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THE MERCHANT SHIPPING ACT

(Cap. 389)

THE MERCHANT SHIPPING (MARITIME LABOUR)
REGULATIONS, 2024

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THE MERCHANT SHIPPING ACT

(Cap. 389)

IN EXERCISE of the powers conferred by section 450 (1) (f) of the Merchant Shipping Act, 2009, the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs makes the following Regulations —

MERCHANT SHIPPING (MARITIME LABOUR) REGULATIONS,
2024

PART I—PRELIMINARY

1. These Regulations may be cited as the Merchant Shipping (Maritime Labour) Regulations, 2024. Citation.
 2. In these Regulations, unless the context otherwise requires Interpretation.
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- “Act” means the Merchant Shipping Act; Cap. 389.
- “Authority” means the Kenya Maritime Authority established under section 3 of the Kenya Maritime Authority Act; Cap. 370.
- “authorized officer” means a person appointed by the Authority to undertake, on its behalf, any functions under these Regulations;
- “Declaration of Maritime Labour Compliance” means the declaration referred to under regulation 7;
- “gross tonnage” means the tonnage of a ship as may be provided in the law relating to the size and tonnage of ships;
- “maritime labour certificate” means a certificate issued by the Authority to a shipowner under regulation 7;
- “medical practitioner” has the same meaning assigned to it under the Merchant Shipping (Seafarer Medical Examination and Certification) Regulations; L.N 42 of 2016
- “MLC Convention” means the Maritime Labour Convention 2006;
- “recognized organization” means an organization that has been assessed and determined by the Authority to be a recognized organization;
- “crew agreement” means the contract of employment and the articles of agreement for seafarers referred to under regulation 18;
- “recruitment and placement service” means a person, company, institution, agency or other organization in the public or private sector, which is engaged in the recruitment of seafarers on behalf of ship owners or the placement of seafarers with ship owners;
- “young person” means a child who has attained the age of sixteen years but has not attained the age of eighteen years;
- “worst form of child labour” with respect to juveniles, means their employment, engagement or usage in any activity comprising of —

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of the child; and

“written law” has the meaning assigned to it under the Interpretation and General Provisions Act. Cap 2

3. The object of these Regulations is to provide —

Object of the Regulations.

- (a) for the certification of seafarers;
- (b) for the minimum requirements for seafarers to work on board ships;
- (c) a standard for the conditions of service for seafarers, inspection of crew accommodation, recreation facilities and catering;
- (d) a standard for health preventive measures, medical care, welfare and social protection for seafarers;
- (e) the requirements for the relief and repatriation of seafarers; and
- (f) for the handling of complaints and enforcement procedures as prescribed under the Act.

4. These Regulations shall apply to —

Application of the Regulations.

- (a) Kenyan ships wherever they may be;
- (b) seafarers on Kenyan Ships;
- (c) all other ships while in a port or place in, or within the territorial and other waters under the jurisdiction of Kenya; and
- (d) Kenyan seafarers on board foreign ships engaged in international voyage.

PART II—CERTIFICATION

5. (1) A ship owner shall not operate a Kenyan ship of five hundred gross tonnage or more, engaged in international voyages except where that ship has been issued with a valid —

Declaration and certificate.

- (a) declaration of maritime labour compliance; and

(b) maritime labour certificate.

(2) A ship owner who operates a Kenyan ship other than the one provided under sub-regulation (1) may upon request based on national requirements be issued with a valid —

(a) declaration of maritime labour compliance; and

(b) maritime labour certificate.

(3) A Kenyan ship which fails to comply with sub-regulation (1) is subject to detention in accordance with section 435 of the Act.

6. (1) A ship owner shall ensure that the maritime labour certificate and the declaration of maritime labour compliance are posted at a conspicuous place on board the ship.

Carriage of documents.

(2) A copy of the maritime labour certificate and declaration of maritime labour compliance shall be available for inspection, upon request.

(3) A ship owner shall ensure that a copy of the MLC Convention is available and accessible on board the ship.

(4) A person who fails to comply with the requirements of this provision shall subject the ship to detention in accordance with section 435 of the Act.

7. (1) A ship owner shall apply to the Authority, under Part II of the Declaration of Maritime Labour Compliance, for inspection and survey.

Declaration of maritime labour compliance.

(2) The Authority through an authorized officer or recognized organization shall conduct the inspection and survey of the ship and complete Part I of the Declaration of Maritime Labour Compliance.

(3) If the Authority or recognized organization is satisfied with the inspection and survey conducted in sub-regulation (2), the Authority shall issue the shipowner with a maritime labour certificate upon payment of fees prescribed under the Merchant Shipping (Fees) Regulations.

L.N 192 of 2011

(4) The Declaration of Maritime Labour Compliance referred under sub-regulation (1) shall be in the form set out in the First Schedule.

(5) The duly completed Declaration of Maritime Labour Compliance referred to under sub-regulation (2) shall be attached to the maritime labour certificate.

8. (1) For purposes of regulations 5 (1) and 7 (1), survey of ships shall be conducted in the following manner —

Survey and inspections.

(a) an initial survey before the issue of the first maritime labour certificate; and

(b) a renewal survey at five year intervals for the issue of a maritime labour certificate.

(2) The Authority shall conduct intermediate inspection between the second and third years of validity of the maritime labour certificate to ensure that the ship continues to comply with these Regulations.

(3) The Authority shall conduct a survey —

- (a) prior to issuance of an interim maritime labour certificate;
- (b) upon transfer of the ship to another flag State; and
- (c) if substantial changes are made to the ship's accommodation or its recreational facilities for seafarers or its food and catering facilities;

(4) The Authority may conduct regular inspections on ships to verify compliance with these Regulations.

(5) Ships below five hundred gross tonnage shall be inspected and surveyed in accordance with the Merchant Shipping (Small Vessel Safety) Regulations.

L.N 114 of 2012

9. The maritime labour certificate referred to in regulation 6(3) shall be in the form set out in the Second Schedule and shall be valid for a period not exceeding five years.

Form and validity.

10. (1) The Authority, may upon request by a shipowner, issue an interim maritime labour certificate where —

Interim maritime labour certificate.

- (a) a new ship is on a delivery voyage;
- (b) a ship is transferred to the Kenyan register; or
- (c) a person assumes responsibility for the operation of a ship from the ship owner.

(2) The Authority shall issue the interim maritime labour certificate referred to under sub regulation (1) —

- (a) after satisfying itself that the ship complies with these Regulations and that the master is familiar with the requirements and responsibilities for implementation of these Regulations; and
- (b) upon payment of a fee prescribed under the Merchant Shipping (Fees) Regulations.

L.N 192 of 2011

(3) An interim maritime labour certificate shall be in the form set out in the Third Schedule and shall be valid for a non-renewable period not exceeding six months.

11. (1) The Authority may renew a maritime labour certificate —

Renewal of maritime labour certificate.

- (a) on completion of the renewal survey of the ship; and
- (b) if satisfied that the ship complies with these Regulations and any other existing laws.

(2) Notwithstanding sub-regulation (1), where after a renewal survey is completed and prior to the expiry of a maritime labour certificate, a certificate of renewal cannot immediately be issued and made available on board that ship, the Authority, may extend the validity of the existing certificate for a further period not exceeding five

months from the expiry date of the existing certificate, and endorse the certificate accordingly.

12. (1) The Authority may, by notice in writing, suspend, withdraw or cancel a declaration of maritime compliance, maritime labour certificate or interim maritime labour certificate —

Suspension, withdrawal or cancellation of declaration or certificate.

- (a) where the ship owner fails to comply with the requirements of these Regulations, or the required corrective action has not been taken;
- (b) if an intermediate survey has not been completed within the period specified;
- (c) upon transfer of the ship to another flag State;
- (d) if the person who is named on the certificate as the shipowner ceases to have responsibility for the operation of the ship;
- (e) if substantial changes are made to the ship's accommodation or its recreational facilities for seafarers or its food and catering facilities;
- (f) 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.

(2) Where a declaration or a certificate ceases to be valid for the reasons provided in sub regulation (1), the Director General may issue a new certificate if satisfied that the non-compliance has been addressed and remedied.

PART III—MINIMUM REQUIREMENTS FOR SEAFARERS TO WORK ON A SHIP

13. (1) A child under the age of sixteen years shall not be employed in any capacity on a ship.

Minimum age for seafarers.

(2) A young person may be engaged to work on a ship subject to the exceptions provided in section 128 of the Act.

(3) Pursuant to section 177(2) of the Act, a young person shall not—

- (a) work on a ship without express consent of the parents or guardians;
- (b) be exposed to the worst form of child labour;
- (c) perform duties which are likely to be harmful to their health or development;
- (d) perform duties that will prejudice their attendance at school or participation in vocational orientation or training programmes;

- (e) work as a cook on a ship; or
- (f) engage in night work between the hours of 6.30 p.m. and 6.30 a.m.

(4) A ship owner who engages a young person shall keep and maintain a register on-board and onshore containing the following particulars of every young person —

- (a) age and date of birth;
- (b) date of entry and exit of work;
- (c) duties and responsibilities;
- (d) hours of work and rest; and
- (e) contact details.

(5) An authorised officer may require a young person engaged in work to be medically examined at any time during the period of the young person's engagement.

14. The Registrar of Seafarers may, by notice in writing serve upon the ship owner, a notice to terminate or cancel a deed of apprenticeship or indentured learnership, which has been entered into by a young person and the ship owner, on grounds that —

Notice to terminate or cancel a deed of apprenticeship.

- (a) the safety of the young person is endangered; or
- (b) that the nature of work constitutes the worst forms of child labour or contravenes any written laws;
- (c) the ship owner has been convicted of any of the offences in the Third Schedule in the Children Act; or
- (d) the ship owner has been convicted of an offence punishable by at least six months imprisonment.

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15. A person who employs, engages or uses a young person in a manner that contravenes the provisions of this Part, commits an offence as provided under section 177(4) of the Act.

Offence.

16. (1) A shipowner shall not permit a seafarer to work on board a ship unless that seafarer holds a valid medical certificate issued under the Merchant Shipping (Seafarer Medical Examination and Certification) Regulations.

Medical certificate.
L.N 42 of 2016

(2) A seafarer who has been issued a medical certificate shall carry the medical certificate on board a ship during the seafarer's employment.

17. (1) A seafarer shall not be permitted to work on a ship unless the seafarer —

Training and qualifications.

- (a) has successfully completed training for first aid, firefighting, personal survival, personal safety, social responsibility and security awareness;

- (b) has a valid continuous discharge certificate and records book;
- (c) is trained and certified as competent to perform his duties.

(2) The training and certification requirements under sub-regulation (1) shall be in accordance with the Merchant Shipping (Training and Certification) Regulations or any other written applicable law.

L.N 41 of 2016

18. (1) A person either as principal or agent who engages or recruits a Kenyan seafarer for employment on board a Kenyan or foreign ship for sea service shall apply for a licence in the form set out in the Fourth Schedule.

Inspection and monitoring of recruitment and placement services.

(2) A person licensed in accordance with section 118(3) of the Act shall —

- (a) maintain and make available for inspection information and data relevant to recruitment and placement of seafarers;
- (b) ensure that seafarers are informed in writing of seafarers' rights and duties under the employment agreement prior to the seafarer's engagement;
- (c) make proper arrangements for the seafarer to examine his employment agreement prior to its execution by the seafarer;
- (d) provide each seafarer with a copy of the employment agreement;
- (e) provide the Authority with a copy of the seafarer's employment agreement;
- (f) verify that seafarers recruited or placed by that recruitment and placement service are qualified and hold the appropriate qualifications for the position;
- (g) verify that the seafarer's employment agreement is in accordance with the Act and where applicable, any collective bargaining agreement which forms part of the agreement;
- (h) ensure that the shipowner has taken out a financial security and has the means to protect seafarers from being stranded in a foreign port;
- (i) ensure that the shipowner has taken out a medical insurance cover to protect seafarers against illness;
- (j) examine and respond to any complaint concerning the recruited seafarers and advise the Authority of unresolved complaints;
- (k) establish a system of protection of seafarers, by way of insurance or an equivalent appropriate measure;
- (l) comply with any statutory deduction requirements;
- (m) promote the engagement of Kenyan seafarers;

- (n) ensure that the recruitment and placement of seafarers is not for an exploitative purpose as provided under the Counter-Trafficking in Persons Act, Sexual Offences Act, Children Act or any other written law.

Cap 61
Cap 63A
Cap 141

(3) No person shall impose fees or other charges on a seafarer for recruiting, placing or providing employment to a seafarer, except the cost of —

- (a) obtaining a medical certificate;
- (b) a seafarer's discharge book;
- (c) a passport or other travel documents excluding the cost of visa and transport which shall be borne by the shipowner;
- (d) training required for a particular position; or
- (e) statutory deductions.

(4) No recruitment or placement service shall use means and mechanisms intended to prevent or deter any person from gaining employment for which they are qualified.

(5) Where a seafarer is registered with a trade union, the recruitment and placement service shall ensure that the seafarer's employment agreement is subject to a collective bargaining agreement.

(6) Where the shipowner of a Kenyan registered ship employs a seafarer from the seafarer recruitment and placement service in a country or territory in which these Regulations do not apply, the shipowner shall ensure that those services meet the requirements of these Regulations.

(7) Where the recruitment or placement service fails to comply with any of the conditions or requirements under these Regulations or any other laws of Kenya, the Authority shall prohibit the service from carrying on such business either absolutely or for such time as is declared and further subject the person to section 118(4) of the Act.

PART IV—CONDITIONS OF SERVICE

19. (1) Pursuant to sections 119, 122 and 123 of the Act, a shipowner shall enter into crew agreement with a seafarer whom the shipowner employs and engages to work on board a ship.

Crew agreement.

(2) The shipowner and seafarer shall each have a signed original crew agreement.

(3) The shipowner shall ensure that the agreement is accessible for scrutiny by authorized officers.

(4) A seafarer shall examine and seek advice on the agreement prior to signing the agreement.

(5) A shipowner shall ensure that clear information as to the conditions of the agreement can be easily obtained on board the ship by the seafarer.

(6) Where the language of the agreement and any applicable collective bargaining agreement is not in English, the following documents shall be available in English —

- (a) a copy of a standard form of the agreement; and
- (b) an extract of the relevant parts of the collective bargaining agreement that are subject to a port state survey or inspection.

(7) Where a collective bargaining agreement forms all or part of a crew agreement, a copy of that agreement shall be made available on board the ship.

(8) For the purposes of this regulation, the minimum period of notice required to be given by the seafarer and shipowner for the early termination of a crew agreement shall be seven days except for exceptional circumstances, where a seafarer may give a shorter notice period.

(9) The crew agreement shall contain the particulars set out in the Fifth Schedule.

(10) Every shipowner shall ensure that a form of the agreement is displayed on board the ship at a conspicuous place in the accommodation area.

20. (1) Every shipowner shall ensure that a crew list is kept on board a ship as set out in the Sixth Schedule. Crew list.

(2) The crew list referred to in sub-regulation (1) shall include the following particulars —

- (a) name and port or registry and official number of the ship to which the crew list relates;
- (b) name and address of the shipowner;
- (c) the name, address, date and place of birth in respect of each seafarer employed on the ship;
- (d) capacity in which the seafarer is employed on the ship;
- (e) name, address and relationship of the seafarer's next of kin; and
- (f) the seafarers continuous discharge certificate and record book number.

(3) Any person who without reasonable cause makes any changes to the crew list, commits an offence.

(4) The crew list shall be valid for the duration of the voyage in respect of which it relates.

(5) The master shall produce the crew list to authorised officers for inspection and survey.

(6) Where the Registrar of Seafarers requests for a copy of the crew list from the shipowner, the shipowner shall supply a copy of the crew list within forty eight hours of such demand.

(7) Any person who contravenes this regulation commits an offence and is liable on conviction to the penalty set out in section 429 of the Act.

21. (1) A master shall, so far as is reasonably practicable, ensure that the maximum number of hours of work and minimum number of hours of rest shall be observed for seafarers. Hours of work and hours of rest.
- (2) The maximum hours of work in any given period and minimum hours of rest period shall be in accordance with the Merchant Shipping (Safe Manning) Regulations. L.N 40 of 2016
- (3) A young person's —
- (a) hours of work shall not exceed eight hours per day or forty hours per week;
 - (b) rest period shall be for fifteen minutes after every two hours of continuous service; and
 - (c) meal breaks shall be at least one hour.
- (4) A table with the shipboard working arrangements shall be posted in a conspicuous place on board the ship and the table shall contain, for every position at least —
- (a) the schedule of service at sea and service in port; and
 - (b) the minimum hours of rest provided under sub-regulation (2).
- (5) The table of Shipboard Working Arrangements referred to under sub-regulation (4), shall be as set out under Merchant Shipping (Safe Manning) Regulations. No. 40 of 2016
- (6) A shipowner shall —
- (a) maintain a record of a seafarer's daily hours of rest, in the prescribed form; and
 - (b) give the seafarer a copy of the record pertaining to the seafarer's daily hours of rest, endorsed by the master and the seafarer.
- (7) Notwithstanding sub-regulation (4), a master may require a seafarer to exceed the scheduled duty periods, where in the opinion of the master it is necessary for the immediate safety, of the ship, persons on board the ship or cargo or for the purpose of giving assistance to other ships or persons in distress at sea.
- (8) The master may —
- (a) suspend the scheduled hours of work or hours of rest and require the seafarer to perform the necessary hours of work until the normal situation is restored; and
 - (b) ensure that after the normal situation is restored, the seafarer is given adequate period of rest.
- (9) For the purposes of these Regulations "hours of rest" means time outside hours of work and shall not include short breaks of less than one hour.
22. (1) Subject to section 156 of the Act, a seafarer shall be granted annual leave to benefit their health and well-being. Annual Leave.
- (2) Subject to any collective bargaining agreement providing for an appropriate method of calculation that takes account of the special needs of seafarers in this respect, the annual leave with pay entitlement

shall be calculated on the basis of a minimum of 2.5 calendar days per month of employment or in accordance with the Act whichever is applicable.

(3) An agreement to forego the minimum annual leave with pay under this regulation is prohibited.

23. (1) Subject to sections 170, 171, 172 and 173 of the Act, a ship shall have sufficient number of seafarers qualified for the job they are engaged to undertake on board a ship. Manning levels.

(2) A ship shall be manned in accordance with the requirements stipulated under the Merchant Shipping (Safe Manning) Regulations. L.N 40 of 2016

(3) A seafarer may file a complaint concerning the manning levels on a ship in accordance with regulation 48.

PART V—WAGES AND ALLOTMENT NOTES

24. Subject to sections 136, 137, 138 and 139 of the Act, a seafarer shall be paid on a monthly basis in accordance with the crew agreement and any applicable collective bargaining agreement. Wages.

25. (1) Subject to section 145 of the Act, a shipowner at the time of employment shall establish a system for enabling a seafarer, allot a proportion of their wages for remittance at regular intervals to their nominated beneficiaries. Allotment and allotment notes.

(2) An allotment referred to under sub-regulation (1) shall be remitted within a reasonable period and directly to the person nominated by the seafarer.

(3) An allotment shall be in the form of an allotment note as set out in the Seventh Schedule.

(4) An allotment shall not exceed one third of the seafarers' monthly wages.

(5) Any charge for the service under sub-regulation (2) shall be reasonable in amount, and the rate of exchange, unless otherwise provided, shall be at the prevailing market rate or the official published rate and not unfavourable to the seafarer.

PART VI—RELIEF AND REPATRIATION OF SEAFARERS

26. (1) A shipowner shall repatriate a seafarer expeditiously and at no cost to the seafarer under the conditions provided in section 194 of the Act. Repatriation.

(2) The repatriation costs shall include —

- (a) passage by air to the seafarer's destination of choice among the prescribed destinations in the crew agreement;
- (b) accommodation and food from the moment the seafarer leaves the ship until he or she reaches the repatriation destination;
- (c) an allowance from the time the seafarer leaves the ship until he or she reaches the repatriation destination;

- (d) outstanding wages and other entitlements due from the shipowner under the crew agreement, collective bargaining agreement or national laws;
- (e) transportation of thirty kilograms of the seafarer's personal luggage to the repatriation destination; and
- (f) medical treatment when necessary.

(3) A shipowner shall not —

- (a) require a seafarer to make an advance payment towards the cost of repatriation at the beginning of the seafarer's employment; or
- (b) recover the cost of repatriation from the seafarers' wages or other entitlements, except, the seafarer has been found, to be in serious default of the seafarer's employment obligations under the law or collective bargaining agreements.

(4) Where the Government as the last resort, repatriates' seafarers, the Cabinet Secretary shall recover costs associated with the repatriation from the shipowner directly or through the competent administration of the flag state in accordance with section 196(1)(a) of the Act.

(5) A shipowner who contravenes any provision of this regulation commits an offence and is liable upon conviction to the penalty set out in section 429 of the Act.

27. (1) A shipowner who recruits seafarers shall provide the Authority with evidence that financial security has been taken out to ensure that seafarers are repatriated.

Financial security
for repatriation.

(2) The financial security shall be subject to the provisions of the Insurance Act or its equivalent, and shall provide direct access, have sufficient coverage and expedited financial assistance.

Cap 487

(3) A shipowner shall carry on board a certificate or other documentary evidence of financial security issued by the financial security provider.

(4) A copy of the certificate or other documentary evidence referred to sub-regulation (3) shall be posted in a conspicuous place on board the ship so that it is accessible to the seafarers and where more than one financial security provider provides the cover, the document provided by each provider shall be carried on board.

(5) The financial security shall not cease before the end of the period of validity of the financial security unless the financial security provider has given prior notification of at least thirty days to the Authority.

(6) A shipowner shall provide the Authority with evidence of a valid financial security on the following instances —

- (a) during registration or licensing of ships; or
- (b) when engaging seafarers on board a ship.

(7) A shipowner who contravenes this regulation commits an offence and is liable upon conviction to the penalty set out in section 429 of the Act.

28. Subject to section 146(2) of the Act, a shipowner shall compensate the seafarer for injury, loss or unemployment, where a ship is lost or has foundered.

Seafarer compensation for the ship's loss or foundering.

29. (1) Subject to section 167 of the Act, a shipowner shall be liable to bear the costs of a seafarer working on its ship in respect of sickness and injury of the seafarer during the period of employment.

Shipowners liability.

(2) A shipowner who intends to recruit seafarers shall provide the Authority with evidence that seafarers shall be covered in respect of any claim which relates to death or long-term disability due to an occupational injury, illness or hazard in accordance with the Work Injury Benefits Act or its equivalent.

Cap 236

(3) A shipowner shall carry on board a certificate or other documentary evidence of financial security for purposes of this regulation in accordance with the requirements set out in the Eighth Schedule.

(4) The financial security shall be subject to the provisions of the Insurance Act or its equivalent, and shall provide direct access, have sufficient coverage and expedited assistance

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(5) The financial security shall not cease before the end of the period of its validity and where it does, prior notification of at least thirty days shall be given to the Authority by the financial security provider.

(6) The financial security provider shall notify the Authority if a shipowner's financial security is cancelled or terminated within thirty days of such cancellation or termination.

(7) The shipowner shall give prior notification to seafarers when the financial security is to be cancelled or terminated.

(8) Upon request, the shipowner shall provide evidence of payment of all claims covered by it which arose during the period of the validity of the insurance.

(9) A shipowner shall ensure that any compensation due shall be made without delay.

(10) A shipowner shall be liable to defray the expense of medical care, including medical treatment and the supply of the necessary medicines, therapeutic appliances and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character.

(11) A shipowner shall be liable to pay the cost of burial expenses in the case of death occurring on board or ashore during the period of engagement and further take charge of the property of the seafarer upon his death in accordance with sections 160 and 161 of the Act.

(12) A shipowner's liability shall be excluded in the following instances —

- (a) injury occurred other than in the service of the ship;
- (b) injury or sickness due to the wilful misconduct of the sick, injured or deceased seafarer;
- (c) sickness or infirmity intentionally concealed when the engagement is entered into; and
- (d) in the circumstances provided under section 195 of the Act.

PART VII— CREW ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING

30. (1) A shipowner shall provide and maintain safe and decent accommodation and recreational facilities for seafarers working or living on board the ship.

Accommodation and recreational facilities.

(2) The Master shall —

- (a) while in the company of at least one crew member, inspect the crew accommodation at intervals not exceeding seven days;
- (b) cause entry into the ship's official log book —
 - (i) the time and date of the inspection;
 - (ii) the names and ranks of the persons conducting the inspection; and
 - (iii) the particulars of the crew accommodation or any part of it that is not compliant with these Regulations or any other relevant law.

(3) The Master shall make available the ship's official logbook for review by an authorized officer.

(4) For the purposes of these Regulations all ships' accommodation facilities shall be designed and constructed in accordance with the provisions of these Regulations unless otherwise provided under any written law.

(5) A shipowner shall provide recreational facilities, amenities and services, for seafarers and shall —

- (a) have space on open deck to which the seafarers can have access when off duty, having regard to the size of the ship and the number of seafarers on board;
- (b) frequently review the facilities and services to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry;
- (c) furnish recreational facilities which should as a minimum include a bookcase and facilities for reading, writing and where practicable, games; and
- (d) provide separate offices or a common ship's office for use by deck and engine departments.

(6) Where practicable the following facilities shall be provided at no cost to the seafarer, —

- (a) a smoking room;
- (b) television viewing and the reception of radio broadcasts;
- (c) showing of films, the stock of which shall be adequate for the duration of the voyage and, where necessary, changed at reasonable intervals;
- (d) sports equipment including exercise equipment, table games and deck games;
- (e) amenities for swimming;
- (f) a library containing vocational and other books, the stock of which should be adequate for the duration of the voyage and changed at reasonable intervals;
- (g) facilities for recreational handicrafts;
- (h) electronic equipment such as a radio, television, video recorders, digital versatile disk player, personal computer and software and cassette recorder or player;
- (i) bars on board for seafarers unless these are contrary to national, religious or social customs; and
- (j) reasonable access to ship-to-shore telephone communications, and email and internet facilities, where available, with any charges for the use of these services being reasonable in amount

(7) Accommodation, recreational and catering facilities shall meet the requirements set out in regulation 42 on health and safety protection and accident prevention, with respect to preventing the risk of exposure to hazardous levels of noise and vibration and other ambient factors and chemicals on board ships, and to provide an acceptable occupational and on-board living environment for seafarers.

(8) Shipowners regularly trading in mosquito-infested ports shall ensure that preventive measures are taken to prevent infections.

(9) The Authority upon consultation with shipowners and seafarers organizations may permit fairly applied variations or exemptions in respect of the standards and facilities offered on board ships to take account, without discrimination, of the interests of seafarers having differing and distinctive religious and social practices:

Provided that such variations will not result in overall facilities less favourable than those which would result from the application of these Regulations.

(10) A shipowner shall submit for inspection to a surveyor, plans and specifications of any works proposed to be carried out for the purposes of the provision of alteration or any such accommodation.

31. (1) Subject to such special arrangements as may be permitted by the Authority for passenger ships, sleeping rooms and mess rooms shall be lit by natural light and provided with adequate artificial light. Lighting.

(2) A shipowner shall ensure that effective provision is made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of the seafarer's workplace in which persons are working or passing.

(3) All glazed windows and skylights used for the lighting of workrooms shall, so far as practicable be kept clean on both the inner and outer surface and free from obstruction:

Provided that this sub-regulation shall not affect the white-washing or shading of windows and skylights for the purpose of mitigating heat or glare.

32. (1) Shipowners shall ensure that —

Sanitary facilities.

- (a) seafarers 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;
- (b) sanitary facilities are within easy access of the navigating bridge and the machinery space or near the engine room control centre;
- (c) a minimum of one toilet, one washbasin and one tub or shower or both are provided at a convenient location, for every six persons or less who do not have personal facilities;
- (d) with the exception of a passenger ship, each sleeping room contains a washbasin having hot and cold running fresh water, except where such a washbasin is situated in a private bathroom; and
- (e) hot and cold running fresh water is available in all wash places.

(2) The Authority may approve special arrangements or a reduction in the number of facilities required in a passenger ship normally engaged on voyages not exceeding four hours' duration.

33. A shipowner shall provide in appropriate locations, laundry facilities for seafarers which shall include washing machines, drying machines or adequately heated and ventilated drying rooms, irons and iron boards or their equivalent.

Laundry facilities.

34. (1) Where sleeping accommodation on board a ship is required —

Sleeping rooms.

- (a) in a ship other than a passenger ship, an individual sleeping room shall be provided for each seafarer;
- (b) on ships of less than three thousand gross tonnage other than passenger ship and a special purpose ship, sleeping rooms

may be occupied by a maximum of two seafarers, the floor area of such sleeping rooms shall not be less than seven square metres;

- (c) on a passenger ship, sleeping rooms may be occupied by a maximum of four seafarers not carrying out the duties of a ships' officer;
- (d) on a passenger ship where a seafarer performs the duty of a ships' officer, there shall be no more than two persons per sleeping room;
- (e) 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;
- (f) separate sleeping rooms shall be provided for men and for women;
- (g) if practicable, separate sleeping rooms for each seafarer shall be provided;
- (h) sleeping rooms shall be of adequate size, subject to the minimum floor area requirements set put in the Ninth Schedule;
- (i) each sleeping room shall be provided with a table or desk, which may be of the fixed, drop-leaf or slide-out type, with comfortable seating accommodation;
- (j) there shall be adequate headroom in all seafarer accommodation that is reasonable and will not result in discomfort to the seafarers.

(2) In ships other than passenger ships, sleeping rooms shall be situated above the load line amidships or aft, as required under the International Convention for the Safety of Life at Sea, 1978, except that in exceptional cases, where the size, type or intended service of the ship renders any other location impracticable.

(3) Sleeping rooms may be located in the fore part of the ship, but in no case forward of the collision bulkhead.

(4) In passenger ships, and in special purpose ships, the location of sleeping rooms may be below the load line, but in no case shall they be located immediately beneath working alleyways.

(5) There shall be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas; part of a bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and be watertight and gas-tight.

(6) Materials used to construct internal bulkheads, panelling and sheeting, floors and joinings shall be suitable for the purpose and conducive to ensuring a healthy environment.

(7) The shipowner shall provide clean good quality bedding to seafarers during the seafarer's service on board the ship, and the seafarers shall be responsible for the return of the bedding at times specified by the master on completion of service on the ship.

(8) The master, chief engineer and chief officer, and where practicable, the second engineer officer, shall have, in addition to their sleeping rooms, an adjoining sitting room, dayroom or equivalent additional space.

35. (1) Ships of three thousand or more gross tonnage shall have a mess room located apart from the sleeping rooms and as close as practicable to the galley. Mess rooms.

(2) A mess room shall be of adequate size, comfortable and properly furnished and equipped, including facilities for refreshment, taking account of the number of seafarers likely to use them at any one time.

(3) A mess room shall be subject to the minimum floor area requirements set out in the Tenth Schedule.

(4) Mess room facilities may be common or separate.

The Authority shall approve whether mess facilities shall be common or separate depending on the size of the ship and the distinctive cultural, religious and social needs of the seafarers.

(6) Where separate mess room facilities are to be provided to seafarers, separate mess rooms shall be provided for —

- (a) master and officers; and
- (b) ratings and other seafarers.

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

(8) Every mess room shall be equipped with tables and appropriate seats that are fixed or moveable, and sufficient to accommodate the greatest number of seafarers likely to use them at any one time.

(9) Every mess room shall have a fitted stowage locker for use which shall be —

- (a) large enough to contain one person's mess utensils and supply of food;
- (b) fitted with a secure lock or hasp for a padlock;
- (c) clear of the floor by at least 300 millimetres; and
- (d) adequately ventilated.

(10) There shall be available at all times when seafarers are on board —

- (a) a refrigerator, conveniently situated and of sufficient capacity for the number of persons using the mess room;

- (b) facilities for hot beverages; and
- (c) cool water facilities.

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

36. Shipowners shall ensure that —

Ventilation and heating.

- (a) sleeping rooms and mess rooms are adequately ventilated;
- (b) sleeping rooms, mess rooms, radio rooms and centralized machinery control rooms are equipped with air conditioning except where the ship is regularly engaged in trade where temperate climatic conditions do not require this;
- (c) all sanitary spaces have ventilation to the open air, independently of any other part of the accommodation;
- (d) adequate heat through an appropriate heating system is provided, except in ships exclusively on voyages in tropical climates; and
- (e) ventilation for the hospital is independent of other parts of accommodation, where applicable.

37. A ship carrying fifteen or more seafarers and engaged in a voyage exceeding three days' duration shall be provided with separate hospital accommodation with sanitary facilities for medical care and the accommodation shall be easily accessible and conducive to the seafarers to receive prompt and proper medical attention.

Hospital Accommodation.

38. (1) A shipowner shall ensure that —

Food and catering.

- (a) they provide and maintain an adequate supply of clean drinking water at suitable points conveniently accessible to all seafarers;
- (b) a supply of drinking water which is not laid on shall be contained in suitable vessels, and shall be renewed at least daily, and all practicable steps shall be taken to preserve the water and vessels from contamination, and a drinking water supply whether laid on or not shall, in such cases be provided as an occupational safety and health officer or any other officer authorized by the Authority direct;
- (c) there is adequate supply of food having regard to the number of seafarers on board and their religious and cultural practices;
- (d) the food supply lasts the duration of the voyage and the food shall be suitable in respect of quantity, nutritional value, quality and variety;
- (e) the catering department is organized and equipped to provide seafarers with adequate, varied and nutritious meals prepared and served in hygienic conditions;

- (f) catering staff are properly trained and qualified;
 - (g) a seafarer engaged as a cook on board the ship has completed the relevant training course in accordance with the Merchant Shipping (Training and Certification) Regulations. L.N 41 of 2016
- (2) A seafarer on board a ship shall, during the period of engagement, be provided with food free of charge.
- (3) The master shall —
- (a) in the company of a minimum of one member of the crew, inspect the following at intervals not exceeding seven days;
 - (i) supplies of food and drinking water;
 - (ii) spaces and equipment used for the storage and handling of food and drinking water; and
 - (iii) galley and other equipment for the preparation and service of meals;
 - (b) cause to be entered in the ship's official log book —
 - (i) the time and date of the inspection;
 - (ii) the names and ranks of the persons conducting the inspection; and
 - (iii) the particulars of the area inspected that is not compliant with these Regulations or any other relevant law.
- (4) The master shall avail the ship's official logbook for review by an authorised officer.
39. (1) No person shall be issued with a certificate of competency as a ship's cook unless the person has attained the age of eighteen years and has been certified as medically fit in accordance with regulation 15 and — Ship's cook.
- (a) has attained all the following qualifications —
 - (i) completed basic safety and security training in accordance with the Merchant Shipping (Training and Certification) Regulations; L.N 41 of 2016
 - (ii) completed the ship's cook training course from institutions approved by the Authority;
 - (iii) served at sea for not less than one month as a catering staff or a trainee cook performing service relevant for the issue of ship's cook certificate; or
 - (b) holds such qualification and experience which the Director General may recognise as being equivalent to any qualification provided in paragraph (a).
- (2) The ship's cook training course shall include practical cookery, food and personal hygiene, food storage, stock control, environmental protection and catering health and safety and such other areas as may be determined by the Authority in consultation with related agencies.

(3) The Director General may, upon such conditions recognise any valid ship's cook certificate issued by or on behalf of or recognised by a foreign maritime administration, as being equivalent to a ship's cook certificate of competency issued under these Regulations.

(4) The Authority shall publish the institutions approved or recognized for purposes of ship's cook certification.

(5) The ship's cook certificate shall be valid for a period of five years.

(6) For revalidation of a ship's cook certificate the holder shall be required to —

- (a) meet the standards of seafarer medical fitness prescribed under the Merchant Shipping (Seafarers Medical Examination and Certification) Regulations; L.N 42 of 2016
- (b) attain seagoing service performing functions appropriate to the certificate held, for a period of at least nine months in total during the preceding five years;
- (c) perform functions considered by the Authority to be equivalent to the seagoing service required in paragraph (b);
- (d) pass an approved test which may be in the form of written or oral examination, simulator assessment or other appropriate means;
- (e) complete an approved training course or courses relevant to the certificate; or
- (f) complete approved seagoing service.

(7) If the holder of a certificate of proficiency as a ship's cook proves to the satisfaction of the Director General that without fault on their part, they lost or have been deprived of their certificate, the Director General may, upon payment of the prescribed fee, issue —

- (a) a certified copy of the certificate; or
- (b) a certificate equivalent to the lost or deprived certificate.

40. A shipowner who contravenes regulations 30 to 38 commits an offence and shall be liable on conviction to the penalty prescribed under section 412A of the Act, and the ship, if in Kenya, may be detained. Offence.

PART VII—HEALTH PROTECTION, MEDICAL CARE, WELFARE AND SOCIAL PROTECTION

41. (1) A seafarer who is a citizen of Kenya or is ordinarily resident in Kenya and is employed partly in Kenya and partly outside Kenya shall be covered under the social security scheme established under the National Social Security Fund Act or an equivalent scheme. Social security.
Cap. 258.

(2) A shipowner who employs a seafarer who is a citizen of Kenya or is ordinarily resident in Kenya, shall remit on behalf of the seafarer, the seafarer's contributions to the social security scheme referred to under sub-regulation (1).

(3) To give effect to sub regulation (2), the Authority may advise the Government on entering into reciprocal or bilateral agreements to facilitate the application of sub-regulation (1).

(4) A crew agreement or a collective bargaining agreement shall provide details of the agreed social protection arrangements.

42. (1) A shipowner shall provide medical care, including essential dental care and health protective measures for seafarers working on board the ship. Medical care.

(2) A seafarer shall have access to prompt medical care at no cost while working on board the ship.

(3) A shipowner shall permit a seafarer to visit a medical practitioner or dentist in ports of call, where practicable, without delay and at no cost.

(4) The medical report form set out in the Merchant Shipping (Seafarer Medical Examination and Certification) Regulations shall be used by the ships' master and on board and onshore medical personnel. L.N 42 of 2016

(5) The form referred to under sub-regulation (4) and its contents shall be kept confidential and shall only be used to facilitate the treatment of seafarers.

(6) A medicine chest, medical equipment and a medical guide shall be carried and maintained on board a ship and shall be inspected at intervals not exceeding twelve months.

(7) The contents of a medical chest and its adequacy shall be approved by an officer authorized by the Ministry of Health.

(8) A passenger ship ordinarily engaged on international voyages exceeding three days' duration shall have a qualified medical practitioner on board.

(9) Where a medical practitioner is not on board a ship, the shipowner shall ensure that a seafarer who works on board the ship and who has satisfactorily completed training in medical care in accordance with the Merchant Shipping (Training and Certification) Regulations, is L.N 41 of 2016

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- (a) in charge of medical care and administering medicine; or
 - (b) competent to provide medical first aid.

(10) The Authority shall through a prearranged system ensure that medical advice by radio or satellite communication to ships including specialist advice is available free of charge to all ships irrespective of the flag, twenty four hours a day including the onward transmission of medical messages by radio or satellite communication, between a ship and those ashore.

(11) A shipowner shall maintain an up to date contact information of radio or satellite communication of onshore medical advice while on voyage.

43. (1) A shipowner shall provide every seafarer on board a ship with occupational health protection consistent with their right to live, work and train in a safe and hygienic environment.

Health and safety protection and accident prevention.

(2) A shipowner and seafarer shall comply with all on board ship occupational safety and health management policies and programmes.

(3) A shipowner shall take measures to prevent occupational accidents, injuries and diseases on board ship, including measures designed to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals and the risk of injury or disease that may arise from the use of equipment and machinery on board ships.

(4) A shipowner shall involve seafarers' representatives and all other persons concerned in the implementation of occupational health and safety in the continuous improvement of occupational safety and health protection.

(5) A shipowner shall ensure all accidents, incidents and dangerous occurrences are inspected, reported and investigated and adequate measures to correct unsafe conditions are taken in accordance with the provisions of the Occupational Safety and Health Act, the Merchant Shipping (Occupational Safety) Regulations.

Cap. 236A.
L.N 151 of 2015

(6) The Authority in consultation with shipowners and seafarers organization, may take into account changes in technology and research in order to facilitate continuous improvement in occupational safety and health policies and programmes to provide a safe occupational environment for seafarers on board ships.

44. (1) Where the level of sound energy or vibration emitted can result in a hearing impairment, is harmful to health or otherwise dangerous, all practicable measures shall be taken by the shipowner to eliminate or control such sound energy to protect any seafarers who may be exposed to the sound or vibration.

Noise and vibration.

(2) Where any vibration, which is transmitted to the human body through solid structures, is harmful to health or otherwise dangerous, all practicable control, preventive and protective measures shall be taken by the shipowner to secure the safety and health of a seafarer who may be exposed to the vibration.

(3) A seafarer exposed to the above shall be examined as provided in the Merchant Shipping (Seafarers Medical Examination and Certification) Regulations.

L.N 42 of 2016

45. (1) A shipowner shall provide and maintain for the use of a seafarer, effective and suitable protective clothing and appliances, including, where necessary, gloves, footwear, goggles and head coverings to prevent exposure to wet or any injurious or offensive substance.

Protective clothing and appliances.

(2) The Authority shall assess the suitability and effectiveness of protective clothes and appliances provided by a shipowner.

(3) A shipowner shall ensure that adequate measures are taken to protect the safety and health of seafarers and shall at all times comply

Cap. 236A

with the provisions of the Occupational Safety and Health Act, and the Merchant Shipping (Occupational Safety) Regulations. L.N 41 of 2016

PART IX — COMPLAINT HANDLING AND ENFORCEMENT

46. A shipowner shall implement on board a ship, disciplinary procedures in accordance with the principles of natural justice, written laws and where applicable, collective bargaining agreements. Disciplinary procedures.

47. (1) A shipowner shall develop a complaint procedure to guide a seafarer to lodge any complaints relating to any matter that constitutes a breach of the requirements of these Regulations. On-board complaints procedures for Kenyan ships.

(2) The Guidelines on the development of the complaint procedure referred to in sub regulation (1) are as set out in the Eleventh Schedule.

(3) A shipowner shall provide a seafarer with a copy of the complaint procedure which shall be attached to the crew agreement.

(4) A seafarer may report a complaint to a senior officer or the master and, where necessary, to the appropriate external authority.

(5) The complaint procedure referred under sub-regulation (1) shall include —

- (a) the seafarer's right to be accompanied or represented;
- (b) safeguards against victimization of the seafarer on the grounds that the seafarer lodged a complaint, whether through the complaints procedure or to the Registrar of Seafarers;
- (c) contact information for the Registrar of Seafarers in Kenya and, where different, in the seafarers' country of residence, and
- (d) the name of a person on board the ship who may provide seafarers with confidential and impartial advice and assist the seafarer with the complaint procedure.

(6) The procedure for receiving and investigating a complaint shall be confidential.

(7) A seafarer's right to a legal remedy or alternative dispute resolution shall not be prejudiced by the complaint procedure.

48. (1) A seafarer on a ship calling at a port in Kenya who alleges a breach of the requirements of these Regulations, or other relevant laws of Kenya, including seafarers' rights, may report such breach to the Authority. Onshore seafarer complaint-handling procedures.

(2) An authorised officer, investigating a complaint made under sub- regulation (1) shall give the master, the shipowner and any other person involved in the complaint, an opportunity to be heard.

(3) In the event that the complaint has not been resolved at the ship board level, the authorized officer shall notify the —

- (a) flag State, seeking, within a prescribed deadline, advice and a corrective plan of action; and

(b) applicable shipowners' and seafarers' organization.

(4) Any statistics and information regarding complaints that have been resolved shall be regularly submitted by the Authority.

(5) An authorised officer shall ensure that complaints made by seafarers are kept confidential.

(6) Inquiry into the complaint and appeals shall be subject to sections 182 and 183 of the Act.

49. (1) A duly authorised officer may inspect any Kenyan ship and if satisfied that the ship is not in compliance with these Regulations or any other relevant law, he or she may detain the ship until the provisions of the Declaration of Maritime Labour Compliance are complied with.

Inspection and
detention of
Kenyan ships.

(2) A duly authorised officer shall not unreasonably detain or delay the ship.

PART XI—MISCELLANEOUS

50. (1) A ship owner shall ensure that an official logbook is kept on board the ship.

Official logbook.

(2) Entries in the official logbook shall be made by the master or any other authorized person.

51. The Authority may permit variations in respect of the requirements in these Regulations on condition that such variations do not result in facilities being less favourable than those that result from the application of those requirements.

Permitted
variations.

FIRST SCHEDULE

(r. 7(4))



THE REPUBLIC OF KENYA

KENYA MARITIME AUTHORITY

MERCHANT SHIPPING (MARITIME LABOUR) REGULATIONS, 2024

DECLARATION OF MARITIME LABOUR COMPLIANCE

PART I

*(Note: This Declaration shall be attached to the ship's Maritime Labour Certificate)**Issued under the authority of the Government of the Republic of Kenya*

With respect to the provisions of the MARITIME LABOUR CONVENTION, 2006 the following referenced ship:

NAME OF SHIP	IMO NUMBER	GROSS TONNAGE

The undersigned declares, on behalf of the GOVERNMENT OF THE REPUBLIC OF KENYA, that —

- (a) the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
- (c) the details of any substantial equivalencies corresponding to the national requirement listed below; and
- (d) any exemptions granted are clearly indicated in the section provided for this purpose; and any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

1. MINIMUM AGE (regulation 13)

- (1) No person under the age of sixteen years shall be employed, engaged or work on board a ship.

- (2) No person under the age of eighteen years shall be employed or engaged to work on board a ships where the work may jeopardise their health and safety.
- (3) No person under the age of eighteen years shall be employed or engage to work on board a ship as a cook.

(Turn overleaf)

- (4) No person under the age of eighteen years shall engage in night work.
- (5) Night means a period between 6.30 p.m. and 6.30 a.m.
- (6) Persons under the age of eighteen years may engage in night work where it is a part of a recognised training programme.
- (7) Prohibited work for young persons, unless trained and certified for that work includes all the tasks listed in regulation 13(2) and (3) of the Merchant Shipping (Maritime Labour) Regulations, 2024 and hot work, work in enclosed spaces, work aloft and other work as the Authority may specify from time to time.
- (8) Types of work likely to jeopardize the health or safety of young persons' include:
 -
 - (a) entry into boilers, tanks and cofferdams;
 - (b) exposure to harmful noise and vibration levels;
 - (c) operating hoisting and other power machinery and tools, or acting as signallers to operators of such equipment;
 - (d) rigging;
 - (e) work aloft or on deck in heavy weather;
 - (f) night watch duties;
 - (g) servicing of electrical equipment;
 - (h) exposure to potentially harmful materials, or harmful physical agents such as dangerous or toxic substances and ionizing radiations;
 - (i) the cleaning of catering machinery; and
 - (j) the handling or taking charge of ships' boats.

2. *MEDICAL CERTIFICATION (Regulation 16)*

- (1) All seafarers working on board Kenya flagged ships shall hold a valid medical certificate issued in accordance with the provisions of the Merchant Shipping (Seafarer Medical Examination and Certification) Regulations.
- (2) Medical Certificates issued by States that are signatories of the STCW Convention are accepted for the purposes of these Regulations.
- (3) Eyesight certificates for persons over the age of fifty shall be valid for three years.
- (4) Medical certificates shall conform to the Merchant Shipping (Seafarer Medical Examination and Certification) Regulations and any other applicable guidelines published by the International Labour Organization, the International Maritime Organization or the World Health Organization.

- (5) To benefit from the provisions of regulation 16(3), the seafarer shall have on board a copy of the original of the exemption granted to him to work on board without a valid medical certificate by the Authority. The Authority shall not renew exemptions granted under regulation 16(3) upon the expiration of the three months prescribed period.
- (6) Regulation 16(4) applies only where the seafarer's eyesight and medical certificate of the seafarers expires during a voyage.

3. *QUALIFICATION OF SEAFARERS (Regulation 17 and 39)*

- (1) Only persons certificated as competent and qualified in accordance with the Merchant Shipping (Training and Certification) Regulations or other mandatory instruments adopted by the International Maritime Organization shall work, be employed or be engaged on board a ship as a seafarer.
- (2) All officers and ratings engaged to work on Kenyan ships shall receive the training and be duly certificated in accordance with the Merchant Shipping (Training and Certification) Regulations.
- (3) Ship doctors and cooks shall receive approved basic training in Personal Survival Techniques, Fire Prevention and Fighting, Elementary First Aid and Personal Safety and Social Responsibilities and be certificate and shall have received training and instruction appropriate to their role on board before taking up their duties.
- (4) All other persons engaged to work on board ships in any other capacity but the capacities set out in subparagraphs (1) – (3) shall have received in personal safety and shall have received training and instruction appropriate to their role on board before taking up their duties.

4. *CREW AGREEMENTS (Regulation 19)*

- (1) Every seafarer shall have a current employment agreement which is agreed to in accordance with the conditions set out in section 119, 122 and 123 of the Act and regulation 19.
- (2) The employment agreement shall contain all the particulars listed in section 119 (6) of the Act. In lieu of birthplace, the Authority accepts that the Agreement may specify the nationality of a seafarer as equivalence.
- (3) Each seafarer shall receive a statement showing his record of employment on board which may be inserted in the Kenya Continuous and Discharge and Record Book, in an equivalent book issued by another Administration or in the form of a certificate provided that it does not contain any reference to quality of work or wages.
- (4) A seafarer may terminate his employment by giving a seven days' notice to the Master of the ship.
- (5) A seafarer may terminate an agreement without notice—
 - (a) on compassionate grounds;
 - (b) if the ship is detained for more than thirty days in respect of defects arising from Part IX (Safety of Life at Sea) and Part X (Load lines) of the Act; and

- (c) if the ship is arrested for more than thirty days, or is about to sail to a warzone of a piracy high-risk area/zone to which the seafarer does not consent to go.
- (6) A shipowner shall not terminate a seafarers' agreement without giving the seafarer a termination notice of at least seven days except –
 - (a) upon total loss of a ship; or
 - (b) upon sale of a vessel.
- (7) The employment agreement shall be in the English language, and the shipowner shall submit the draft agreement to the Authority for approval prior to execution by the seafarer.
- (8) A duly executed original copy of the employment agreement in respect of every seafarer working on board the ship at the time of the inspection shall be made available on board the ship.
- (9) The period of employment shall be for a period mutually agreed upon by the seafarer and the shipowner but shall not exceed twelve months.

5. *USE OF RECRUITMENT AND PLACEMENT SERVICES (Regulation 18)*

- (1) Crew recruitment and placement services shall only be offered by persons licensed by the Authority to offer the service of a crewing agency in Kenya in accordance with section 118(3) of the Act.
- (2) Shipowners shall only use licenced crewing agencies where they engage the services of a crewing agency in Kenya.
- (3) Shipowners using recruitment and placement services in countries in which the Convention, does not apply shall ensure, as far as practicable, that the service conform to the standards set out in section 118(3) of the Act and regulation 18 and shall provide evidence that they have taken steps to verify that fact.

6. *HOURS OF WORK AND HOURS OF REST (Regulation 21)*

- (1) Hours of rest do not include short breaks of less than one hour.
- (2) Every seafarer shall receive the hours of rest specified in regulation 21 (3) and (4).
- (3) Mandatory drills and training shall be arranged so as to minimise the disturbance to hours of rest.
- (4) Where the hours of rest requirements are breached in cases of emergency or other overriding operational conditions, compensatory rest shall be provided to the seafarer on conclusion of the situation causing the breach of hours of rest.
- (5) A Table of Shipboard Working Arrangements any other format recognizably similar to the forms provided under the Second Schedule of the Merchant Shipping (Minimum Safe Manning) Regulations shall be posted on board the ship.
- (6) Seafarers who are engaged as watchkeeping officers or as ratings forming part of a watch or whose duties involve designated safety, prevention of pollution or security duties may be exempted in part from the requirements of regulation 20 and the Merchant Shipping (Minimum Safe Manning) Regulations.

- (7) Records of Seafarer's Daily Rest Hours which shall be in the format set out in the Merchant Shipping (Minimum Safe Manning) Regulations shall be maintained on board the ship. As an equivalence measure the Authority accepts that the records may be in an electronic format provided that -
 - (a) each seafarer has access, can obtain a printed copy and is able to endorse his record electronically,
 - (b) the Master can also endorse the record electronically; and
 - (c) the electronic records are protected against tampering and available readily to auditors, inspectors and Port State Control officers.

7. *MANNING LEVELS FOR THE SHIPS (Regulation 23)*

- (1) The shipowner shall maintain a minimum safe manning level on board to ensure that the ship can be operated safely in all conditions.
- (2) Manning shall be in accordance with the Ships' Safe Manning Document issued to the ship under the Merchant Shipping (Minimum Safe Manning) Regulations.
- (3) Minimum Safe Manning Documents issued by States that are signatories of the STCW Convention 78, as amended are accepted for the purposes of these Regulations.

8. *REPATRIATION (r. 26)*

- (1) The shipowner shall take out sufficient financial security to cater for the cost of repatriation which shall be carried onboard a ship and meet the conditions set out under regulation 25.
- (2) The financial security shall not cease before the end of the validity period without prior notification being given to the Authority.
- (3) The Shipowner shall repatriate the seafarer at no cost to the seafarer in circumstances provided under section 194 of the Act.
- (4) The repatriation cost shall include airfare, accommodation, food, allowance(s), transportation of thirty kilos of luggage, outstanding wages and medical treatment where necessary.
- (5) A shipowner shall not expect an advance payment from the seafarer towards the cost of repatriation nor recover the cost of repatriation from the seafarer's wages or other entitlements except the circumstance provided under regulation 26 (3) (b).

9. *SHIP OWNERS LIABILITY (regulations 28 and 29)*

- (1) A shipowner shall compensate the seafarer for injury, loss and unemployment subject to section 146(2) of the Act where a ship is lost or foundered.
- (2) A shipowner shall be liable to bear the cost of a seafarer working on their ships in respect of sickness and injury of the seafarers occurring between the date of

commencing duty and the date upon which they are deemed duly repatriated or arising from their employment between those dates.

- (3) A shipowner shall take out sufficient financial security to cater for compensation for injury, loss, unemployment, long term disability which shall be carried onboard a ship and meet the conditions set out under regulation 28.
- (4) A shipowner shall defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character.
- (5) A shipowner shall be liable to pay the cost of burial expenses in the case of death occurring on board or ashore during the period of engagement and further take charge of the property of the seafarer upon his death in accordance with sections 160 and 161 of the Act.
- (6) A shipowner's liability is excluded in circumstances set out in regulation 28(11).
- (7) The financial security shall not cease before the end of the validity period without prior notification being given to the Authority.

9. ACCOMMODATION (regulations 30-37)

- (1) Seafarers' accommodation facilities shall meet the standards set out in in regulations 30, 31, 32, 33,34, 35, 36 and 37.
- (2) Variations may be allowed in the interests of seafarers having differing and distinctive religious and social practices.
- (3) The Master is to ensure that inspections are carried out at no more than seven days' intervals and that the inspections are recorded, the records are kept for at least five years and that any defects are recorded and rectified promptly.
- (4) A ship shall be deemed to be have been constructed on the date when its keel is laid or when it is at a similar stage of construction.

10. ONBOARD RECREATIONAL FACILITIES (regulation 30)

- (1) Recreational facilities shall be provided on board a ship.
- (2) The scale and scope of the facilities is to be determined by the shipowner in accordance with regulation 30;
- (3) Variations may be allowed in the interests of seafarers having differing and distinctive religious and social practices.
- (4) A ship shall be deemed to be have been constructed on the date when its keel is laid or when it is at a similar stage of construction.

11. FOOD AND CATERING (Regulation 38)

- (1) A shipowner shall provide food and drinking water of appropriate quality and nutritional value in appropriate quantity for the number of seafarers and the planned duration of the voyage and at no charge to the seafarers.
- (2) If there are ten or more crew on board a ship, the shipowner shall engage a qualified a duly qualified cook on board the ship. A chef is qualified if he is

eighteen years or more, has attended appropriate training course and holds a cook's certificate or he has at least four years' experience as a second cook and receive appropriate training or he holds approved qualifications in cookery valid in a commercial cooking establishment.

- (3) If the manning level of the ship is less than ten seafarers and there is no cook engaged by the shipowner, the person processing food should be trained and instructed in areas including but not limited to food and personal hygiene and handling and storage of food. This training should be documented and proof of such training kept on board by the Master of the ship.
- (4) If the cook is not temporarily unavailable through exceptional circumstances or has had to leave the ship, the Authority may issue a dispensation for up to no more than one month or until the next port of call provided that the person taking over the role has taken instructions or training in handling food, storage of food, food hygiene and personal hygiene.
- (5) The Master is to ensure that weekly inspections of food and water spaces and equipment for storage and handling of food and water, galleys and equipment are to be carried out. Inspections and other deficiencies identified are to be recorded and deficiencies rectified promptly.
- (6) Records of food inspections required under regulation 37(3) shall be kept on board the ship for at least two years.
- (7) These Regulations shall apply to all food establishments and facilities including food containers.

12. HEALTH AND SAFETY AND ACCIDENT PREVENTION (regulation 43)

- (1) The shipowner shall comply with the Occupational Safety and Health Act, 2007 and the Merchant Shipping (Occupational Safety) Regulations.
- (2) A copy of the Act, the Merchant Shipping (Occupational Safety) Regulations, the Merchant Shipping (Maritime Labour) Regulations, and the Occupational Safety and Health Act, 2007 shall be carried on-board and may be in electronic format provided that all the seafarers have access to the provisions relevant to their roles.
- (3) The shipowner, so far as practicable shall—
 - (a) provide and maintain plant and equipment and systems of work that are safe and without risk to health;
 - (b) make arrangements for ensuring safety and the absence of risk to health in connection with the use, handling, storage and transport of articles and substances;
 - (c) provide the seafarers with information, instruction training and supervision as necessary to ensure health and safety.
- (4) The shipowner shall prepare and keep up to date a written statement of his general policy with respect to health and safety on board the ship and written procedures for implementing that policy.
- (5) The shipowner shall not levy a charge for anything done by a seafarer to ensure compliance with regulation 42.

- (6) All accidents, injuries and diseases occurring on board the ship are to be reported to the Authority in accordance with the Act.
- (7) Where there are five or more seafarers there shall be a Safety Committee including representative from the departments on board. The operation of the Safety Committee shall be as set out in the Code of Safe Working Practices.
- (8) The shipowner shall be required to develop for its ships a safety and health plan.
- (9) The shipowner shall designate a Safety and Health Officer on board to implement the ship's safety and health plan.

13. ONBOARD MEDICAL CARE (regulation 42)

- (1) Every seafarer shall be provided whenever practical and where necessary with an opportunity to visit a doctor or a dentist ashore without delay and at no cost to the seafarer.
- (2) The Master shall use the medical report form contained in the International Medical Guide for Ships, or in the Ship's Captain's Medical Guide or a similar publication to facilitate the medical treatment of seafarers ashore. Medical records of seafarers shall remain confidential as between the master and the seafarer.
- (3) The Standards set out in regulation 42 shall apply.
- (4) A ship carrying one hundred or more persons and ordinarily engaged on international voyages exceeding three days' duration shall have a medical practitioner on board.
- (5) Medical chests shall be inspected and approved for adequacy of content.
- (6) Where a medical practitioner is not on board a ship which is required to have a medical practitioner on board, the shipowner shall ensure that a seafarer who works on board the ship and who has satisfactorily completed training in medical care in accordance with the Merchant Shipping (Training and Certification) Regulations is —
 - (a) in charge of medical care and administering medicine; or
 - (b) competent to provide medical first aid.

14. ONBOARD COMPLAINT PROCEDURES (regulation 47)

- (1) There shall be a formal complaints procedure available to all seafarers on board which is designed to resolve complaints at the lowest possible level but which does not prevent a seafarer from making a complaint directly to the master or to Registrar of Seafarers if he considers it necessary.
- (2) Seafarers making a complaint may be accompanied or represented during the proceedings.
- (3) The complaint system shall include safeguards against victimization.
- (4) A shipowner shall be required to develop a Disciplinary Policy for his ships and the Master shall be required to keep a copy of the Discipline Policy and the implementing Onboard Complaint Procedures on board the ship.
- (5) The complaint system shall ensure at least that complaints are —
 - (a) addressed to the head of department or to a superior officer;
 - (b) dealt within twenty four hours whenever practicable;
 - (c) if not resolved referred to the Master to be dealt with within three days;
 - (d) recorded;
 - (e) if not resolved on board; referred to the shipowner or his representative ashore to be resolved within one month.
- (6) When a collective bargaining agreement exists between the bargaining agent of the seafarers and the shipowner, the parties shall settle their grievances in accordance with the procedure or machinery provided therein.

15. ONSHORE COMPLAINT PROCEDURE (regulation 48)

- (1) A seafarer on-board a ship calling at a port in Kenya, may report a complaint including a breach of seafarers rights to the Authority.
- (2) An authorized officer, investigating the complaint made shall give the master, the shipowner and any other person involved in the complaint, an opportunity to be heard.
- (3) In the event that the complaint has not been resolved at the ship-board level, the authorized officer shall notify the flag State of a complaint, seeking, within a prescribed deadline, advice and a corrective plan of action.
- (4) Where the complaint has not been resolved following action taken a copy of the authorized officer's report shall be transmitted to the International Labour Organization together with any replies received.
- (5) An authorized officer shall ensure that complaints made by seafarers are kept confidential.

40 PAYMENT OF WAGES. (regulations 24-25)

- (1) Payment of wages to be at not greater than one-month intervals and in accordance with the seafarer's employment agreement and any Collective Bargaining Agreement. This shall also be subject to the provisions under the Act.

- (2) Seafarers shall receive a monthly statement of wages specifying wages, additional payments, lawful deductions and rate of exchange (where payment is made in a currency different from that in the seafarer's employment agreement).
- (3) Seafarers shall have means to transmit all or part of their earnings to beneficiaries.
- (4) The rate of exchange for transmission of earnings shall be that published internationally on the day of transmission and charges for transmission shall not exceed the charges levied by the banks making the transactions.
- (5) A shipowner shall establish a system for enabling a seafarer to allot a portion of their wages for remittance at regular intervals to their families by bank transfers or similar means.
- (6) Normal hours for calculating basic pay shall be 8 hours per day and overtime shall not be less than 1.25 times of basic pay rate or wages per hour.

Name:
Title:
Signature:
Place:
Date:

SUBSTANTIAL EQUIVALENCIES

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

The following substantial equivalences, and provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted (insert description if applicable):

No equivalency has been granted.

Name:
Title:
Signature:
Place:
Date:

(Seal or Stamp of the Authority: as appropriate)

EXEMPTIONS

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

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

No exemptions have been granted.

Name:
Title:
Signature:
Place:
Date:

(Seal or Stamp of the Authority: as appropriate)

(Turn overleaf)

PART II

Measures to ensure ongoing compliance between inspections

The following measures have been drawn up by the shipowner, 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 13] The Merchant Shipping (Maritime Labour) Regulations First Schedule, Paragraph 1	
2.	Medical certification. [regulation 14] The Merchant Shipping (Maritime Labour) Regulations First Schedule, Paragraph 2	
3.	Qualifications of seafarers. [regulation 17 and 38] The Merchant Shipping (Maritime Labour) Regulations First Schedule, Paragraph 3	
4.	Crew agreements. [regulation 19] The Merchant Shipping (Maritime Labour) Regulations First Schedule, Paragraph 4	
5.	Use of any licensed private recruitment and placement service. [regulation 18] The Merchant Shipping (Maritime Labour) Regulations First Schedule, Paragraph 5	
6.	Hours of work or rest. [regulation 21] The Merchant Shipping (Maritime Labour) Regulations First Schedule, Paragraph 6	
7.	Manning levels for the ship. [regulation 23] The Merchant Shipping (Maritime Labour) Regulations First Schedule, Paragraph 7	
8.	Accommodation. [regulations 30-37] The Merchant Shipping (Maritime Labour) Regulations First Schedule, Paragraph 8	
9.	On-board recreational facilities. [regulation 30] The Merchant Shipping (Maritime Labour) Regulations First Schedule, Paragraph 9	
10.	Food and catering. [regulation 38] The Merchant Shipping (Maritime Labour) Regulations First Schedule, Paragraph 10	
11.	Health and safety and accident prevention. [regulations 43-45] The Merchant Shipping (Maritime Labour) Regulations First Schedule, Paragraph 11	
12.	On-board medical care. [regulation 42] The Merchant Shipping (Maritime Labour) Regulations First Schedule, Paragraph 12	
13.	On-board complaint procedure [regulation 47] The Merchant Shipping (Maritime Labour) Regulations First Schedule, Paragraph 14	

14.	Payment of wages. [regulation 24-25] The Merchant Shipping (Maritime Labour) Regulations First Schedule, Paragraph 15	.
15.	Financial Security for Repatriation (regulation 26) The Merchant Shipping (Maritime Labour) Regulations	
16.	Financial Security relating to Shipowners' liability (regulations 27- 29) The Merchant Shipping (Maritime Labour) Regulations.	

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

Name of shipowner:

Company address:

Name of authorized signatory:Title:

Signature of authorized signatory:Date:

Official stamp or seal of shipowner

The above measures have been reviewed by the Authority and, following inspection of the ship, have been determined as meeting the purposes set out under regulation 7 of the Merchant Shipping (Maritime Labour) Regulations, 2024, regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Name:

Title:

Address:

Signature:

Place:

Date:

(Stamp of the Authority, as appropriate)

SECOND SCHEDULE

(r. 9)



THE REPUBLIC OF KENYA

KENYA MARITIME AUTHORITY

MERCHANT SHIPPING (MARITIME LABOUR) REGULATIONS, 2024

MARITIME LABOUR CERTIFICATE

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

Issued under the provisions of regulation 7 of the Merchant Shipping (Maritime Labour) Regulations, 2024

The Government of the Republic of

KENYA

Name of ship			
Distinctive number or letters		Port of registry	
Date of registry		Gross tonnage	
IMO number		Type of ship	
Name and address of the ship owner			

This is to certify:

1. That this ship has been inspected and verified to be in compliance with the requirements of the regulations, 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 country's national requirements implementing the Convention. These national requirements are summarized in the Declaration of Maritime Labour Compliance, Part I.

This Certificate is valid until subject to inspections in accordance with regulation 8 of the Merchant Shipping (Maritime Labour) Regulations, 2024.

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

..... onis 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 (Seal or stamp of issuing authority as appropriate)
--

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

This is to certify that the ship was inspected in accordance with the Merchant Shipping Act, 2009 and the Merchant Shipping (Maritime Labour) Regulations, 2024 and that the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the above-mentioned country's national requirements implementing the Convention.

Intermediate inspection: Signed..... (to be completed between the second (Signature of authorized official) and third anniversary dates) Place

..... Date..... (Seal or stamp of the authority, as appropriate)

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 national 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:	Signed..... (Signature of authorized official) Place..... Date..... (Seal or stamp of the authority as appropriate)
Additional inspection:	Signed..... (Signature of authorized official) Place..... Date..... (Seal or stamp of the authority as appropriate)
Additional inspection:	Signed..... (Signature of authorized official) Place..... Date..... (Seal or stamp of the authority as appropriate)

Extension after renewal inspection (if required)

This is to certify that, following a renewal inspection, the ship was found to continue to be in compliance with national laws and regulations or other measures implementing the requirements of the Convention, and that the present certificate is hereby extended, in accordance with regulation 11(2), until

(not more than five months after the expiry date of the existing certificate) to allow for the new certificate to be issued to and made available on board the ship.

Completion date of the renewal inspection on which this extension is based was:

.....

	Signed..... (Signature of authorized official)
	Place.....
	Date.....
	(Seal or stamp of the Authority as appropriate)

THIRD SCHEDULE

(r. 10 (4))



THE REPUBLIC OF KENYA

KENYA MARITIME AUTHORITY

THE MERCHANT SHIPPING (MARITIME LABOUR) REGULATIONS, 2024

FORM OF INTERIM MARITIME LABOUR CERTIFICATE

Issued under regulation 9 of the Merchant Shipping (Maritime Labour) Regulations, 2024

under the authority of

The Government of the Republic of

KENYA

by

KENYA MARITIME AUTHORITY

P.O. BOX 95076- 80104

MOMBASA

Particulars of the ship

Name of ship			
Distinctive number or letters		Port of registry	
Date of registry		Gross tonnage	
IMO number		Type of ship	
Name and address of the ship owner			

This is to certify, for the purposes of regulation 10 of the Merchant Shipping (Maritime Labour) Regulations, 2024, that:

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

This Certificate is valid until.....subject to inspections in accordance with Part II of the Merchant Shipping (Maritime Labour) Regulations, 2024.

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

Signature of the duly authorized official issuing the Certificate
(Seal or stamp of issuing authority as appropriate)

FOURTH SCHEDULE

(r. 18 (1))

Process approval☐ Yes. ☐ No

Signature of Registrar of Seafarers.....

THE MERCHANT SHIPPING ACT, 2009

Part VII

APPLICATION FOR ANNUAL LICENCE FOR SEAFARERS RECRUITMENT AND
PLACEMENT SERVICES*Issued in accordance with the Merchant Shipping Act, 2009 Section 118(3) & (4)*

WARNING TO APPLICANTS:

A false declaration may lead to institution of legal proceedings by the Authority.

Part 1: General particulars

Registered Name.....

Postal Address

Telephone..... Email

Physical location

Date of Establishment Business registration No.

Certificate of Taxpayer Registration

Director's particulars (*attach copy of latest annual returns of company directorship*)

No.	Name	Id/ Passport No.	KRA PIN Certificate No.
1.			
2.			
3.			
4.			
5.			

Part 2: Undertaking

I, the undersigned, authorized to act on behalf of
undertake to:

- (a) not use means, mechanisms or lists intended to prevent or deter seafarers from gaining employment for which they are qualified;
- (b) require no fees or other charges for recruitment or placement of seafarers be borne directly or indirectly, in whole or in part, by the seafarers;
- (c) familiarize seafarers on recruitment policies and procedures, terms and conditions of employment and other relevant information;
- (d) ensure that any seafarer recruited or deployed is qualified and holds the documents necessary for the job concerned;
- (e) ensure that contracts of employment are in accordance with the standard employment contract and other applicable laws, regulations and collective bargaining agreements;
- (f) ensure that seafarers are informed of their rights and duties under their contracts of employment prior to or in the process of engagement;
- (g) ensure that proper arrangements are made for seafarers to examine their contracts of employment and articles of agreement before and after they are signed and for them to receive a copy of the contract of employment;
- (h) ensure that the ship on which seafarer is engaged has a financial security. The system shall provide direct access, sufficient coverage and expedited financial assistance, in accordance with regulation 26 of the Merchant Shipping (Maritime Labour) Regulations 2024;
- (i) ensure that the ship-owner provides evidence of insurance or equivalent from a recognized company to cover seafarers employed on ships with respect to financial consequences of sickness or injury or death occurring while they are serving under a seafarer's employment agreement in line with the requirements of regulation 29 of the Merchant Shipping (Maritime Labour) Regulations, 2024;
- (j) ensure that seafarers are provided with access to social security protection in line with regulation 41 of Merchant Shipping (Maritime Labour) Regulations 2024;
- (k) assume full and complete responsibility for all claims and liabilities which may arise in connection with the use of the license;
- (l) assume joint and separate liability with the ship owner for all claims and liabilities arising from the employment contract between the seafarer and the ship owner;
- (m) guarantee compliance with the applicable maritime labour laws for the time being in force in Kenya, applicable regulations of the flag state of the ship on which a seafarer is to be engaged and maritime labour regulations adopted by the International Maritime Organization and the International Labour Organization;

- (n) assume full and complete responsibility for all acts of its officials, employees and representatives done in connection with recruitment and placement of seafarers on board ships;
- (o) submit copies of the crew agreement to the Authority in respect of every change of crew;
- (p) maintain an up-to-date register of all seafarers recruited or placed through them;
- (q) examine and respond to any complaint concerning their activities and advise the Authority of any unresolved complaint;
- (r) repatriate the deployed seafarers when the need arises;
- (s) maintaining up-to-date lists of the ships for which the seafarer recruitment and placement services provide seafarers and ensuring that there is a means by which the RPS can be contacted in an emergency at all hours;

Name of representative

Designation Date

Signature and stamp

DOCUMENTS SUBMITTED WITH THIS APPLICATION (tick appropriately)

I hereby submit the following documents with this application

Document description	Remarks
1. Certified copy of Certificate of incorporation	
2. Certified copy of Memorandum & Articles of Association	
3. Certified copy of annual return on company directorship	
4. Certified copy of other business registration documents	
5. Certified copy of ID/Passport of directors	
6. Certified copy of KRA Certificate of Taxpayer Registration for the Directors and Company	
7. Certified copy of Tenancy agreement/Title deed	
8. Crew agency agreement or show intention of crew placement and recruitment (for new applicant)	
9. Certified copy of certificate of Tax compliance	
10. Certified copy (s) of insurance certificate for repatriation and personal injury of seafarers	
11. Certified copy of good conduct	
12. Sample of Crew Agreement	
13. Quality management system or procedure for recruiting seafarers	
14. In the case of foreign RPS (approval or license by a member of the MLC, 2006)	
15. Types of ships handled (General cargo, LNG, LPG, Fishing etc.)	

16. Complaint procedures onshore and onboard
17. NSSF and NHIF certificate of compliance
18. Bank deposit slip (upon inspection and approval of the RPS)
19. Registration Certificate from the National Employment Authority
20. A system of protection of seafarers, by way of insurance or equivalent.
21. A copy of a declaration of Maritime Labour compliance
22. A copy of the Maritime Labour certificate

Notes

- (a) Providing false information is an offence punishable by either a prison term or fine or both;
- (b) The Authority may seek to verify physically any pertinent information from the business premises;
- (c) The undertaking shall supplement the seafarers' recruitment and placement services licence and shall be conspicuously be displayed within your business office;
- (d) The Authority may cancel, suspend or revoke a license issued if deems fit to do so.

FOR OFFICIAL USE ONLYRequirements met?ApprovalIssuance ApprovalYes ☐ No ☐Yes ☐ No ☐

.....
*verification
 committee*

.....
Registrar of Seafarers

.....

Fee paid for Application Forms Kshs/USD..... Receipt No.....	Licensing fee Paid Kshs/USD..... Receipt No.....
Certificate.....	Approved by(Name).....
Valid until.....	
Remarks.....	
Designation.....Signature.....Date.....	

FIFTH SCHEDULE

(r. 19 (9))



THE REPUBLIC OF KENYA

KENYA MARITIME AUTHORITY

MERCHANT SHIPPING (MARITIME LABOUR) REGULATIONS, 2024

CREW AGREEMENT

THIS AGREEMENT IS ENTERED INTO BY AND BETWEEN: —

1. Particulars of Seafarer

Name of crew member (as it appears on travel documents): _____

Date of Birth: _____ Place of Birth: _____

Physical Address: _____

Postal Address: _____

NHIF No _____ NSSF No _____

(hereinafter referred to as, “the Seafarer”)

and

2. Particulars of Employer

Name of Agent: _____

Name of Principal/Shipowner: _____

Physical address of Principal/Shipowner: _____

Postal Address _____

For the following Vessel:

Name of Vessel _____ IMO Number _____

Gross Registered Tonnage _____ Year Built _____

Flag _____ Type of Vessel _____ Classification Society _____

Fleet:

(hereinafter referred to as, “the Employer”)

3. Capacity/Position

The capacity in which the seafarer are initially employed is

(insert capacity)

4. Place of work

The seafarer will be employed on

(insert name of Vessel or state any Vessel owned, managed or chartered by the shipowner)

5. Wages

The seafarer's wages will be *(insert amount and currency or formula for determining wages)* per week/month/year.

6. Claim against seafarer's wages for maintenance

Where, during a seafarer's employment in a ship, expenses are incurred by a public officer for the benefit of any of his/her dependants, the public officer may by notice in writing require the persons employing the seafarer to retain for a period specified in the notice such proportion of his/her net wages as may be so specified in accordance with section 148 of the Merchant Shipping Act, 2009.

7. Means of Payment of Wages

The seafarer's wages will be payable by..... *(insert method of payment)* at weekly/monthly intervals on the day of each week/month.

(Overtime hours i.e. hours worked outside of normal working hours shall be paid..... *(insert overtime rate)* with an extra fee of twenty-five percent (25%) of the basic salary per hour. This charge applies also to the overtime hours of the consolidated wage and those exceeding the corresponding to the consolidated wage.)

The employer shall pay not less than one third of each such wages either into a local bank account nominated by you or to a person in Kenya nominated by you.

8. Benefits

Kenyan seafarers and seafarers domiciled in Kenya shall make and maintain the requisite statutory deductions in accordance to the laws of Kenya. They shall be entitled to benefits attached to the deductions.

If there are any additional remuneration or benefits payable to the seafarer and any benefits due to the seafarer by reason of the seafarer working outside Kenya, this shall be clearly enumerated in terms of the type of benefit/remuneration and the figures.

9. Annual Leave

- (1) The seafarer is entitled to take *(insert number)* working days as paid leave in each year of employment.
- (2) If the seafarer's employment commenced or terminates part way through the holiday year, the seafarer's entitlement to paid annual leave will be assessed on a pro rata basis.
- (3) Deductions from final salary due to the seafarer on termination of employment will be made in respect of any paid annual leave taken in excess of the seafarer's entitlement.
- (4) There is no provision for the transfer of paid annual leave from one year to the next. All paid annual leave shall be taken in the year in which it accrues.

- (5) There is no provision for payment to be made in lieu of leave not taken except where paid annual leave has accrued but has not been taken at the date of termination of employment.
- (6) The seafarer shall be allowed shore leave when practicable, upon the consent of the master or his deputy, taking into consideration the operations and safety of the ship.

10. Allotment

- (1) The principal/employer/master/company shall put in place and provide facilities to transmit the all or part of the earnings of seafarers to their family, dependants or legal beneficiaries.
- (2) The principal/employer/master/company shall provide the seafarer with the above stated facilities at no expense to the seafarer.
- (3) The seafarer is entitled to make an allotment which is payable once a month to the designated allottee in Kenya through any authorized Kenyan bank.
- (4) The allotments shall be paid to the designated allottee in Kenyan currency at the prevailing market rate/rate of exchange indicated in the credit advice of the local authorized Kenyan bank.
- (5) This may include the seafarer's pension contributions.

11. Notice of Termination of Employment

(Delete whichever is not applicable)

Definite Period Agreement

The seafarer's employment is for a period commencing on *(insert date)* and ending on *(insert date)* unless it is terminated for justified reasons in advance of this point or the ship is at sea at that point of time in which event it will continue until its arrival in port at which point it will terminate.

Or

Indefinite Agreement

The length of notice which the seafarer is required to give to terminate the seafarers' employment agreement is..... *(insert notice which is to be less than seven days)*, or The length of notice which the seafarer is entitled to receive from the shipowner to terminate the seafarers' employment is *(insert notice period which is to be not less than seven days)*.

Or

Voyage Agreement

The seafarers' employment is for the length of the voyage of [ship] commencing on *(insert date)* from the port of..... *(insert name of port)* until *(insert date)* or the vessel' arrival in the port of *(insert name of port)* at which point it will terminate, unless it is terminated for justified reasons in advance of this point.

12. Commencement

The seafarers' employment agreement between the employer and the seafarer shall commence upon actual departure of the seafarer from the country of residence airport or

seaport. The seafarer shall ensure they have a duly executed approved contract for hire prior to departure.

13. Transport

The employer shall provide free transport by road rail, air, or ship for each seafarer from and to the place of work.

14. Termination of Employment

The employment of the seafarer shall cease when the seafarer completes their period of contractual service aboard the ship, signs-off from the ship and arrives at the point of hire.

15. Minimum Notice Period

- (1) The employer may consider the working relationship as terminated in advance and in definitely, by notifying in writing to the seafarer with a minimum of seven (7) days in advance, paying the salary for the rendered service, proportional vacations, repatriation and indemnification stated by national law. The prior-notice period starts from the first day following the notification of the anticipated termination of the working relationship and whenever the shipowner notifies seven (7) days in advance, the sum corresponding to the prior-notice shall be paid. The last voyage as well as its port of arrival shall be taken into account when meeting and enforcing the prior-notice period given to seafarers.
- (2) The seafarer may consider the working relationship as terminated in advance and indefinitely, by notifying the shipowner in writing seven (7) days in advance.

16. Health and Social Security Benefits

- (1) If the seafarer becomes sick or injured whilst on a voyage, the seafarer will be paid the normal basic wages.
- (2) Where there is incapacity to work due to sickness or injury, the seafarer will be entitled to wages up until the seafarer has been repatriated.
- (3) After the seafarer has been repatriated the seafarer will be paidper cent (*insert number*) of the normal basic wages up to a maximum ofweeks (*insert number* less the amount of any Statutory Sick Pay to which the seafarer may be entitled).
- (4) If the seafarer requires medical care while on-board this will be provided free of charge, including access to necessary medicines, medical equipment and facilities for diagnosis and treatment and medical information and expertise.
- (5) Where practicable and appropriate, the seafarer will be given leave to visit a qualified medical doctor or dentists in ports of call for the purpose of obtaining treatment. Transport to and fro hospital shall be at the expense of the employer.
- (6) In the event of sickness or incapacity, the seafarer will be provided with medical care, including medical treatment and the supply of necessary medicines and therapeutic devices and board and lodging away from home.
- (7) In addition, the employer will meet the cost of the return of the seafarer's property left on board to the seafarer or the seafarer's next of kin.

- (8) In the event of the seafarer's death occurring on board or ashore during a voyage, the employer will meet the cost of burial expenses, or cremation where appropriate or required by local legislation, and will return the seafarer's property left on-board to the seafarer's next of kin.
- (9) The employer shall further report every death, desertion, or serious injury to the Registrar of Seafarer's and shall remit any money due to any deceased seafarer together with any property of each deceased seafarer to the Registrar of Seafarer for payment to the person or persons entitled thereto and sums due and the property belonging to any seafarer who deserts shall be remitted to the Registrar of Seafarer's one month after the date of desertion.

17. Repatriation

- (1) The period of employment shall be for a period mutually agreed upon by the seafarer and the shipowner but shall not exceed twelve months.
- (2) A seafarer shall be entitled to repatriation in the following circumstances:
 - (a) where a seafarer's employment agreement expires while abroad;
 - (b) where a seafarers' employment agreement is terminated:
 - (i) by the shipowner; or
 - (ii) by the seafarer for justified reasons.
 - (c) when the seafarer is no longer able to carry out duties under the employment agreement or cannot be expected to carry them out in the specific circumstances in the event of illness or injury or other medical condition which requires his or her repatriation when found medically fit to travel;
 - (d) upon the expiry of the period of notice given in accordance with the provisions of the agreement or the seafarer's contract of employment;
 - (e) in the event of shipwreck;
 - (f) in the event of the shipowner not being able to continue to fulfil his or her legal or contractual obligations as an employer of the seafarer by reason of bankruptcy, sale of ship, change of ship's registration or any other similar reason;
 - (g) in the event of a ship being bound for a war zone, as defined by applicable laws or regulations or collective agreements, to which the seafarer does not consent to go; and
 - (h) in the event of termination or interruption of employment in accordance with an industrial award or collective agreement, or termination of employment for any other similar reason.
- (3) where repatriation has taken place as a result of a seafarer being found, in accordance with applicable laws or regulations or collective agreements, to be in serious default of his or her employment obligations, the right of recovery from the seafarer of repatriation costs or part thereof in accordance with national laws or regulations or collective agreements shall ensue; and,
- (4) The maximum period of service following which the seafarer will be entitled to repatriation at no cost him/her is months (*insert number of months –less than 12 months*)

18. Compensation and Benefits

The liabilities of the employer when the seafarer suffers work-related injury or illness during the term of his contract are as follows:

- (a) the employer shall continue to pay the seafarer wages during the time the seafarer is on board the ship;
- (b) if the injury or illness requires medical or dental treatment in a foreign port, the employer shall be liable for the full cost of such medical, serious dental, surgical and hospital treatment as well as board and lodging until the seafarer is declared fit to work or to be repatriated. However, if after repatriation, the seafarer still requires medical attention arising from that injury or illness, the employer shall be liable for the cost of the medical expenses until such time as the seafarer is declared fit or the degree of his or her disability has been established by the company-designated physician.
- (c) the seafarer shall also receive sickness allowance from the employer in an amount equivalent to the basic wage computed from the time the seafarer signed off until the seafarer is declared fit to work or the degree of disability has been assessed by the company-designated physician. The period within which the seafarer shall be entitled to sickness allowance shall not exceed one hundred and twenty days. Payment of the sickness allowance shall be made on a regular basis, but not less than once a month.
- d) the seafarer shall be entitled to reimbursement of the cost of medicines prescribed by the company-designated physician. In case treatment of the seafarer is on an out-patient basis as determined by the company-designated physician, the company shall approve the appropriate mode of transportation and accommodation. The reasonable cost of actual traveling expenses and accommodation shall be paid subject to liquidation and submission of official receipts and proof of expenses.

19. Applicable Collective Bargaining Agreement(s) *(Delete If Not Applicable)*

The seafarer's employment will also be subject to the Collective Bargaining Agreement(s) entered into on.....*(insert date(s) between the shipowner and(insert details of the other parties to the collective bargaining agreement(s) contains additional terms and conditions and forms part of this Seafarers' Employment Agreement, as attached.*

20. Hours of Work

The Seafarer's normal hours of work are from *(insert time)* to*(insert time)* from*(insert day of week)* to*(insert day of week)* inclusive.

The Seafarer's hours of work will be arranged such as to ensure that you receive a minimum of ten hours available for rest in each twenty four hour period and a minimum of seventy seven hours' rest in each seven-day period. This minimum period of rest may not be reduced below ten hours except in an emergency.

The Seafarer may be required, at the absolute discretion of the Master, to work additional hours during an emergency affecting the safety of the ship, its passengers, crew or cargo or the marine environment or to give assistance to other ships or persons in peril. The seafarer may also be required to work additional hours for safety drills such as musters,

fire-fighting and lifeboat drills. In such circumstances the seafarer will be provided subsequently with (a) compensatory rest period(s).

21. Financial Security

The employer shall ensure that they secure a financial security for purposes of repatriation for the seafarer and deposit evidence of the same with the Registrar of Seafarer.

22. Complaints and Disciplinary Procedures

(1) Complaints

If the seafarer has a complaint regarding his or her employment, the seafarer should follow the shipowner's complaints procedure a copy of which will be provided to the seafarer on or before execution of this Agreement.

(2) Disciplinary Rules and Procedure

The disciplinary rules applicable to the seafarer are set out in the Merchant Shipping Act.

23. Transfer Clause

The Seafarer agrees to be transferred at any port to any ship owned or operated, manned or managed by the same employer, provided it is accredited to the same manning agent and provided further that the position of the seafarer and the rate of his wages and terms of service are in no way inferior and the total period of employment shall not exceed that originally agreed upon.

Any form of transfer shall be documented and made available when necessary.

24. Applicable Law

Any unresolved dispute, claim or grievance arising out of or in connection with this contract including the annexes thereof, shall be governed by the laws of the Republic of the Kenya, international conventions, treaties and covenants to which the Kenya is a signatory.

25. Certification by Employer and Seafarer

By signing this agreement, the undersigned Seafarer and the undersigned shipowner, each confirm that the Seafarer has —

- (a) been given the opportunity to review and seek advice on the Crew Agreement;
- (b) received an explanation of their rights and responsibilities under the agreement before signing it; and
- (c) has entered into the agreement freely.

Signature of Seafarer

Signature of Shipowner or Shipowner's representative

Place where this Agreement is entered into

Date when this Agreement is entered into

SIXTH SCHEDULE

(r. 20 (1))



THE REPUBLIC OF KENYA

KENYA MARITIME AUTHORITY

MERCHANT SHIPPING (MARITIME LABOUR) REGULATIONS, 2024

CREW LIST

The form and provisions of this agreement are approved by the Director General of the Kenya Maritime Authority under section 448 of the Merchant Shipping Act, 2009. If the form and provisions of this agreement are amended or clauses added without the prior approval of the by the Director General of the Kenya Maritime Authority, it will not be regarded as approved under the said section of the Act.

LIST OF YOUNG PERSONS

Reference No. Crew List	Family name and other names in full	Date of Birth	Place of Birth	Capacity in which employed

SUMMARY OF CONDITIONS OF EMPLOYMENT OF YOUNG PERSONS

1. No person under the age of sixteen years shall be employed or engaged or work on a ship.
2. Where young persons are engaged in a ship, appropriate measures shall be taken to protect them from the risks to their health and safety which are a consequence of their lack of experience, absence of awareness of existing or potential risks, or lack of maturity.
3. Young persons under the age of eighteen years may not begin work, unless –
 - (a) an assessment has been carried out of the risks to their health and safety as a result of their inexperience, absence of awareness of risks, or lack of maturity; and

- (b) the young persons have been informed of the findings of that assessment, and appropriate measures taken for their protection.
- 4. Young persons shall not be employed in work which is objectively beyond their physical or psychological capacity or otherwise involves exposure to the risks, unless that work is—
 - (a) indispensable for their vocational training; and
 - (b) is performed under the supervision of a competent person.
- 5. Young persons shall be provided with -
 - (a) a rest period of twelve hours in every twenty four hour period;
 - (b) a rest period of two days in every week;
- 6. Where daily working time is more than four and a half hours, a rest period of 30 minutes; except where the young person is working –
 - (a) Under a schedule of duties complying with the Merchant Shipping (Safe Manning) Regulations, 2016; or
 - (b) under another relevant agreement.
- 7. Young persons shall be entitled to a free assessment of their health and capacities before starting work in a ship, and to free monitoring of their health, where the risk assessment identifies a significant risk to their health or where they are regularly required to work at night, for as long as they are exposed to that risk.
- 8. Young persons shall not be engaged in any capacity unless the Master is in possession of a medical certificate issued by a duly qualified medical practitioner certifying that person is fit to be employed in that capacity. In cases of urgency a proper officer may authorise a young person to be employed without a certificate up to but not beyond the first port of call where there is a duly qualified medical practitioner.
- 9. Types of work likely to jeopardize the health or safety of young persons include—
 - (a) the lifting, moving or carrying of heavy loads or objects;
 - (b) entry into boilers, tanks and cofferdams;
 - (c) exposure to harmful noise and vibration levels;
 - (d) operating hoisting and other power machinery and tools, or acting as signallers to operators of such equipment;
 - (e) handling mooring or tow lines or anchoring equipment;

- (f) rigging;
 - (g) work aloft or on deck in heavy weather;
 - (h) night watch duties;
 - (i) servicing of electrical equipment;
 - (j) exposure to potentially harmful materials, or harmful physical agents such as dangerous or toxic substances and ionizing radiations;
 - (k) the cleaning of catering machinery; and
 - (l) the handling or taking charge of ships' boats.
- (10) The agreement with the crew shall contain a list of all young persons who are members of the crew with the dates of birth and dates on which they were engaged in the ship.

OFFICIAL ENTRIES ONLY TO BE MADE BELOW HERE

SEVENTH SCHEDULE

(r. 25 (3))



THE REPUBLIC OF KENYA
KENYA MARITIME AUTHORITY
MERCHANT SHIPPING (MARITIME LABOUR) REGULATIONS, 2024
SEAFARER'S ALLOTMENT NOTE

(A separate form shall be used for each allotment)

I,.....(*name and address of seafarer*),
Nationality.....Passport number.....

CDC Number.....employed in.....(*name of ship, its port of registry and official number*) require you.....(*name and address of employer*) to pay to.....(*names and addresses of persons to whom. The allotment is made*) the sum of (*amount of each payment*) on..... (*date of first payment*) and at intervals of.....(*intervals at which payments are to be made*) thereafter untilpayments have been made or (*number of payments**) until the employment agreement under which I am now employed is terminated or until 7 days after I have given notice in writing of revocation of this allotment note to you or to the master of my ship, whichever shall be the earlier.

Signed:
(*Signature of seafarer*)

Date:

*Leave blank if number of payments is NOT to be limited.

Acknowledgement by Employer or Master

I acknowledge receipt of this allotment note.

**My agreement to its issue is not required under the Regulation. **I agree to its issue.

Signed: (*Signature of master or of other person on behalf of the employer of the seafarer*)

Date:

**Delete words which are NOT applicable

EIGHTH SCHEDULE

(r.29 (3))



EVIDENCE OF FINANCIAL SECURITY REQUIRED.

The certificate or other documentary evidence of financial security required for purposes of regulations 27 to 29 of the Merchant Shipping (Maritime Labour) Regulations, 2024, shall include the following information:

- (a) name of the ship;
- (b) port of registry of the ship;
- (c) call sign of the ship;
- (d) IMO number of the ship;
- (e) name and address of the provider or providers of the financial security;
- (f) contact details of the persons or entity responsible for handling seafarers' contractual claims;
- (g) name of the shipowner;
- (h) period of validity of the financial security;
- (i) an attestation from the financial security provider that the financial security meets the requirements of regulations 27 and 29 respectively.

NINTH SCHEDULE.

(r.34 (1)(h))



THE REPUBLIC OF KENYA

KENYA MARITIME AUTHORITY

MERCHANT SHIPPING (MARITIME LABOUR) REGULATIONS, 2024

MINIMUM SLEEPING ROOM FLOOR SPECIFICATIONS

- (1) The minimum inside dimensions of a berth shall be at least 198 by 80 centimetres.
- (2) When sleeping accommodation on board ships is required, the following requirements for sleeping rooms apply: in single berth seafarers' sleeping rooms the floor area should be not less than—
 - (a) 4.5 square metres in ships of less than three thousand gross tonnage;
 - (b) 5.5 square metres in ships of three thousand gross tonnage or over but less than ten thousand gross tonnage;
 - (c) 7 square metres in ships of ten thousand gross tonnage or over.
- (3) However, in order to provide single berth sleeping rooms on ships of less than three thousand gross tonnage, passenger ships and special purpose ships, a reduced floor area may be permitted.
- (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:
 - (a) 7.5 square metres in rooms accommodating two persons;
 - (b) 11.5 square metres in rooms accommodating three persons;
 - (c) 14.5 square metres in rooms accommodating four persons.
- (5) In the case of seafarers performing the duty of petty officers there should be not more than two persons per sleeping room.
- (6) 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 at operational level and senior officers at the management level.
- (7) 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:
 - (a) 7.5 square metres in ships of less than three thousand gross tonnage;

- (b) 8.5 square metres in less of three thousand gross tonnage or over but less than ten thousand gross tonnage;
 - (c) 10 square metres in ships of ten thousand gross tonnage or over.
- (8) 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.
- (9) Furniture for occupants shall include a clothes locker of ample space (minimum seventy five litres) and drawer or equivalent space of not less than fifty six litres; if the drawer is incorporated in the clothes locker then the combined minimum volume of the clothes locker shall be five hundred litres; it shall be fitted with a shelf and be able to locked by the occupant so as to ensure privacy.

TENTH SCHEDULE

(r. 35 (3))



THE REPUBLIC OF KENYA

KENYA MARITIME AUTHORITY

MERCHANT SHIPPING (MARITIME LABOUR) REGULATIONS, 2024

MINIMUM MESS ROOM SPECIFICATIONS

1. Mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley; ships of less than three gross tonnage may be exempted by the Authority from this requirement.
2. There should be available at all times when seafarers are on board:
 - (a) a refrigerator, which should 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 cool water facilities;
 - (c) where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils should be provided.
3. On ships other than passenger ships, the floor area of mess rooms for seafarers should be at least 1.5 square metres per person with a variation to a minimum of 1.0 square metre per person of the planned seating capacity;
4. In all ships, mess rooms should be equipped with tables and appropriate seats, fixed or movable, sufficient to accommodate the greatest number of seafarers likely to use them at any one time. the tops of tables and seats should be of damp-resistant material;
5. Mess room facilities may be either common or separate.
6. Where separate mess room facilities are to be provided to seafarers, then separate mess rooms should be provided for:
 - (a) master and officers; and
 - (b) petty officers and other seafarers.
7. Account should be taken of factors such as the size of the ship and the distinctive cultural, religious and social needs of the seafarers
8. 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.

9. 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.
10. (1) 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—
 - (a) large enough to contain one person's mess utensils and supply of food;
 - (b) fitted with a secure lock or hasp for a padlock;
 - (c) so fitted as to be clear of the floor by at least 300 millimetres; and
 - (d) adequately ventilated.
- (2) Lockers provided pursuant to this paragraph may be fitted together in the mess room or in a suitable place readily accessible from it.

ELEVENTH SCHEDULE

(r. 47 (2))



THE REPUBLIC OF KENYA

KENYA MARITIME AUTHORITY

MERCHANT SHIPPING (MARITIME LABOUR) REGULATIONS, 2024

GUIDELINES FOR ON-BOARD COMPLAINT PROCEDURES FOR KENYAN SHIPS

1. A shipowner shall establish a formal complaints procedure available to all seafarers, on board a ship, designed to resolve complaints at the lowest possible level;
2. The shipowner shall provide proof of a bullying and harassment prevention policy that provides for on-board complaints and how they are dealt with;
3. Seafarers shall be supplied with a copy of the complaints procedure on or before execution of the Seafarer's Employment Agreement;
4. A seafarer may make a complaint directly to the master, supervisor, port state control officer or to Registrar of Seafarers where registered;
5. A seafarer with a complaint may be accompanied or represented during the proceedings following the complaint;
6. The complaint procedure shall safeguard the seafarer and their representatives against victimization;
7. The complaint procedure shall include the country contact information for the Registrar of Seafarers where the seafarer is registered. The contact information for the Registrar of Seafarers of Kenya is:

Director General

Kenya Maritime Authority

P.O. Box 95076 - 80104, White House, Moi Avenue,

Mombasa, Kenya

+254-724319344

info@kma.go.ke;

8. The complaint procedure shall include the name of a person on board a ship who may provide seafarers with confidential and impartial advice and assist the seafarer with the on board complaint procedures;
9. The complaint procedure shall ensure at least that complaints are –
 - (a) addressed to the head of department, superior officer or the master;

- (b) dealt within twenty four hours once made or whenever practicable;
 - (c) proceedings are recorded;
 - (d) if not resolved on board; referred to the shipowner or his representative ashore to be resolved within one month.
10. A seafarer has a right to pursue alternative legal remedies where dissatisfied with the decision of the Master or Shipowner.

Made on the 8th May, 2024.

SALIM MVURYA,
Cabinet Secretary,
Ministry of Mining, Blue Economy and Maritime Affairs.