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LEGAL NOTICE NO. 117

THE MERCHANT SHIPPING ACT
(No. 4 of 2009)

THE MERCHANT SHIPPING (RADIOCOMMUNICATIONS) REGULATIONS 2012
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THE MERCHANT SHIPPING (RADIOCOMMUNICATIONS) REGULATIONS, 2012

IN EXERCISE of the powers conferred by sections 8 and 232 as read with section 450 of the Merchant Shipping Act 2009, the Cabinet Secretary for Transport makes the following Regulations:—

PART I—GENERAL

Citation.

1. These Regulations may be cited as the Merchant Shipping (Radiocommunications) Regulations, 2012.

Interpretation.

2. (1) In these Regulations, unless the context otherwise requires—

"Admiralty List of Radio Signals" means the document so entitled published by the United Kingdom Hydrographer of the Navy and any subsequent List containing the like information which the Hydrographer of the Navy considers relevant from time to time which replaces the Admiralty List of Radio Signals or replaces any subsequent list containing the like information; and any reference to any such List includes a reference to any United Kingdom Admiralty Notice to Mariners amending the same which the Hydrographer of the Navy considers relevant from time to time;

"area A1 ship" means a ship which goes to sea in sea area A1 only and includes Cargo ships of less than 300 GT, pleasure vessels not engaged in trade and fishing vessels;

"area A2 ship" means a ship which goes to sea in sea area A2 only, or in sea areas A1 and A2;

"area A3 ship" means a ship which goes to sea in sea area A3 only, or in sea area A3 and also in sea area A1 or A2 or both those sea areas;

"area A4 ship" means a ship which goes to sea in sea area A4 only, or in sea area A4 and also in one or more of sea areas A1, A2 and A3;

"bridge-to-bridge communications" means safety communications between ships from the position from which the ships are normally navigated;

"cargo ship" in these regulations means any ship that is not-

- (a) a passenger ship;
- (b) a fishing vessel; or
- (c) a pleasure vessel;

"certificated" radio operator" means a person qualified as specified in regulation 19, as a VHF radiotelephone operator, radiotelephone operator, or radio officer;

"conning position" means the place on the bridge with a commanding view of the ship and its position used by navigators when commanding manoeuvring and controlling the ship;

"continuous watch" means a radio watch which is not interrupted other than for brief intervals when the ship's receiving capability is impaired or blocked by its own communications or when the facilities are under periodical maintenance or checks;

"contravene", in relation to a provision of these regulations, includes failing or refusing to comply with that provision;

"COSPAS-SARSAT satellite service" means a satellite aided search and rescue system designed to locate distress beacons transmitting in the 406 MHz band and on other frequencies;

"direct-printing telegraphy" means an automated telegraphy technique which complies with the relevant recommendations in the First Schedule;

"DSC" means Digital Selective Calling being a technique using digital codes which enables a radio station to establish contact with, and transfer information to, another station or group of stations, and complying with the relevant recommendations as specified in the First Schedule;

"DSC watch" means listening for an audible alarm from a ship's DSC equipment on VHF (Channel 70), MF (2187.5 kHz) or HF (8414.5 kHz, and on at least one of the distress and safety DSC frequencies 4207.5 kHz, 6312 kHz, 12577 kHz or 16804.5 kHz;

"dugout canoe" means a boat or canoe made of hollowed tree trunk;

"EPIRB" means an emergency position indicating radiobeacon capable of transmitting a distress alert through the COSPAS/SARSAT polar orbiting satellite service operating in the 406 MHz band or through the INMARSAT geostationary satellites operating in the 1.6 GHz band, the emissions of which are intended to facilitate search and rescue operations;

"fishing vessel" means any of the following classes of vessels used for catching fish or other living resources of the sea or inland waters for financial gain or reward:

(a) Class A-fishing vessels of 45 metres or more in length making voyages outside waters under Kenyan jurisdiction;

(b) Class B-fishing vessels of less than 45 metres in length making voyages outside waters under Kenyan jurisdiction;

(c) Class C-fishing vessels, other than of class D, making voyages exclusively within waters under Kenyan jurisdiction;

(d) Class D fishing vessels making voyages exclusively within waters under Kenyan jurisdiction, not more than 40 nautical miles from shore; and

(e) Class R vessels operating only in inland waters;

"general radiocommunications" means operational and public correspondence traffic, other than distress, urgency and safety messages, conducted by radio;

"GMDSS" means the Global Maritime Distress and Safety System;

"GMDSS general operator's certificate" and "GMDSS restricted operator's certificate" means the certificates respectively so called in the Radio Regulations, issued in accordance with these Regulations, and which, in relation to a Kenyan ship, shall be issued under the authority of the Communications Commission of Kenya;

"GMDSS ship" means a ship to which Part II of these Regulations applies;

"Non-GMDSS ship" means a ship to which parts III, IV and V of these regulations applies;

"HF" means the frequency spectrum between 3000 kHz and 30 MHz;

"inland waters vessel" means a vessel operating in inland waters.

"inland waters" means navigable waters within Kenya other than waters of the Indian Ocean and includes canals, lakes, rivers, water courses, inlets, reservoirs and bays.

"INMARSAT" means the Organisation established by the Convention on the International Maritime Satellite Organisation (INMARSAT) adopted on 3rd September 1976, as amended;

"International NAVTEX service" means the co-ordinated broadcast and automatic reception on 518 kHz of maritime safety information by means of narrow-band direct-printing telegraphy using the English language;

"locating" means the finding of ships, aircraft, units or persons in distress;

"maintenance" means any activity intended to keep a radio installation in efficient working condition, and includes tests, measurements, replacements, adjustments and repairs;

"maritime safety information" means navigational and meteorological warnings, meteorological forecasts and other urgent safety related messages broadcast to ships;

"mobile satellite service" means a radiocommunications service

(a) mobile earth stations and one or more space stations, or between space stations used by this service; or

(b) mobile earth stations by means of one or more space stations;

and this service may also include feeder links necessary for its operation;

"MF" means the frequency spectrum between 300kHz and 3000 kHz;

"non-Convention ship" means-

(a) a passenger ship that is not foreign-going;

(b) a cargo ship of 300 tons or more that is not foreigngoing;

(c) a cargo ship of less than 300 tons;

(d) a fishing vessel;

(e) a pleasure vessel; or

(f) wooden ships of traditional build

"non-GMDSS ship" means any ship other than a GMDSS ship;

"operator" includes master, and any charterer or agent of the ship;

"polar orbiting satellite service" means a service which is based on polar orbiting satellites which receive and relay distress alerts from satellite EPIRBS and which provides their position;

"radar transponder" means a survival craft radar transponder for search and rescue between ships or aircraft and survival craft;

"radio communication" means telecommunication by means of radio waves;

"radio communications service" means a service as defined in the Radio Regulations involving the transmission, emission and/or reception of radio waves for specific telecommunication purposes;

"radio installation" means any radio installation provided on board a ship in compliance with these regulations, including its associated antennas, inter-connecting circuits and, where appropriate, sources of energy;

"radio log" means the diary of the radio communication service required to be kept by regulation 20;

"radiotelephone station" means the place on board a ship where a radiotelephone installation is located;

"Radio Regulations" are accumulation of agreements reached at the World or regional radio conferences of the International and Telecommunication Union as amended.

"Safety Convention" shall have the meaning assigned to it in the Act;

"satellite EPIRB" means an EPIRB which is in the mobile satellite service;

"sea area A1" means an area within the radiotelephone coverage of at least one VHF coast station in which continuous DSC alerting is available;

"sea area A2" means an area, excluding sea area A1, within the radiotelephone coverage of at least one MF coast station in which continuous DSC alerting is available;

"sea area A3" means an area, excluding sea areas A1 and A2, within the coverage of an INMARSAT geostationary satellite in which continuous alerting is available;

"sea area A4" means an area outside sea areas A1, A2 and A3;

"service" means, in relation to a reference to any particular type of radio service, a reference to that service as defined in the Radio Regulations;

"ship earth station" means a mobile earth station in the maritime mobile-satellite service located on board ship;

"ship station" means a mobile station in the maritime mobile-satellite service located on board a vessel which is not permanently moored, other than a survival craft station;

"similar stage of construction" means the stage at which-

(a) construction identifiable with a specific ship begins; and

(b) assembly of that ship commenced comprising at least 50 tons or 1% of the estimated mass of all structural material, whichever is less;

"survival craft" means a vessel that is capable of sustaining the lives of persons in distress after abandoning ship;

"survival craft station" means a mobile station in the maritime mobile-satellite service intended solely for survival purposes and located on any lifeboat, life-raft or other survival equipment.

"VHF" means the frequency spectrum between 30 MHz and 300 MHz;

"VHF coast station" means a radio communication service located on the coast offering services in the very high frequency band (30-300 MHz);

"waters under Kenyan jurisdiction" means waters comprising-

(a) the internal, inland and territorial waters of Kenya; and

(b) the exclusive economic zone.

(2) For the purposes of these regulations, a ship shall be deemed to be making a voyage or to be at sea at any time when it is not securely ashore or moored in a safe berth.

Application.

3. Subject to this regulation, these regulations shall apply to—

(a) ships that are registered or licensed in Kenya wherever they may be; and

(b) other ships while they are in Kenya or its inland waters.

(2) Regulations 4, 5, 6 and Part II apply to Convention ships and class A fishing vessels.

(3) Regulations 4, 5, 6 and Part III apply to non-Convention ships, other than class A fishing vessels.

(4) Parts IV and V apply both to Convention ships and to non-Convention ships.

(5) Notwithstanding paragraph (1)(a), these regulations shall not apply to a ship that is registered or licensed in Kenya while it is in the waters of a country other than Kenya where their provisions are inconsistent with the laws of that country.

(6) Notwithstanding the provisions, of these regulations only Part V shall apply to—

(a) ships of less than 25 tons; or

(b) pleasure vessels of less than 100 tons.

(7) Subject to subregulation (6), regulations 4, 5, 6 and Part VI shall apply to vessels provided in that sub-regulation.

Ships and persons in distress.

4. Nothing in these Regulations shall prohibit any ship, survival craft or person in distress from using any means at their disposal to attract attention, make known their position or obtain help.

Equivalents and exemptions

5. (1) Where these Regulations require that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular provision shall be made, the Director General may permit any other fitting, material, appliance or apparatus or type thereof to be fitted or carried, or any other provision to be made in that ship where he is satisfied by trial thereof or otherwise that such other fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by these Regulations.

(2) The Director-General may exempt any individual ship or class or description of ships from any of the provisions of Parts II and III of these Regulations, on such terms, if any, as he may specify and may, on reasonable notice, alter or cancel any such exemption.

Performance standards.

6. (1) Subject to subregulation (2), radio equipment required by these regulations shall—

(a) in the case of Convention ships, comply with performance standards not inferior to the relevant performance standards adopted by the IMO and specified by the Authority in the First Schedule to these Regulations or in a marine notice as having been so adopted; and

(b) in the case of non-Convention ships, comply with such performance standards as may be specified by the Authority in a marine notice; and

(c) in either case, be of a type approved by the Communications Commission of Kenya.

(2) In respect of a ship entitled to fly the flag of a Convention State, sub-regulation (1) (c) does not apply to equipment of a type approved by or on behalf of the competent maritime authority of that State.

(3) Every approval given pursuant to this regulation-

(a) must be given in writing;

(b) must specify the date on which it takes effect and the conditions (if any) on which it is given; and

(c) may, after reasonable notice, be altered or cancelled.

PART II—GMDSS SHIP REQUIREMENTS

Functional Requirements.

7. Every ship, to which this Part applies, while at sea, shall be required to be capable of—

(a) transmitting ship-to-shore distress alerts by at least two separate and independent means, using different radiocommunication service, other than by the means provided for in regulations 11(1)(a) and 13(1)(d)(iii) Alternative A;

(b) receiving shore-to-ship distress alerts;

(c) transmitting and receiving ship-to-shore distress alerts;

(d) transmitting and receiving search and rescue co-ordinating communication;

(e) transmitting and receiving on-scene communication;

(f) transmitting and receiving signals for locating;

(g) transmitting and receiving maritime safety information;

(h) transmitting and receiving general radio-communications to and from shore-based radio systems or networks;

(i) transmitting and receiving bridge-to-bridge communication.

Installation, location and control of radio equipment.

8. (1) Every radio installation shall—

(a) be so located that no harmful interference of mechanical, electrical or other origin affects its proper use, and so as to ensure electromagnetic compatibility and avoidance of harmful interaction with other equipment and systems;

(b) be so located as to ensure the greatest possible degree of safety and operational availability;

(c) be protected against harmful effects of water, extremes of temperature and other adverse environmental conditions;

(d) be provided with reliable, permanently arranged electrical lighting, independent of the main and emergency sources of electrical power, for the adequate illumination of the radio controls for operating the radio installation; and

(e) be clearly marked with the call sign, the ship station identity and other codes as applicable for the use of the radio installation.

(2) Control of the VHF radiotelephone channels shall be immediately available on the navigating bridge convenient to the position from which the ship is normally navigated and where appropriate, facilities shall be available to permit radio-communications from the wings of the navigating bridge, and portable VHF equipment may be used to meet the latter provision.

(3) Each radio transmitter and receiver fitted in accordance with these Regulations shall be provided with a suitable antenna or antennas, which shall be so constructed and sited as to enable each transmitter and receiver to perform its intended communication function effectively.

Installation of a distress panel.

9. (1) In every passenger ship to which this regulation applies a distress panel shall be installed at the conning position.

(2) A distress panel shall-

(a) contain either-

(i) a single button for all radio communications installations on board: or

(ii) a separate button for each radio communication installation on board which, when pressed, initiates a distress alert using all radio communication installations required on board for that purpose.

(b) clearly and visually indicate whenever any such button or buttons referred to in paragraph (a) have been pressed; and

(c) provide visual and aural indication of any distress alert or alerts received on board and indicate through which radio communication service the distress alert or alerts have been received.

(3) Means shall be provided to prevent inadvertent activation of the button or buttons on the distress panel.

(4) Where the satellite EPIRB required by regulation 10(1)(f) is used as the secondary means of initiating a distress alert pursuant to these Regulations and is not capable of being remotely activated, an additional EPIRB shall be installed in the wheelhouse near the conning position.

(5) Information on the ship's position shall be continuously and automatically provided to all relevant radio-communication equipment included in the initial distress alert when the button or buttons on the distress panel is pressed.

Radio equipment to be provided for all sea areas.

10. (1) Every ship shall be provided with—

(a) a VHF radio installation capable of transmitting and receiving—

(i) DSC on the frequency 156.525 MHz (Channel 70) and means shall be provided to initiate the transmission of distress alerts on Channel 70 from the position from which the ship is normally navigated; and

(ii) radiotelephony on the frequencies 156.300 MHz (Channel 6), 156.650 MHz (Channel 13) and 156.800 MHz (Channel 16);

(b) VHF radio installation capable of maintaining a continuous DSC watch on Channel 70 referred to above which may be separate from, or combined with, that required by subparagraph (a)(i) of this subregulation;

(c) a radar transponder capable of operating in the 9 GHz band, which—

(i) shall be stowed in such a manner that it can be easily utilised; and

(ii) may be one of those required for a survival craft in accordance with the prescribed regulations;

(d) where the ship is at sea in any area in which an international NAVTEX service is provided, a receiver capable of receiving international NAVTEX service broadcasts;

(e) where the ship is at sea in any area of INMARSAT coverage but in which an international NAVTEX service is not provided, a radio facility for reception of maritime safety information by the INMARSAT enhanced group calling system;

(f) subject to the provisions of regulation 12(3) a satellite EPIRB complying with the requirements of the Second Schedule.

(2) Every passenger ship to which this subregulation applies shall be provided with means for two-way on-scene radio communication for search and rescue purposes capable of operating solely on the aeronautical frequencies 121.5 MHz and 123.1MHz from the position from which the ship is normally navigated.

Additional radio equipment to be provided for area A1 ships.

11. (1) In addition to meeting the requirements of regulation 10, every A1 area ship shall be provided with a radio installation capable of initiating the transmission of ship-to-shore distress alerts by operation from the position from which the ship is normally navigated, operating either-

(a) on VHF using DSC which requirement may be fulfilled by the VHF EPIRB required by subregulation(3) where it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated;

(b) through the polar orbiting-satellite service on 496MHz, which requirement may be fulfilled by the satellite EPIRB, required by regulation 10(1)(f) when it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated;

(c) where the ship is at sea within coverage of MF coast stations equipped with DSC, on MF using DSC;

(d) on HF using DSC; or

(e) through the INMARSAT geostationary satellite service; this service may be fulfilled by-

(i) an INMARSAT ship earth station; or

(ii) the satellite EPIRB, required by regulation 10(1)(f) where it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated.

(3) The VHF radio installation, required by regulation 10(1)(a) shall also be capable of transmitting and receiving general radio-communications using radiotelephony.

(4) Area A1 ships may, in lieu of being provided with the satellite EPIRB required by regulation 10(1)(f), be provided with an EPIRB which is-

(a) capable of transmitting a distress alert using DSC on VHF channel 70 and providing for locating by means of a radar transponder operating in the 9 GHz band;

(b) installed in an easily accessible position;

(c) ready to be manually released and capable of being carried by one person into a survival craft;

(d) capable of floating free if the ship sinks;

(e) capable of being activated manually; and

(f) automatically activated when afloat.

Additional radio equipment to be provided for area A2 ships.

12. (1) In addition to meeting the requirements of regulation 10, every area A2 ship shall be provided with-

(a) an MF radio installation capable of transmitting and receiving, for distress and safety purposes, on the frequencies—

(i) 2,187.5 kHz using DSC; and

(ii) 2,182 kHz using radiotelephony;

(b) radio installation capable of maintaining a continuous DSC watch on the frequency 2,187.5 kHz; such installation may be separate from, or combined with, that required by subparagraph (a) (i); and

(a) the equipment specified in subregulation (3)(b) ;or

(b) the satellite EPIRB, where it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated;

(2) Means shall be provided to initiate transmission of distress alerts by the radio installations specified in subregulations (1)(a) and (1)(c) from the position from which the ship is normally navigated.

(3) The ship shall, in addition, be capable of transmitting and receiving general radio-communication using radiotelephony or direct-printing telegraphy by either –

(a) a radio installation operating on working frequencies in the bands between 1,605 kHz and 4,000 kHz or between 4,000 kHz and 27,500 kHz, which requirement may be fulfilled by the addition of this capability to the equipment required by subregulation(1)(a): or an INMARSAT ship earth station.

Additional radio equipment to be provided for area A3 ships.

13. (1) In addition to meeting the requirements of regulation 10, every area A3 ship shall be provided with either of the following equipment—

ALTERNATIVE A

(a) an MF radio installation capable of transmitting and receiving, for distress and safety purposes, on the frequencies –

(i) 2,187.5 kHz using DSC; and

- (ii) 2,182 kHz using radiotelephony;
- (b) an INMARSAT ship earth station capable of—
 - (i) transmitting and receiving distress and safety communications using direct printing telegraphy;
 - (ii) initiating and receiving distress priority calls;
 - (iii) maintaining watch for shore-to-ship distress alerts, including those directed to specifically defined geographical areas;
 - (iv) transmitting and receiving general radiocommunications, using either radiotelephony or direct-printing telegraphy;
- (c) a radio installation capable of maintaining a continuous DSC watch on the frequency 2,187.5 kHz which may be separate from or combined with that required by subregulation(b)(i); and
- (d) means of initiating the transmission of ship-to-shore distress alerts by a radio service operating either—
 - (i) through the polar orbiting satellite service on 406 MHz; this requirement may be fulfilled by the satellite EPIRB, required by regulation 10(1)(f) where it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated;
 - (ii) on HF using DSC; or
 - (iii) through the INMARSAT geostationary satellite service, either by an additional ship earth station or by the satellite EPIRB required by regulation 10(1)(f) where it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated, or the following equipment –

ALTERNATIVE B

- (b) an MF/HF radio installation capable of transmitting and receiving, for distress and safety purposes, on all distress and safety frequencies in the bands between 1,605 kHz and 4,000 kHz and between 4,000 kHz and 27,500 kHz –
 - (i) using DSC;
 - (ii) using radiotelephony; and
 - (iii) using direct-printing telegraphy;
- (c) equipment capable of maintaining DSC watch on 2,187.5 kHz, 8,414.5 kHz and on at least one of the distress and safety DSC frequencies 4,207.5 kHz, 6312 kHz, 12,577 kHz or 16,804.5 kHz; the equipment shall be such that it shall be possible at any time to select any of these DSC distress and safety frequencies; this equipment may be separate from, or combined with, the equipment required by sub paragraph (a);
- (d) means of initiating the transmission of ship-to-shore distress alerts by a radiocommunication service other than HF operating either-
 - (i) through the polar orbiting satellite service on 406 MHz; this requirement may be fulfilled by the satellite EPIRB, required by regulation 10(1)(f) where it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated; or
 - (ii) through the INMARSAT geostationary satellite service; this requirement may be fulfilled by –

(aa) an INMARSAT ship earth station; or

(bb) the satellite EPIRB, required by regulation 10(1)(f) where it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated; and

(c) in addition, means of transmitting and receiving general radio-communications using radiotelephony or direct-printing telegraphy shall be provided by an MF/HF radio installation operating on working frequencies in the bands between 1,605 kHz and 4,000 kHz and between 4,000 and 27,500 kHz; this requirement may be fulfilled by the addition of this capability in the equipment required by sub paragraph (a).

(2) Means shall be provided to initiate transmissions of distress alerts from the position from which the ship is normally navigated by the radio installations specified in sub paragraphs (a), (b) and (d) of ALTERNATIVE A and (a) and (c) of ALTERNATIVE B of this regulation.

Additional radio equipment to be provided for area A4 ships

14. (1) In addition to meeting the requirements of regulation 10, every area A4 ship shall be provided with the radio installations and equipment specified in ALTERNATIVE B in regulation 13(1), except that the equipment required by (c)(ii) of ALTERNATIVE B shall not be accepted as an alternative to that required by regulation (c)(i) of ALTERNATIVE B, which shall always be provided.

(2) ships required to comply with subregulation(1) shall in addition comply with the requirements of regulation 13(2).

Registration of radiocommunication equipment

15. Every owner and operator of a ship to which these regulations apply shall ensure that every radio-communication equipment carried on the ship (whether or not carried in compliance with statutory requirements) is registered with a competent authority and that the registered particulars are correct.

Radio watches.

16. (1) Every ship shall while at sea maintain a continuous watch—

(a) on VHF DSC channel 70, where the ship, in accordance with the requirements of regulation 10(1)(b), is fitted with VHF radio installation; and

(b) on the distress and safety DSC frequency 2, 187.5 kHz, where the ship, in accordance with the requirements of regulation 12(1)(b) or subregulation(c) of ALTERNATIVE A in regulation 13, is fitted with an MF radio installation;

Installation of a distress panel.

17.(1) There shall be available at all times while the ship is at sea a supply of electrical energy sufficient to operate the radio installations and to charge any batteries used as part of a reserve source or sources of energy for the radio installations.

(2) A reserve source or sources of energy shall be provided on every ship to which this Part applies, to supply radio installations, used for the purpose of conducting distress and safety radio-communications, in the event of failure of the ship's main and emergency sources of electrical power.

(3) The reserve source or sources of energy shall be capable of simultaneously operating—

(a) the VHF radio installation required by subregulation(1)(a) of regulation 10 and,

(b) as appropriate for the sea area or sea areas for which the ship is equipped, either—

(i) the MF radio installation required by subregulation(1)(a) of regulation 12,

(ii) the MF/HF radio installation required by subregulation(a) of ALTERNATIVE B in regulation 13 or regulation 14, or

(iii) the INMARSAT ship earth station required by subregulation(a) of ALTERNATIVE A in regulation 13;

and any of the additional loads mentioned in sub-regulations (6),

(7) and (10) for a period of at least-

(a) one hour on ships provided with an emergency source of electrical power; or

(b) six hours on ships not provided with an emergency source of electrical power,

(c) where such source of power complies with all the provisions of the relevant regulations made under this Act, as appropriate, including the supply of such power to the radio installations.

(3) The reserve source or sources of energy need not be capable of supplying independent HF and MF radio installations simultaneously.

(4) The reserve source or sources of energy shall be independent of the propelling power of the ship and the ship's electrical system.

(5) Where, in addition to the VHF installation, two or more of the other radio installations, referred to in subregulation(2), can be connected to the reserve source or sources of energy, such sources shall be capable of simultaneously supplying, for the period specified, as appropriate, in sub regulations (2)(a) or (2)(b) the VHF radio installation and either—

(a) all other radio installations which can be connected to the reserve source or sources of energy at the same time; or

(b) where only one of the other radio installations can be connected to the reserve source or sources of energy at the same time as the VHF radio installation, whichever of the other radio installations will consume the most power.

(6) The reserve source or sources of energy may be used to supply the electrical lighting required by regulation 8(1)(d).

(7) Where a reserve source of energy consists of a rechargeable accumulator battery or batteries—

(a) a means of automatically charging such batteries shall be provided which shall be capable of recharging them to minimum capacity requirements within 10 hours; and

(b) the capacity of the battery or batteries shall be checked, using an appropriate method, at intervals not exceeding 12 months when the ship is not at sea.

(8) The siting and installation of accumulator batteries which provide a reserve source of energy shall be such as to ensure —

(a) the highest degree of service;

(b) a reasonable lifetime;

(c) reasonable safety;

(d) that battery temperatures remain within the manufacturer's specifications whether under charge or idle; and

(e) that when fully charged, the batteries will provide at least the minimum required hours of operation under all weather conditions.

(9) Where an uninterrupted input of information from the ship's navigational or other equipment to a radio installation required by this Part is needed to ensure its proper performance, means shall be provided to ensure the continuous supply of such information in the event of failure of the ship's main or emergency source of electrical power.

(10) For the purpose of calculating the required capacity of the reserve source of energy, the total current used in calculations shall be equal to the highest sum of all the radio installations which simultaneously can be connected to the source of energy, based on the following-

(a) the current consumption of the VHF receiver;

(b) one fifth of the current consumption of the VHF transmitter;

(c) the current consumption of a MF or MF/HF receiver and of the transmitter when it is in condition that operation of the

"press to transmit" switch will make it ready for immediate transmission;

(d) one third of the current which may be drawn by a MF or MF/HF transmitter for speech transmission on the frequency at which the current consumption of the transmitter is at a maximum;

(e) the current consumption of an INMARSAT ship earth station when it is receiving transmissions;

(f) one quarter of the current which may be drawn by an INMARSAT ship earth station when it is transmitting in the mode at which the current consumption is at a maximum; and

(g) the total current consumption of all additional loads to which the reserve source may supply energy in times of distress or emergency.

Serviceability and maintenance requirements.

18. (1) Radio equipment required under this Part shall be so designed that the main units can be replaced readily, without elaborate recalibration or readjustment.

(2) Where appropriate, equipment shall be so constructed and installed that it is readily accessible for inspection and on-board maintenance purposes.

(3) Adequate tools and spares shall be provided on board the ship to enable the equipment to be properly operated and maintained.

(4) Adequate tools and spares shall be provided on board the ship to enable the equipment to be properly operated and maintained.

(5) The radio equipment must be maintained to provide the availability of the functional requirements specified in regulation 7 and to meet the performance standards recommended by the IMO for such equipment, as specified pursuant to regulation 6(l) (a).

(6) On ships while at sea the availability of equipment shall be ensured as required in the Third Schedule,

(a) The master of every ship to which this Part applies, being a ship that is registered or licensed in the Kenya, must designate a person (in this subregulation called the designated person), being a person qualified as described in regulation 19(2), who is to have the function of carrying out, while the ship is at sea, the appropriate tests and checks specified in the Fourth Schedule.

(b) Where any of the radio installations required by these Regulations are not in working order, the designated person shall inform the Master and record details of the deficiencies in the Radio Log referred to in regulation 20 (1).

Radio personnel.

19. (1) Every ship to which this Part applies shall carry the number of radio operators required by the Merchant Shipping (Safe Manning) Regulations, each of whom must be qualified for distress and safety radio communication purposes as specified in subregulations (3) or (4), as appropriate. Such person or persons shall be holders of certificates specified in the Radio Regulations as appropriate.

(2) A person is qualified for the purposes of subregulation(1) where—

(a) On area A1 ships the person qualified as mentioned in subregulation (1) shall hold at least a GMDSS restricted operator's certificate issued in accordance with subsection D of Section IIIA of Article 55 of the Radio Regulations.

(b) On area A2, area A3 and area A4 ships the person qualified as mentioned in subregulation(1) shall hold at least a GMDSS general operator's certificate issued in accordance with sub-section C of Section III A of Article 55 of the Radio Regulations, or equivalent.

(2) The master of every passenger ship to which this Part applies must designate at least one such person as mentioned in subregulation (2) to perform only radiocommunications duties during distress incidents.

(3) The master of every ship to which this Part applies, other than a passenger ship, must designate one such person as mentioned in subregulation (2) to have primary responsibility for radiocommunications during distress incidents.

Radio records.

20. (1) There shall be kept in respect of every ship to which this Part applies a record, hereinafter referred to as "the GMDSS Radio Log", of the matters specified in the Fifth Schedule.

(2) The Master shall inspect and sign each day's entries in the GMDSS Radio Log.

(3) The GMDSS radio log shall form part of the ship's official logbook, but shall be kept separate from the official logbook, and, for the purposes of section 198 of the Act, it shall be deemed to be a document relating to the ship.

(4) The Master of a ship shall, on demand, produce to a surveyor or a proper officer, the Radio Log required to be kept on the ship. A master who fails to comply with this regulation shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Position-updating.

21. If radio equipment required by this Part is capable of automatically providing the ship's position when transmitting a distress alert, the ship's position and the time the ship was at that position must be made available for transmission by the radio equipment—

(a) from a navigation receiver, if one is fitted; or

(b) manually, at intervals not exceeding four hours, while the ship is at sea.

Exemptions from Part II.

22.(1) The Director-General may exempt any ship, on such terms as he/she may specify, from a provision in Regulations 10, 11, 12, 13 or 14.

(2) When considering whether to exempt a ship, the Director-General shall take into account the effect of such exemption on the ship's ability to maintain proper communication for distress and safety purposes.

(3) An exemption may be granted under subregulation (1) only—

(a) if the circumstances in relation to safety are such as to render the full application of regulation 10, 11, 12, 13 or 14, as the case may be, unreasonable or unnecessary; or

(b) in exceptional circumstances, for a single voyage outside the sea area or sea areas for which the ship is equipped.

(4) The Director-General may, after reasonable notice, alter or cancel any exemption granted under subregulation (1).

(5) The Authority must, within 30 days after the first day of January in each year, submit to the IMO a report showing all exemptions granted under this regulation during the previous calendar year in respect of ships to which the Safety Convention applies and giving the reasons for granting them.

PART III—NON-GMDSS SHIP REQUIREMENTS

Provision of radio equipment

23. (1) Every ship to which this Part applies must be provided with a VHF radiotelephone installation that includes a transmitter and a receiver.

(2) Every ship to which this Part applies, being—

(a) a passenger ship;

(b) a cargo ship of 100 tons or more;

(c) a cargo ship of less than 100 tons making a voyage more than 40 nautical miles from shore; or

(d) a class B or C fishing vessel, must be provided with a radiotelephone installation that includes—

(i) a transmitter and a receiver;

(ii) a radiotelephone alarm signal generating device; and

(iii) during the period expiring on the fourth anniversary of the commencement of these regulations, either—

(A) a 2182 kHz radiotelephone distress frequency watch receiver; or

(B) a receiver capable of receiving international NAVTEX service broadcasts; and

(bb) after that period, a receiver of the kind referred to in item (aa)(B).

(2) A satellite EPIRB of the kind referred to in regulation 10(1)(f) must be provided—

(a) on every ship to which this Part applies making a voyage outside waters under Kenyan jurisdiction;

(b) after the period expiring on the second anniversary of the commencement of these regulations, on every ship to which this part applies, being-

(i) a new ship, other than a fishing vessel; or

(ii) a class C fishing vessel; and

(c) after the period expiring on the fourth anniversary of the commencement of these regulations, on every ship to which this Part applies, being-

(i) an existing ship, other than a fishing vessel; or a class D fishing vessel.

Interference with reception and other installations.

24. (1) At no time while the ship is at sea is the operation of a radio installation required by this Part to prevent in any way the efficient operation of any other equipment installed on board the ship.

(2) At no time while the ship is—

(a) at sea; or

(b) in a port when a radio watch is required by the master, is the operation of any equipment in the ship to affect the efficient reception of radio signals by means of a radio installation required by this Part.

(3) Where in respect of any ship to which this Part applies it is impracticable to erect efficient and properly installed antennas for broadcast receivers that do not interfere with the efficiency of the ship's radio installation, the ship must be provided with a communal antenna system for broadcast receivers.

Charging of batteries

25.(1) Where batteries are provided as a source of energy for any part of the radio equipment required by this Part, means must be provided on board the ship for charging such batteries from the ship's main source of electrical power. The charging facilities must be adequate to ensure that the batteries can be fully charged within a period of 16 hours:

Provided that where more than one battery is provided and each has sufficient capacity to comply with regulation 34(2), the charging facilities must be adequate to ensure that each battery can be fully charged within a period of 16 hours, but not necessarily simultaneously.

(2) Where practicable, the batteries must be fully charged on every occasion immediately before the ship leaves port.

Serviceability and maintenance requirements.

26. (1) Radio equipment required by this Part must be in an efficient working condition-

(a) whenever the ship goes to sea; and

(b) at all times when the ship is at sea, unless there is a defect in the equipment and maintenance is being carried out or such maintenance is not practicable.

(2) Where any additional equipment, which is not required by this Part, is provided, it must be of such design that any malfunction of any part of that equipment will not adversely affect the operation of the radio equipment required by this Part.

(3) Where appropriate, radio equipment required by this Part must be so constructed and installed that it is readily accessible for inspection and on-board maintenance purposes.

(4) Adequate tools, testing equipment and spare parts, but at least those specified in Annex 1 of the First Schedule, must be provided on board the ship to enable the equipment to be maintained.

(5) Spare parts must be appropriately labelled and must be stowed so as to be readily accessible.

(6) Adequate information, at least in the English language, must be provided on board the ship to enable the equipment to be properly operated and maintained.

(7) In respect of ships to which this Part applies, being ships that are registered or licensed in Kenya, there must be available on board—

(a) a rigging plan of the fitted antennas showing-

(i) elevation and plan views of the antennas; and

(ii) the dimensions of transmitting antennas; and

(b) complete information on the wiring of the radio installation showing all cable interconnections and terminations.

(8) In all ships to which this Part applies a radiotelephone operator must, while at sea, carry out the appropriate equipment tests and battery and reserve energy checks specified in the Fourth Schedule. Where the ship has two or more radiotelephone operators, the master must designate one of them to carry out those tests and checks.

(9) If any of the radio equipment required by this Part is not in a working condition, the radiotelephone operator discovering the deficiency must without delay report that fact to the master and record the details of the deficiency in the ship's official logbook or in the radio log required by regulation 38, as the case may be required.

VHF radiotelephone station.

27. (1) The VHF radiotelephone station must be located in the upper part of the ship. Control of the VHF channels required for navigational safety must be immediately available on the navigation bridge convenient to the conning position and, where necessary, facilities such as portable two-way VHF radio equipment must be available to permit radiocommunications from the wings of the navigation bridge.

(2) A card of instructions giving a clear summary of the distress, urgency and safety procedures must be displayed in full view of each VHF radiotelephone operating position.

Provision of VHF radiotelephone antennas

28. Every ship to which this Part applies must be provided with an antenna suitable for the efficient radiation and reception of signals in the frequency band 156.025-162.025 MHz. The antenna must be vertically polarised and, so far as practicable, have an unobstructed view in all directions.

Sources of energy (VHF radiotelephone installation)

29.(1) At all times while a ship to which this Part applies is at sea and at all reasonable times when it is in port, there must be available a source of energy sufficient to operate the VHF radiotelephone installation at its nominal rated output power.

(2) Where batteries are provided as a source of energy for any part of the VHF radiotelephone installation, they must have the capacity required by sub-regulation (1) and must be maintained at all times while at sea in such condition as to be able to supply continuously for at least six hours a total current equal to the sum of—

(a) the current consumption of the VHF receiver; and

(b) one fifth of the current consumption of the VHF transmitter.

(3) In every ship to which this Part applies, being a fishing vessel of 24 metres or more in length or a passenger ship, means must be provided, where practicable, to operate the VHF radiotelephone installation from an alternative source of energy situated in the upper part of the ship, unless the source of energy referred to in subregulation (1) is situated there. The alternative source of energy may be the reserve source of energy required by regulation 35(3), in which case the VHF usage thereof is to be limited to distress, urgency and safety communications.

(4) Where provision is made for operating the VHF radiotelephone installation from alternative sources of energy, clearly indicated means must be provided for rapid change from one source of energy to another.

Use of VHF radiotelephone installation.

30. Every radiotelephone operator using the VHF radiotelephone installation must have practical knowledge of operating the VHF equipment and general knowledge of the Radio Regulations applying to VHF radiotelephone communications and specifically that part of those Regulations relating to distress signals and traffic, alarm, urgency and safety signals.

VHF Radio watches.

31.(1) Every ship to which this Part applies, while at sea, must maintain a continuous watch on the navigation bridge on the frequency 156.8 MHz (VHF channel 16).

(2) This radio watch may be discontinued—

(a) when the receiver is being used for traffic on a frequency other than 156.8 MHz;

(b) when the ship is maintaining a watch on a frequency other than 156.8 MHz for the purpose of a port operation, ship movement or safety of navigation service;

(c) when, at the direction of the master, the watch is being maintained elsewhere in the ship; or

(d) if, in the opinion of the master, the watch is prejudicial to the safety of the ship.

(3) Where the radio watch is discontinued pursuant to subregulation (2) (c) or (d), entries must be made in the ship's official logbook or in the radio log required by regulation 37, as the case requires, of the times and duration for which the watch on the navigation bridge was discontinued and of the circumstances in which the watch was transferred elsewhere or in which the safety of the ship was prejudiced, as the case may be.

(4) A written summary shall be maintained of all communications relating to distress, urgency and safety traffic received or transmitted on the VHF radiotelephone installation during the radio watch.

(5) Every ship to which this Part applies, while at sea, must maintain a radio watch for broadcasts of maritime safety information on the appropriate channel or channels on which such information is broadcast for the area in which the ship is being navigated.

Radiotelephone station.

32. (1) The radiotelephone station must be in the upper part of the ship and must be so sited that it is protected to the greatest possible extent from interference and noise that might impair the accurate reception of messages and signals.

(2) There must be an efficient means of two-way communication, independent of the ship's main communication system and main source of electrical power, between the radiotelephone station and any other place from which the ship is normally navigated.

(3) A reliable clock must be securely mounted in such a position that the entire dial can easily be observed from the radiotelephone operating position. The marking of the silence periods must be clearly visible.

(4) A reliable emergency light, independent of the system that supplies the normal lighting of the radiotelephone installation, must be provided and permanently arranged so as to be capable of providing adequate illumination of the operating controls of the radiotelephone installation, the clock required by subregulation (3) and the card of instructions required by subregulation (6). The emergency light must be controlled by two way switches clearly labelled to indicate their purpose, placed respectively near an entrance to the room in which the radiotelephone installation is fitted and at the operating position in that room;

Provided that where the radiotelephone installation is fitted on the navigation bridge, only the switch at the operating position needs to be provided.

(5) Where a source of energy for the radiotelephone installation consists of a battery or batteries, means must be provided at the radiotelephone station to indicate continuously whether the battery voltage is adequate to supply energy for the radiotelephone installation.

(6) A card of instructions, at least in the English language, giving a clear summary of the radiotelephone distress, urgency and safety procedures must be displayed in full view of each radiotelephone operating position.

(7) Means must be provided at the radiotelephone station for testing, without radiation of signals, the proper functioning of—

(a) the radiotelephone alarm signal generating device, by ensuring that the device can modulate efficiently the radiotelephone transmitter; and

(b) the muting circuits of the radiotelephone distress frequency watch receiver, if provided.

Provision of radiotelephone antennas

33.(1) Every radiotelephone in a ship must be provided with suitable antennas and insulators. Where wire antennas are suspended between supports liable to whipping, they must be protected against breakage. In addition, every such ship must carry—

(a) if the radiotelephone antenna is a supported wire antenna, a spare antenna completely assembled for rapid replacement of the radiotelephone antenna; or

(b) if the radiotelephone antenna is not a supported wire antenna, a spare antenna of similar electrical characteristics, and the necessary means to erect an antenna.

(2) A suitable antenna must be provided for, and normally be connected to, the radiotelephone distress frequency watch receiver, if provided.

Range of radiotelephone transmitter.

34.(1) The normal range of the radiotelephone transmitter required by this Part must not be less than 150 nautical miles on the frequency 2182 kHz. The range is normally to be determined by calculation of the metre-amperes (which is the product of the maximum height of the antenna in metres, measured from the lead-out insulator, and the current in amperes, measured at the base of the antenna), but if an antenna arrangement causes difficulty in determining the range of a transmitter by calculation, it must be determined by trial.

(4) A radiotelephone transmitter is to be taken to comply with subregulation (1) if the product calculated in accordance with that subregulation is not less than-

(a) 7.5 metre-amperes, in the case of an antenna having a horizontal top-length of not less than 50 per cent of its maximum height, measured from the lead-out insulator; or

(b) 12.8 metre-amperes, in the case of any other antenna.

(3) The radiotelephone transmitter must have a minimum rated output power of not less than 100 watts peak envelope power, measured between the transmitter final stage and the antenna tuning unit.

Sources of energy (Radiotelephone ship).

35. (1) At all times while a radiotelephone ship is at sea and at all reasonable times when it is in port, there must be available a main source of energy sufficient to operate the radiotelephone installation over the normal range required by regulation 34(1).

(2) Where batteries are provided as a source of energy, they must have the capacity required by subregulation (1) and must be maintained at all times while at sea in such condition as to be able to supply continuously for at least six hours a total current equal to the sum of—

(a) the current consumption of the radiotelephone receiver and of the transmitter when it is in a condition that operation of the

"press to transmit" switch will make it ready for the immediate transmission of speech;

(b) one third of the current that may be drawn by the radiotelephone transmitter for speech transmission on the frequency at which the current consumption of the transmitter is at a maximum;

(c) the current' consumption of all additional loads to which the battery may supply energy in time of distress or emergency; and

(d) where the source of energy is also used by the VHF radiotelephone installation, the current consumption of the VHF radiotelephone receiver and one fifth of the current consumption of the VHF radiotelephone transmitter.

(5) In respect of radio installations in radiotelephone ships, being fishing vessels of 24 metres or more in length or passenger ships, a reserve source of energy must be provided in the upper part of the ship unless the main source of energy is situated there.

(6) The reserve source of energy, if provided, may be used to supply only—

(a) the radiotelephone installation;

(b) the emergency light required by regulation 32(4);

(c) the device for generating the radiotelephone alarm signal by automatic means;

(d) the VHF radiotelephone installation;

(e) a number of low-power emergency circuits that are wholly confined to the upper part of the ship, if such circuits are adequately fused and capable of being readily disconnected from the reserve source of energy, and that source has sufficient capacity to carry the additional load; and

(f) the receiver required by items (aa)(B) and (bb) of regulation 23(2)(iii).

Radio watch (Radiotelephone ship).

36. Every radiotelephone ship that is provided with a radiotelephone distress frequency watch receiver must, while at sea, maintain a continuous watch on the radiotelephone distress frequency at the place on board from which the ship is normally navigated.

Radiotelephone operators.

37. Subject to section 170(4) of the Act, every ship to which this Part applies must carry the number of appropriately qualified radiotelephone operators as specified in regulation 15 of the Merchant Shipping (Safe Manning) Regulations, 2012.

Radio records (Radiotelephone ship).

38.(1) The radio log required by the Radio Regulations for a radiotelephone ship shall be kept at the place where radio watch is maintained during the voyage.

(2) Every radiotelephone operator and every master, officer or crew member, when carrying out a radio watch in accordance with regulation 36, must enter in the Non GMDSS radio log the information specified in Part 2 of the Fifth Schedule.

(3) The radiotelephone operator or, if there is more than one operator, the one designated by the master, must inspect and sign each day the entries in the radio log for that day, confirming that the requirements of this Part have been complied with.

(4) The master must inspect and sign each day's entries in the radio log.

(5) The master must, on demand, produce the radio log for inspection by a surveyor or a proper officer.

(6) The radio log forms part of the ship's official logbook, but is to be kept separate from the official logbook, and, for the purposes of section 198 of the Act, is deemed to be a document relating to the navigation of the ship.

PART IV—RADIO LIFE-SAVING EQUIPMENT

Two-way VHF radiotelephone apparatus.

39.(1) Three portable two-way VHF radiotelephone apparatus must be provided on every Convention ship, other than a cargo ship of less than 500 tons.

(2) Two portable two-way VHF radiotelephone apparatus must be provided—

(a) on every Convention ship that is a cargo ship of 300 tons or more but less than 500 tons; and

(b) on every non-Convention ship that is—

(i) a passenger ship;

(ii) a cargo ship of 300 tons or more; or

(iii) a fishing vessel of 24 metres or more in length.

(3) One portable two-way VHF radiotelephone apparatus must be provided on every non-Convention ship that is—

(a) a cargo ship of less than 300 tons; or

(b) a fishing vessel of less than 24 metres in length.

(4) The portable two-way VHF radiotelephone apparatus required by subregulations (1), (2) and (3) must be made watertight through integral design and may also be used for on-board radiocommunication if it is capable of operating on appropriate frequencies.

(5) If a fixed two-way VHF radiotelephone apparatus is provided in a survival craft, it must comply with the appropriate performance standards specified pursuant to regulation 6.

(6) The battery included in survival craft fixed radio equipment must not be used for any purpose other than the operation of such equipment and the searchlight carried in the survival craft.

Radar transponders.

40. (1) One radar transponder must be carried on each side of every Convention ship, other than a cargo ship of less than 500 tons.

One radar transponder must be carried:

(a) on every non-Convention ship; and

(b) on every Convention ship that is a cargo ship of less than 500 tons.

(2) The radar transponders required by this regulation must be capable of operating in the 9 GHz band and must be stowed so as to enable rapid placement in a survival craft.

PART V—RADIOCOMMUNICATION REQUIREMENTS FOR SHIPS OF LESS THAN 25 TONS AND PLEASURE VESSELS OF LESS THAN 100 TONS

Mandatory communication equipment.

41. (1) Every ship to which this Part applies while at sea shall be capable of—

(a) transmitting and receiving ship-to-shore distress alert;

(b) receiving shore to ship distress alert;

(c) transmitting and receiving search and rescue co-ordinating communication; and

(d) transmitting and receiving on-scene communication

(2) Every ship to which this Part applies must be provided with a VHF radiotelephone installation that includes a transmitter and a receiver.

PART VI—ENFORCEMENT

Inspection etc. of Convention ships not registered or licensed Kenya.

42. (1) When considering whether a Convention ship that is neither registered nor licensed in the Republic of Kenya complies with the requirements of these regulations, a proper officer or a surveyor, as the case may be, need not satisfy himself in relation to —

(a) regulation 6(1)(a), if the equipment is of a type approved by the competent maritime authority of the State whose flag the ship is entitled to fly and that State is a Convention State; or

(2) Regulation 6(1)(c), if the ship is entitled to fly the flag of a Convention State.

Ships not to be detained in certain cases.

43. No ship may be detained in a port where repair facilities are not readily available, because of malfunction of the equipment for providing general radio communications referred to in regulation 8, if the ship is capable of performing all distress and safety functions as required by that regulation.

Offences and penalties.

44. (1) If a radiotelephone operator or a person designated under regulation 19(3) or (4) contravenes any provision of these regulations imposing a duty on him, he commits an offence and shall be liable upon conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a period not exceeding six (6) months; and if any person, being the owner or master of the ship, permits such a contravention, he or she also commits an offence and shall be liable upon conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a period not exceeding twelve (12) months;

(2) If these regulations are contravened in any other respect in relation to any ship, the owner and master of the ship each commits an offence and shall be liable upon conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a period not exceeding twelve (12) months.

Director-General may impose penalty upon admission of guilt.

45.(1) If a person —

(a) admits to the Director-General that he has failed to comply with the requirements of these regulations, or that he has failed to comply with any such requirement with which it was his duty to comply; and

(b) agrees to abide by the decision of the Director-General; and

(c) deposits with the Director-General such sum as may be required of him, but not exceeding the maximum fine which may be imposed upon a conviction for failure to comply, the Director-General may, after such inquiry as he deems necessary, determine the matter summarily and may, without legal proceedings, order by way of penalty the whole or any part of the said deposit to be forfeited to the Authority.

(2) The imposition of a penalty under sub-regulation (1) shall not be deemed to be a conviction of a criminal offence, but no prosecution for the relative offence shall thereafter be competent.

(3) Nothing in these regulations shall in any way affect liability to forfeiture of ships, shares therein or goods.

FIRST SCHEDULE (R.6)

STANDARDS OF PERFORMANCE OF RADIO EQUIPMENT

Equipment ¹	IMO Assembly Resolution	
	Equipment ¹ Equipment installed before 23 November 1996	Equipment installed on or after 23 November 1966
Narrow-band direct printing telegraph equipment for the reception of navigational and meteorological warnings and urgent information to ships	A.525(13)	A.525(13)
Narrow-band direct-printing telegraph equipment for the reception of navigational and meteorological warnings and urgent information to ships (MSI) by HF	A.700(17)	A.700(17)

Ship earth stations capable of two-way communications	A.698(17)	A.808(19)
Shipborne VHF radio installations capable of voice Communication and digital selective calling	A.609(15)	A.803(19)2
Shipborne MF radio installations capable of voice Communication and digital selective calling	A.610(15)	A.804(19)3
Shipborne MF/HF radio installations capable of voice communication, narrow-band direct printing and digital selective calling	A.613(15)	A.806(19)4
Float-free satellite emergency position- indicating radio beacons (EPIRBS) operating on 406 MHz ⁵	A.763(187	A.810(19)
Survival craft radar transponders for use in search and rescue operations	A.697(17)	A.802(19)
Float-free VHF emergency position indicating radio beacons ⁵	A.612(15)	A.805(19)
Inmarsat Standard-C ship earth stations capable of	A.663(16)	A.807(19)6
Float-free satellite emergency position indicating radio beacons operating through the geostationary satellite system on 1.6 GHz ⁵	A.661(16)	A.812(19)

Notes:

1. All equipment shall conform with the general requirements for shipborne radio equipment forming part of the Global Maritime Distress and Safety System (GMDSS) and for electronic navigational aids, IMO Assembly Resolution A.694 (17).

2. Equipment installed on or after 1 January 2001 to conform with the amendments adopted through IMO Maritime Safety Committee (MSC) Resolution MSC (68)68 Annex 1.

3. Equipment installed on or after 1 January 2001 to conform with the amendments adopted through IMO Maritime Safety Committee (MSC) Resolution MSC (68)68 Annex 2.

4. Equipment installed on or after 1 January 2001 to conform with the amendments adopted through IMO Maritime Safety Committee (MSC) Resolution MSC (68)68 Annex 3.

5. Float-free release and activation arrangements for emergency radio equipment shall conform with the Assembly resolution A.662(16).

6. Equipment installed on or after 1 January 2001 to conform with the amendments adopted through IMO Maritime Safety Committee (MSC) Resolution MSC (68)68 Annex 4.

7. Equipment installed before 4 November 1994 may conform with IMO Assembly resolution A.695(17).

Standards of Performance for marine radio equipment to be installed on Kenya Ships

<i>Installation</i>	<i>IMO Resolution Number</i>	<i>Sub-system</i>	<i>Specifications (Notes 1 and 2)</i>
Narrow-band direct-printing telegraph equipment for the reception of navigational and meteorological warnings and urgent information to ships	A.525(13)	Not applicable	ETS 300:065 September 1992 or MPT 1257
Narrow-band direct-printing telegraph equipment for the reception of navigational and meteorological warnings and urgent information to ships (MSI) by HF.	A.700(17)	Not applicable	ETS 300:065 September 1992
Ship earth stations capable of two-way communications (Note 3) INMARSAT "A" and "B"	A.808(19)	Not applicable	INMARSAT
Performance standards for float-free release and activation arrangements for emergency radio equipment	A.662(16)	Not applicable	Specification incorporated in equipment standards
Performance standards for enhanced group call equipment	A.664(16)	Not applicable	Specification incorporated in equipment standards for INMARSAT standard-C
			equipment standards for INMARSAT standard-C
Survival craft radar transponders for use in search and rescue operations	A.802(19)	Not applicable	BS EN 61097-1:1993 or ETS 300:151
Shipborne VHF radio installations capable of voice communication and digital selective calling	A.803(19)	Transceiver Facility (Fixed)	Draft prETS 300:162 February 1997 Edition 2 or MPT 1252
		Digital Selective Calling Facility	ETS 300:338 November 1995 or MPT 1262

		Watchkeeping Facility	PrEN 301:033 May 1997 Edition 1.1.1 (Note 4)
Shipborne MF radio installations capable of voice communication and digital selective calling	A.806(19)	Transceiver Facility	ETS 300:373 August 1995 or MPT 1262
		Digital Selective Calling Facility	ETS 300:338 November 1995 or MPT 1262
		Watchkeeping Facility	PrEN 301:033 May 1997 Edition 1.1.1 (Note 4)
Shipborne MF/HF radio installations capable of voice communication, narrow-band direct-printing and digital selective calling	A.806(19)	Transceiver Facility	ETS 300:373 August 1995 or MPT 1224
		Digital Selective Calling Facility	ETS 300:338 November 1995 or MPT 1262
		Narrow Band Direct Printing Facility	ETS 300:067 November 1990 of MPT 1257
		Watchkeeping Facility	PrEN 301:033 May 1997 Edition 1.1.1 (Note 4)
Float-free VHF emergency position-indicating radio beacons	A.805(19)	Not applicable	Refer to [Country] maritime administration
Inmarsat standard-C ship earth station capable of Transmitting and Receiving direct printing communications (Note 2)	A.807(19)	Not applicable	ETS 300:460 May 1996 or MPT 1260
Performance standard for survival craft two-way VHF apparatus	A.809(19)	Not applicable	ETS 300:225 April 1997 Edition 2 or MPT 1274 and 1277
Float-free emergency position-indicating radio beacons (EPIRBs) operating on 406 MHz	A.810(19)	Not applicable	ETS 300:066 September 1996 Edition 2 or MPT 1259
Performance standards for a shipborne integrated radiocommunications system (IRCS) when used in the GMDSS	A.811(19)		Tested by inspection on board ship. No type approval.
Float-free emergency position indicating radio beacons operating through the geostationary Inmarsat satellite system on 1.6 GHz (Note 3)	A.812(19)	Not applicable	ETS 300:372 May 1996

Notes:

1. All equipment must conform to the general requirements for shipborne radio equipment forming part of the Global Maritime Distress and Safety System (GMDSS) and for electronic navigational aids, IMO Assembly Resolution A.694(17).
2. The equipment installed is required to conform with the requirements of the relevant IMO performance standards and/or the requirements of the ITU in force, as appropriate.
3. All INMARSAT installations and ancillary equipment are to be of a type approved by INMARSAT.
4. Or as incorporated in the DSC facility.

SECOND SCHEDULE (R.10(1)(f))
SATELLITE EPIRBS

Every satellite EPIRB provided pursuant to these Regulations shall be-

1. capable of transmitting a distress alert either through the polar orbiting satellite service operating in the 406 MHz band or, alternatively, in sea areas A1, A2 and A3 only, through the INMARSAT geostationary satellite service operating in the 1.6 GHz band;
2. installed in an easily accessible position;
3. ready to be manually released and capable of being carried by one person into a survival craft;
4. capable of floating free if the ship sinks;
5. capable of being activated manually; and
- 6 automatically activated when afloat.

THIRD SCHEDULE (R.18(6))

SERVICEABILITY AND MAINTENANCE REQUIREMENTS OF RADIO

EQUIPMENT UNDER THE GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM (GMDSS)

1. This Schedule sets out the requirements for ensuring the availability of radio equipment on vessels entering the GMDSS as provided by Regulation 17(6) of the Regulations.

Requirements for ensuring availability

- 2.1 Every ship, subject to this Regulation, shall ensure availability by. using at least one; and for area A3 or area A4 ships at least two, of the following methods -
 - 2.1.1 duplication of equipment;
 - 2.1.2 shore-based maintenance;
 - 2.1.3 at-sea electronic maintenance capability; or
 - 2.1.4 any other method or combination approved by the Director-General.

2.2 Irrespective of the methods used to ensure the availability of the equipment, but subject to the exception of Regulation 20, a ship should not depart from any port unless and until the ship is capable of performing all distress and safety communications.

2.3 Irrespective of the methods used by the ship, all manufacturers' instruction manuals and maintenance manuals for each piece of equipment required should be available on board. In the case of Kenya ships these manuals must be in the English language. Adequate tools, spare parts and test equipment appropriate to the methods used by the ship should be provided. The manuals, tools, spare parts and test equipment, as applicable, should be readily accessible.

Duplication of equipment ensuring availability

2.1 Where availability is ensured by using duplication, either singly or in combination with other approved methods, the following radio installations, in addition to those required by Regulations 10, 11, 12, 13 and 14 as appropriate, and complying with Regulation 6, should be available on board ships engaged on voyages in -

3.1.1 Sea-Area A1 -a VHF radio installation complying with the requirements of Regulation 10(1)(a);

3.1.2 Sea Areas A1 and A2 -a VHF radio installation complying with the requirements of Regulation 10(1)(a) and an MF radio installation complying with the requirements of Regulation 12(1)(a);

3.1.3 Sea Areas A1, A2 and A3 -a VHF radio installation complying with the requirements of Regulation 10(1)(a) and either an MP /HP radio installation complying with the requirements of Regulation 13(1) ALTERNATIVE B(a) and being able to fully comply with the watch requirements of Regulation 15(1)(c); or an INMARSAT Ship Earth Station (SES) complying with the requirements of Regulation 13(1) ALTERNATIVE A(a). The MF/HF installation or INMARSAT SES installed for duplication should also comply with Regulation 13(2);

3.1.4 Sea Areas A1, A2, A3 and A4 -a VHF radio installation complying with the requirements of Regulation 10(1)(a) and an MF/HF radio installation complying with the requirements of Regulation 13(1) ALTERNATIVE B(a) and being able to comply fully with the watch requirements of Regulation 15(1)(c). For ships operating in sea area A4 only occasionally and having originally installed an MF/HF radio installation, the additional MF/HF radio installation may be substituted by an INMARSAT SES complying with the requirements of Regulation 13(1) ALTERNATIVE A(a). The MF/HF radio installation or INMARSAT SES installed for duplication should also comply with Regulation 13(2).

3.2 The additional radio installations specified in paragraphs 3.1.1 to 3.1.4 above should each be connected to a separate antenna and be installed and ready for immediate operation.

3.3 It should be possible to connect the additional radio installations specified in paragraphs 3.1.1 to 3.1.4, hereinafter referred to as 'duplicated equipment', to the reserve source or sources of energy required by Regulation 16(2), in addition to the appropriate radio equipment specified in that regulation, hereinafter referred to as 'basic equipment'. The capacity of the reserve source or sources of energy should be sufficient to operate the particular installation, that is, the 'basic equipment' or the 'duplicated equipment', with the highest power consumption, for the appropriate period specified in Regulation 16(2)(b)(iii). However, the arrangement for the reserve source or sources of energy should be such that a single fault in this arrangement should not be able to affect both the basic and the duplicated equipment. Where the reserve source of energy is a battery the charging arrangements should be duplicated. Alternatively, a suitable alarm system should be installed to indicate a failure in the charging arrangement and provision should be made to connect the equipment direct to a suitable alternative supply.

Shore-based maintenance for ensuring availability

a. Where availability is ensured by using a combination of methods which include shore-based maintenance, an arrangement acceptable to the Kenya Maritime Authority should be established to

ensure adequate support of the ship for the maintenance and repair of its radio installations. Acceptable arrangements are -

4.1.1 a signed declaration from the Owner or his Representatives setting out the arrangement with a company or companies covering the trading area of the ship to provide maintenance and repair facilities on a call-out basis;

4.1.2 provision of facilities at the main base of ships engaged on a regular trading pattern.

Note: Records of Equipment should include an indication of the types of arrangements for shore-based maintenance.

At-sea electronic maintenance capability for ensuring availability

5.1 Where availability is ensured by using a combination of methods which includes at sea electronic maintenance capability, adequate additional technical documentation, tools, test equipment and spare parts must be carried on board in order to enable the maintainer to perform tests and localise and repair faults in the radio equipment. The extent of this additional technical documentation, tools, measuring equipment and spare parts to be carried on board should be consistent with the equipment installed. An indication of such approval should be entered in the Records of Equipment.

5.2 The person designated to perform functions for at-sea electronic maintenance should hold an appropriate certificate as specified by the Radio Regulations or have equivalent at-sea electronic maintenance qualifications.

5.3 In the case of Kenya ships, for the purpose of the Regulations an officer or crew member shall be deemed qualified to carry out radio maintenance where he or she holds -

5.3.1 a Radio Maintenance Certificate granted by the Minister with responsibility for telecommunications, or

5.3.2 a certificate recognised by the Kenya Maritime Authority as being equivalent to the certificate in 5.3.1 above.

Acceptable combinations (or Equivalent)

6.1 Any INMARSAT SES equipment providing the enhanced group calling (EGC) capability may be accepted as fulfilling the basic requirement of Regulation 10(l)(e) for EGC reception.

6.2 Any INMARSAT SES or any MF/HF radio telephone installed for duplication may also satisfy the basic requirements of Regulations 12(1)(c), 13(1) ALTERNATIVE A(d) and 13(1) ALTERNATIVE B(c) for another radio service to initiate the transmission of ship-to-shore distress alerts.

6.3 Any INMARSAT SES or any MF/HF radiotelephone may be installed for duplication irrespective of whether the basic radio installation complies with regulation 13(1) ALTERNATIVE A(a) or regulation 13(1) ALTERNATIVE B(a).

FOURTH SCHEDULE (R.18(7))

EQUIPMENT TESTS AND RESERVE POWER CHECKS

Daily

1.1 The proper functioning of the DSC facilities shall be tested at least once each day, without radiation of signals, by use of the means provided on the equipment.

1.2 Batteries providing a source of energy for any part of the radio installations shall be tested daily and, where necessary, brought up to the fully charged condition.

Weekly

2.1 The proper operation of the DSC facilities shall be tested at least once a week by means of a test call, when within communication range of a coast station fitted with DSC equipment. Where a ship has been out of communication range of a coast station fitted with DSC equipment for a period of longer than one week, a test call shall be made on the first opportunity that the ship is within communication range of such a coast station.

2.2 Where the reserve source of energy is not a battery, for example, a motor generator, the reserve source of energy shall be tested weekly.

Monthly

3.1 Each EPIRB and satellite EPIRB shall be examined at least once a month to determine its capability to operate properly, particularly its ability to float free, where required to do so, in the event of the ship sinking, its security and for signs of damage.

3.2 Each search and rescue radar transponder shall be checked at least once a month for security and signs of damage.

3.3 Each survival craft two-way VHF equipment shall be tested at least once a month on a frequency other than 156.8 MHz (VHF Channel 16).

3.4 A check shall be made at least once a month on the security and condition of all batteries providing a source of energy for any part of a radio installation. The battery connections and compartment shall also be checked.

FIFTH SCHEDULE (R.20(1)) GMDSS RADIO LOG

The following shall be recorded in the GMDSS Radio Log as they occur -

(a) a summary of communications relating to distress, urgency and safety traffic and the time such communications occurred;

(b) a record of important incidents connected with the radio service and the time such incidents occurred; and

(c) where appropriate, the position of the ship at least once a day and the time at which the ship was in that position.

Dated the 4th October, 2012.

AMOS KIMUNYA,
Minister for Transport.