has a gross tonnage of less than 150 tons; or
- b. if built on or after that date, is a small ship, (being a ship less than 24 metres in length);

Small Commercial Ships are to meet the technical and operational requirements, including seafarer qualification, certification, and vessel manning, as laid down in the United Kingdom's document MGN 280(M), as from time to time this may be amended or updated - <http://www.dft.gov.uk/mca/mgn280.pdf>

For Workboats and Pilot Boats an updated Code has been published which should be used for all new vessels of this type - <http://www.workboatassociation.org/bluebox/download.cfm?attachment=205DDE>

High Speed Craft – The UK Interim Code for High Speed Offshore Service Craft (HS-OSC) may also be applicable and the standards therein are authorised by the Registrar where appropriate.

URL to follow – www.

MLC - On satisfactory completion of surveys, the Certifying Authority should include on the certificate, one of the following statements:

“This vessel is compliant with the Maritime Labour Convention, 2006, as determined and interpreted by the Jersey Code of Safety Practice” or

“This vessel should not proceed outside Jersey or Guernsey territorial waters or on an international voyage, and shall only operate from a port in the Channel Islands”.

C Large Yachts

A large yacht is a ship which –

- (a) is not a pleasure vessel but is in commercial use for sport or pleasure;
- (b) carries no cargo;
- (c) carries no more than 12 passengers;
- (d) and –
 - (i) if built before 21 July 1968, has a gross tonnage of 150 tons or over; or
 - (ii) if built on or after that date, is 24 metres in length or over (where its length overall is determined in accordance with the Tonnage Regulations);

Large yachts are to meet the technical and operational requirements, including seafarer qualification, certification and vessel manning, as laid down in the Large Yacht Code (LY3) - <https://www.gov.uk/government/collections/ly3-the-large-yacht-code>.

Specific exemptions and variation for existing yachts certified under previous editions are summarised at 3.3.3.4 of that Code.

MLC –

A Maritime Labour Convention Certificate is not required for vessels under 500gt. On request to the Administration, the following will take place:

- a. The owner submits yacht and seafarer details together with:
 1. A DMLC part II
 2. Seafarer Employment Agreement,
 3. On board Complaints Procedure,
 4. Insurance for Repatriation under the SEA,
 5. Long term sickness, injury and death arrangements
- b. A vessel inspection will also take place.

On completion and if warranted, a Statement of Compliance is issued.

D **Passenger Yachts**

A passenger yacht is a ship which –

- (a) is a pleasure vessel or is in commercial use for sport or pleasure;
- (b) carries no cargo;
- (c) carries more than 12 but no more than 36 passengers;

Passenger yachts are to meet the technical and operational requirements, including seafarer qualification, certification and vessel manning, as laid down in the Red Ensign Group document www.redensigngroup.org/media/1918/passenger_yacht_code_pyc_fourth_edition.pdf

MLC –

A Maritime Labour Convention Certificate is not required for vessels under 500gt. On request to the Administration, the process for Large Yachts will be followed as above.