

L.N. 182 of 2020

**FISHERIES CONSERVATION AND MANAGEMENT ACT
(CAP. 425)**

Work in Fishing Convention Regulations, 2020

IN EXERCISE of the powers conferred upon him by article 38(2)(w) of the Fisheries Conservation and Management Act, the Minister responsible for fisheries, has made the following regulations:

Citation and
scope.

1. (1) The title of these regulations is the Work in Fishing Convention Regulations, 2020.

(2) The scope of these regulations is to implement the provisions found under European Union Council Directive (EU) 2017/159 and the provisions under the Work in Fishing Convention, 2007 (No. 188) issued by the International Labour Organization.

Interpretation .

2. In these regulations, unless the context otherwise requires:

Cap. 425.

"the Act" means the Fisheries Conservation and Management Act;

"basic pay" or "wages" means the pay, however composed, for normal hours of work, but does not include overtime worked, bonuses, allowances, paid leave or any other additional remuneration;

"commercial fishing" means all fishing operations with the exception of subsistence fishing and recreational fishing;

"competent authority" means the Department of Fisheries and Aquaculture;

"consolidated wage" means a wage or salary which includes the basic pay and other pay-related benefits including compensation for all overtime hours worked and all other pay-related benefits;

"consultation" means consultation by the competent authority with the representative organization of employers and workers concerned, and in particular the representative organization of fishing vessel owners and fishermen, where they exist;

"Council Directive 2017/159" means Council Directive (EU) 2017/159 of 19 December 2016 implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation, concluded on 21 May 2012 between the General Confederation of Agricultural Cooperatives in the European Union (Cogeca), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises in the European Union (Europêche);

"crew member" means any fisherman or master and any other person serving on that vessel;

"fisherman" means every person employed or engaged or working in any capacity on board any fishing vessel under the conditions laid down under Regulation 3, but excluding port pilots and shore personnel carrying out work on board a fishing vessel at the quay side;

"fisherman's work agreement" means a contract of employment, articles of agreement or other similar arrangements, or any other contract governing a fisherman's living and working conditions on board a fishing vessel;

"fishing operation" means catching, or catching and processing, of fish or other living resources of the sea;

"fishing vessel" or "vessel" means any ship or boat, flying the flag of a Member State or registered under the plenary jurisdiction of a Member State, of any nature whatsoever, irrespective of the form of ownership, used or intended to be used for the purpose of commercial fishing;

"fishing vessel owner" or "owner" means the owner of the fishing vessel, or of another organisation or person, such as a manager, agent or the bareboat charterer, who has assumed the responsibility for the operation of the vessel from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on the fishing vessel owners in accordance with these regulations, regardless of whether any other person fulfils any of the duties or responsibilities on behalf of the fishing vessel owner;

"hours of rest" means time outside hours of work and does not include short breaks;

"hours of work" means time during which a fisherman is

required to do work on account of the vessel;

"international voyage" means a voyage from a state to a port outside such a state;

"length (L)" shall be taken as ninety-six per cent of the total length on a waterline at eighty-five per cent of the least moulded depth measured from the keel line, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if this is greater; in vessels designed with rake of keel, the waterline on which this length is measured shall be parallel to the designed waterline;

"length between perpendiculars (LBP)" means the distance between the forward and the backward perpendiculars; the forward perpendicular shall be coincident with the foreside of the stem on the waterline on which the length (L) is measured; the backward perpendicular shall be coincident with the axis of the rudder stock on that waterline;

"master" shall have the same meaning assigned to it in the Act;

Cap. 464.

"medical practitioner" means a duly qualified medical practitioner as established under the Health Care Professions Act;

"night" means a period:

(a) the duration of which is not less than nine consecutive hours; and

(b) which includes the period between midnight and five a.m.;

"overtime" means time worked in excess of the normal hours of work;

"private employment agency" means any person, company, institution, agency or other organization in the private sector engaged in employing or engaging fishermen, with a view to making them available to fishing vessel owners, who assign their tasks and supervise the execution of these tasks.

"recruitment and placement service" means any person, company, institution, agency or other organisation, in the public or the private sector, which is engaged in recruiting fishermen on behalf of, or placing fishermen with, fishing vessel owners;

"safe manning document" means a document prescribing the minimum safe manning considered necessary for the sufficient and efficient manning of the vessel from the point of view of safety of life at sea and pollution prevention, issued in the case of a Maltese vessel by the competent authority, and in the case of any other vessel, by or on behalf of the Government of the state whose flag the vessel is entitled to fly;

"unit" means that any reference to any fine (*multa*) that may be imposed under these regulations shall be equivalent to two euro and thirty-three cents or to such other sum as the Minister, with the concurrence of the Minister responsible for justice, may by means of a decree determine from time to time, and differed equivalences may be determined for different provisions of the Act or for different provisions in regulations made under the Act.

3. (1) Subject to sub-regulation (2), these regulations shall Applicability. apply to:

(a) all fishermen working in any capacity under a contract of employment or in an employment relationship on all fishing vessels engaged in commercial fishing;

(b) all other fishermen who are present on the same vessel with fishermen referred to in paragraph (a).

(2) These regulations shall apply to all fishing vessels,

Provided that in case of doubt as to whether any categories of persons are to be regarded as fishermen, or as to whether any vessels are to be considered as fishing vessels under these regulations, the matter shall be determined by the competent authority, following consultation with the Board, as established under the Act.

4. Nothing in these regulations shall affect any law, award or custom, or any other agreement between fishing vessel owners and fishermen, which ensures more favourable conditions to fishermen than those provided for under these regulations.

Responsibilities of Fishing Vessel Owners, Masters and Fishermen

5. Every vessel owner shall ensure that:

(a) fishermen employed on his vessels have the protection of a fisherman's work agreement that is comprehensible to them and is consistent with the provisions of

Responsibilities of vessel owners with regard to work agreements of fishermen.

these regulations;

(b) the work agreements of the fishermen include the minimum particulars in accordance with the provisions in Schedule I;

(c) a copy of the work agreement of fishermen shall be provided to the fisherman, shall be carried on board and be available to the fishermen on request; and

(d) each fisherman has a written fisherman's work agreement, which is signed by all parties to that agreement, and which provides the fisherman with decent work and living conditions on board the vessel as required by these regulations.

Other responsibilities of the owner.

6. Every vessel owner shall ensure that:

(a) every fisherman assigned to his vessel holds appropriate certificates in respect of any duty the fisherman is to perform;

(b) documentation and data relevant to all fishermen employed on his fishing vessels are maintained and readily available for inspection and include, *inter alia*, documentation and data on their experience in training, medical fitness and their competency in assigned duties; and

(c) the master is provided with all the necessary resources and facilities to comply with the obligations of these regulations.

Owner to provide written instructions to the master.

7. (1) The owner shall provide written instructions to the master setting out the policies and the procedures to be followed to ensure that all fishermen engaged on board the vessel are given a reasonable opportunity to become familiar with the equipment on board the vessel, operational and safety procedures, including other arrangements needed for the proper performance of their duties, before being assigned to such duties.

(2) The policies and procedures referred to in sub-regulation (1) shall include:

(a) allocation of a reasonable period of time during which the fishermen will have an opportunity to become acquainted with:

(i) the specific equipment the fishermen will be operating; and

(ii) vessel specific watch-keeping, safety, environmental protection and emergency procedures and arrangements the fishermen needs to know to perform the assigned duties properly;

(b) designation of a knowledgeable crew member who will be responsible for ensuring that an opportunity is provided to each newly employed fisherman to receive essential information in a language that the fisherman understands.

(3) It shall be the duty of any master and any crew member designated with an obligation under sub-regulation (2) to carry out that obligation.

8. (1) It shall be the duty of the owner to ensure that:

Safe manning document.

(a) a safe manning document is in force in respect of the fishing vessel and the manning of the vessel;

(b) the safe manning document is kept on board the fishing vessel at all times; and

(c) the manning of the fishing vessel is maintained at all times to at least the levels specified in the safe manning document.

(2) The master of any fishing vessel to which these regulations apply shall ensure that the fishing vessel does not proceed to sea unless there is on board a valid safe manning document issued in respect of the fishing vessel and the manning of the fishing vessel complies with that document.

(3) It shall be the duty of the owner applying for a safe manning document in respect of any Maltese vessel to submit to the competent authority any information that may be required for the issue of such document.

(4) It shall be the duty of the owner after issuing a safe manning document to inform the competent authority, as soon as there is any change of circumstances which are pertinent to that safe manning document.

(5) Notwithstanding the provisions of these regulations and without prejudice to any other duties and responsibilities of the master and of the owner, it shall be the duty of the said master and owner to ensure that from the point of view of safety of life at sea and pollution prevention, the fishing vessel is sufficiently and efficiently manned.

B 1196

Watch-keeping arrangements.

9. (1) The master of a fishing vessel shall ensure that an appropriate and effective watch is at all times maintained for the purposes of safe navigation and the health and safety of the fishermen.

(2) Without prejudice to the duties of the master provided by sub-regulation (1), the master shall give directions to the fishermen responsible for navigating the vessel safely during their periods of duty.

Responsibilities of the master.

10. (1) The master shall ensure:

(a) supervision is provided;

(b) fishermen perform their work in the best conditions of health and safety;

(c) fishermen are managed in a manner which respects their health and safety, including prevention of fatigue;

(d) compliance with safety of navigation, watch keeping and associated good seamanship standards;

(e) on-board occupational health and safety awareness training are facilitated.

(2) The master shall not be constrained by the owner from taking any decision which, in the professional judgement of the master, is necessary for the safety of the fishermen on board, or the vessel and its safe navigation and safe operation.

Responsibilities of the fishermen.

11. Fishermen shall comply with the lawful orders of the master and applicable health and safety measures.

Employment of persons under sixteen years.

12. Subject to the provisions of this regulation and notwithstanding the provisions of any other law, regulation, rule and order made or deemed to be made thereunder, no person under the age of sixteen years shall be employed on any Maltese vessel;

Provided that, the competent authority may under certain conditions, authorise persons aged fifteen years who are no longer subject to compulsory schooling and are engaged in vocational training in fishing, to be employed on a fishing vessel;

Provided further that, the minimum age for assignment to activities on board fishing vessels, which by their nature or the circumstances in which they are carried out are likely to jeopardize the health, safety, physical, mental or social development, education or

morals of young persons, shall not be less than eighteen years;

Provided further that, all persons aged under eighteen years may be employed on board a fishing vessel on condition that the health, safety, physical, mental and social development, education and morals of the young persons concerned are fully protected and that the young persons concerned have received adequate specific instruction or vocational training and have completed basic pre-sea safety training.

13. (1) Notwithstanding the provisions of the Young Persons (Employment) Regulations, no fisherman under the age of eighteen years shall work at night. Night work.
S.L. 452.92.

(2) A fishermen aged sixteen or seventeen years may work at night when:

(a) the work forms part of an established programme of training, the effectiveness of which would be impaired by the prohibition in sub-regulation (1); or

(b) the specific nature of the duty or a recognised training programme requires that the fishermen covered by the exception perform duties at night, and the competent authority determines, after consultation with the Board as established under the Act, that the work will not be detrimental to their health or well-being.

Medical Certificate and Examination

14. (1) Subject to the provisions of this regulation, no person shall be employed in any capacity on any Maltese vessel, unless there has been delivered to the master of the vessel a certificate granted by a duly qualified medical practitioner certifying that the person is fit to be employed in that capacity. Medical certificate.

(2) The competent authority may, in exceptional circumstances dispense with the requirement under sub-regulation (1), after taking into account the safety and health of the fishermen, availability of medical assistance and evacuation, duration of the voyage, area of operation, and type of fishing operation.

(3) The exemption under sub-regulation (2) shall not apply to a fisherman working on a fishing vessel of twenty-four metres in length and over or which normally remains at sea for more than three days;

Provided that in urgent cases, the competent authority may

authorise a fisherman to work on such a vessel for a period of a limited and specified duration until a medical certificate can be obtained, provided that the fisherman is in possession of an expired medical certificate with a recent date.

Medical examination.

15. (1) The medical examination required under these regulations shall consist of a complete physical examination and shall have regard to the ILO/IMO publication entitled Guidelines on the Medical Examinations of Seafarers (ILO/IMO/JMS/2011/12), including any amendments introduced thereto from time to time, and to any other relative guidelines as may, from time to time, be further specified by the competent authority.

(2) In any examination under these regulations, due regard shall be made to the age of the fisherman to be examined and the nature of the duties to be performed on board the vessel.

Issue of medical certificate.

16. (1) Every applicant for a medical certificate shall be examined by a duly qualified medical practitioner, or in the case of a certificate solely concerning eyesight, by a person recognised by the competent authority, and if the medical practitioner considers that the applicant is fit, the practitioner shall issue the applicant with a medical certificate in terms of sub-regulation (2) and regulation 17, and such certificate may be restricted to such capacity of sea service or geographical areas as the practitioner considers appropriate.

(2) The medical certificate shall contain the personal details of the person examined including the name and surname, nationality, age and relevant identity document number such as the sea service record book or passport number and shall attest:

(a) that the hearing and sight of the fisherman examined and, in the case of a fisherman to be employed in the deck department (except for certain specialist personnel, whose fitness for the work which they are to perform is not likely to be affected by defective colour vision), his colour vision, are all satisfactory; and

(b) that the fisherman is not suffering from any medical condition likely to be aggravated by, or to render the fisherman unfit for service at sea or likely to endanger the health of other persons on board.

Period of validity of medical certificate.

17. (1) Subject to sub-regulations (2) and (3), a duly qualified medical practitioner who issues a medical certificate under regulation 16 shall specify the period of validity during which the certificate is to remain in force, from the date of the medical examination.

(2) Unless suspended or cancelled in terms of regulation 19 and subject to sub-regulation (3), the maximum period of validity of a medical certificate shall be two years, and in so far as it relates to colour vision, the maximum period of validity shall be six years;

Provided that, if the examined fisherman is under eighteen years of age, the maximum period of validity of a medical certificate shall be one year:

Provided further that, if the health of the examined fisherman demands it, a medical practitioner may issue a medical certificate valid for such shorter period as may be specified in the certificate.

(3) Where the period of validity of a medical certificate expires in the course of a voyage, the certificate shall remain in force until the end of that voyage or until the next port of call, whichever is the earliest, where the fisherman is to obtain a medical certificate from a qualified medical practitioner, provided that the period shall not exceed three months.

18. If a fisherman possessing a valid medical certificate suffers a medical condition which precludes seafaring employment, such fisherman shall arrange for an additional medical examination as soon as practicable after diagnosis. Further medical examination.

19. If a qualified medical practitioner has reasonable grounds to believe that: Change in conditions relating to the medical certificate.

(a) there has been a significant change in the medical fitness of a fisherman during the period of validity of the medical certificate; or

(b) had he been in possession of the full details of the fisherman's conditions when issuing the medical certificate, he would not have reasonably considered the fisherman fit to be issued with such certificate; or

(c) the medical certificate was issued otherwise than in accordance with these regulations,

the medical practitioner shall notify the fisherman concerned and may:

(i) suspend the validity of that certificate until the fisherman has undergone a further medical examination;

(ii) suspend the certificate for such period as the

medical practitioner considers the fisherman will remain unfit to go to sea; or

(iii) cancel the certificate if the medical practitioner considers that the fisherman is likely to remain permanently unfit to go to sea.

Application for review.

20. (1) A fisherman who is aggrieved by:

(a) the refusal of a medical practitioner to issue him with a medical certificate;

(b) any restriction imposed on such a certificate; or

(c) the suspension for a period of more than three months or the cancellation of that certificate by a medical practitioner pursuant to regulation 19,

may apply to the competent authority for the matter to be reviewed by a single medical referee appointed by the competent authority.

(2) Any such application shall:

(a) be lodged with the competent authority within one month of the date on which the fisherman is given notice of the refusal, imposition of a restriction, suspension or cancellation (or such longer period as the competent authority may determine if delay is caused by the fisherman's employment on board a vessel); and

(b) include consent to the duly qualified medical practitioner responsible for the refusal, imposition of a restriction, suspension or cancellation, to provide a report to the medical referee specifying the name and address of that practitioner.

(3) The medical referee to whom the matter is referred by the competent authority may obtain a report from the qualified medical practitioner by whom the applicant was examined and may examine the medical condition of the applicant. The medical referee shall, if the applicant so requests, disclose to the applicant the report of the qualified medical practitioner and any other evidence not produced by the applicant himself, except that if the medical referee considers that such disclosure would be harmful to the applicant's health, the referee shall not be required to make such disclosure. The medical referee shall have regard to any relevant medical evidence, whether produced by the applicant, the employer or otherwise, and whether or not disclosed as aforesaid.

(4) If the medical referee, in the light of the medical evidence available, considers that the applicant is fit, he shall issue the applicant with a medical certificate. Where the medical referee considers that restrictions as to capacity or geographical area, other than those imposed on the medical certificate issued to the applicant should be imposed, or that any restrictions so imposed should be deleted or varied, the medical referee shall issue to the applicant a revised medical certificate and the former certificate shall thereupon cease to have effect. In any other case, the medical referee shall notify the applicant of his decision. Any such action by the medical referee shall be taken not later than two months from the date on which the application for review is lodged with the competent authority (which date shall be notified to the medical referee by the applicant) or within such longer period as the competent authority may determine.

21. Any certificate of medical and visual fitness for employment on board a fishing vessel issued by a qualified medical practitioner to a fisherman, in respect of a medical examination conducted before the date on which these regulations come into force, shall for the purposes of these regulations be deemed to be equivalent to a medical certificate issued under these regulations:

Equivalent certificates.

Provided that any such certificate issued by any such qualified medical practitioner shall remain valid from the date of the medical examination only, for the appropriate maximum period prescribed in regulation 17, or for such shorter period as may be specified in the certificate.

22. Any medical certificate issued to a fisherman on board a fishing vessel in accordance with the Medical Examination (Fishermen) Convention, 1959 (International Labour Organisation Convention No. 113 of 1959):

Other medical certificates.

(a) by an authority empowered in that respect by the laws of a state outside Malta that has ratified the said Conventions; or

(b) by an approved authority empowered in that respect by the laws of a state outside Malta,

shall for the purposes of these regulations be deemed to be equivalent to a medical certificate issued under these regulations:

Provided that any medical certificate issued by any such authority shall remain in force, unless renewed, only until the expiration of the period of validity specified in that certificate, but in no case for more than the appropriate maximum period prescribed in regulation 17.

B 1202

Hours of work
and rest.

23. Without prejudice to regulation 27, it shall be the duty of an employer of a fisherman and a master of a fishing vessel to ensure that a fisherman is provided with at least the minimum hours of rest:

Provided that a fisherman's hours of work are limited to forty-eight hours a week on average, calculated over a reference period not exceeding twelve months.

Minimum hours
of rest.

24. (1) Without prejudice to regulations 25 and 27, the minimum hours of rest shall be not less than -

(a) ten hours in any twenty-four hour period; and

(b) seventy-seven hours in any seven-day period.

(2) Hours of rest may be divided into no more than two periods, one of which shall be at least six hours long, and the interval between such consecutive periods shall not exceed fourteen hours.

(3) Musters, fire-fighting and lifeboat drills shall be conducted in a manner which minimises the disturbance of rest periods and do not induce fatigue.

(4) A fisherman who is on call shall have adequate compensatory rest period, if his normal period of rest is disturbed by call-outs of work.

Further
provision for
minimum hours
of rest.

25. (1) The competent authority may authorise collective agreements permitting exceptions to the limits in sub-regulations 24(1) and (2), but shall have due regard for the general principles for the protection of the health and safety of the fishermen.

(2) In the absence of any collective agreement, or arbitration award, or if the competent authority determines that the provisions in the agreement, or award in respect of sub-regulations 24 (3) and (4) are inadequate, the competent authority shall determine such provisions to ensure the fishermen concerned have sufficient rest.

Availability of
working
arrangements.

26. The master or a fisherman authorised by the master, shall ensure that working arrangements are placed in an accessible place on the fishing vessel.

Exception for
emergencies.

27. (1) The master of a fishing vessel may require a fisherman to work any hours of work necessary for the immediate safety of the fishing vessel, persons on board the vessel or cargo, or for the purpose of giving assistance to another vessel or to a person in distress at sea.

(2) For the purposes of sub-regulation (1), the master may

suspend the hours of rest scheduled in the table under Schedule II and require a fisherman to perform any hours of work necessary until the normal situation has been restored.

(3) As soon as practicable, after the normal situation has been restored, the master shall ensure that any fisherman who has performed work in a rest period scheduled in the table under Schedule II, is provided with an adequate rest period.

28. A record of a fisherman's daily hours of rest shall be maintained by the master, or a person authorised by the master, as specified in guidelines that shall be drawn up and published by the competent authority. Records.
Schedule III.

29. (1) Fishermen under the age of eighteen years shall: Young persons.

(a) not work more than eight hours per day and forty hours per week;

(b) be provided sufficient time allowing for all meals, and a break of at least one hour for the main meal of the day;

(c) be provided a fifteen minute rest period as soon as possible following each two hours of continuous work.

(2) The master may suspend the provisions of sub-regulation (1), or require that overtime shall be worked if:

(a) the provisions of regulation 27 are applied;

(b) the work forms part of an established programme of training, the effectiveness of which would be impaired by the prohibition in sub-regulation (1);

(c) they are impracticable, when the fishermen are assigned watch keeping duties on the deck, engine room and catering departments, or work in a rostered shift-work system.

(3) All instances under sub-regulation (2) shall be recorded, indicating the reason and signed by the master.

30. Where:

(a) a medical practitioner has certified that a fisherman engaged on watch keeping duties is suffering from health problems which the practitioner considers to be due to the fact that the fisherman performs night work; and

(b) it is possible for the employer to transfer that

Health
assessment and
transfer of
fishermen on
watch keeping
duties to day
work.

fisherman to work:

(i) to which the fisherman is suited; and

(ii) which is to be undertaken during periods such that the fisherman will cease to perform night work,

the fisherman shall be transferred accordingly.

Power to require information.

31. An owner shall provide the competent authority with such information on watch-keepers and other fishermen working at night as may be specified by the competent authority.

Entitlement to annual leave

Entitlement to annual leave.

32. (1) Subject to sub-regulation (3), the annual paid leave of a fisherman shall be calculated on the basis of a minimum of two point five calendar days per month of employment and *pro rata* for incomplete months.

(2) For the purposes of this regulation, a fisherman's leave year begins:

(a) on such date during the calendar year as may be agreed in writing by the employer and the fisherman; or

(b) in absence of such agreement:

(i) if the fisherman's employment began on or before the coming into force of these regulations, on that date and each subsequent anniversary of that date; or

(ii) if the fisherman's employment begins after the coming into force of this regulation, on the date on which that employment begins and each subsequent anniversary of that date.

(3) Where by virtue of sub-regulation (2), the period of leave to which a fisherman is entitled is, or includes a proportion of a week, the proportion shall be determined in days, and any fraction of a day shall be treated as a whole day.

(4) Any agreement to forgo the minimum annual leave with pay prescribed in these regulations, except where the fisherman's employment is terminated, shall be prohibited.

(5) Justified absences from work shall not be considered as annual leave.

33. Where during any period, a fisherman is entitled to hours of rest or annual leave both under a provision of these regulations and under a separate provision (including a provision of his contract), he may exercise the two rights separately, but may, in taking hours of rest or annual leave during that period, take advantage of whichever right is, in any particular respect, the more favourable.

Entitlements
under other
provisions.

Right to wages

34. Without prejudice to collective bargaining agreements, it shall be the duty of an employer of a fisherman and an owner of a vessel to ensure that a fisherman is paid at least a minimum basic wage.

Provision for
minimum wage.

35. (1) Fishermen whose remuneration includes separate compensation for overtime worked:

Remuneration.

(a) for the purpose of calculating wages, the normal hours of work at sea and in port shall not exceed eight hours per day;

(b) without prejudice to more favourable collective bargaining agreements, for the purpose of calculating overtime, the number of normal hours per week covered by the basic pay or wages shall not exceed forty-eight hours per week;

(c) the rate or rates of compensation for overtime, shall not be less than one and a quarter times the basic pay or wages per hour;

(d) records of all overtime worked shall be maintained by the master, or a person assigned by the master, and endorsed by the fisherman at no longer than monthly intervals.

(2) Fishermen whose wages are fully or partially consolidated, shall have specified in the fisherman's employment agreement, the number of hours of work expected of the fisherman in return for such remuneration, and any additional allowances which might be due in addition to the consolidated wage, indicating the circumstances.

(3) When hourly overtime is payable for hours worked in excess of those covered by the consolidated wage, the hourly rate shall not be less than one and a quarter times the basic rate corresponding to the normal hours of work as defined in sub-regulation (1)(c).

(4) For fishermen whose wages are partially consolidated,

records of all overtime worked shall be maintained and endorsed as provided for in sub-regulation (1)(d).

Minimum wage. **36.** The competent authority shall determine the minimum basic wage for a calendar month of service for an able fisherman, or the equivalent thereof, in the specific currency stated in the seafarer's employment agreement, and in so doing, the competent authority shall be guided by the amount periodically set by the Joint Maritime Commission or another body authorised by the Governing Body of the International Labour Organisation.

When the right to wages commences. **37.** A fisherman's right to wages and provisions shall be considered to commence at the time when he commences work or at the time specified in the agreement for his commencement of work or his presence on board, whichever happens first.

Right to recover wages and salvage not to be forfeited. **38.** (1) A fisherman shall not by any agreement forfeit his rights on the fishing vessel, or be deprived of any remedy for the recovery of his wages, to which in the absence of an agreement he would be entitled, and shall not by any agreement forfeit his right to wages in case of the loss of the vessel, or forfeit any right that he may have or obtain in the nature of salvage; and every stipulation in any agreement inconsistent with any provision of these regulations shall be void.

(2) Nothing in this regulation shall apply to a stipulation made by the fisherman belonging to any vessel, which according to the terms of the agreement, is to be employed on salvage services, with respect to the remuneration to be paid to him for such salvage services to be rendered by that vessel to any other vessel.

Wages shall not depend on proceeds from catch. **39.** The right to wages shall not depend on proceeds from the catch and every fisherman shall be entitled to request and recover any wages, notwithstanding that there were no proceeds from the catch; but in all cases of wreckage or loss of the vessel, proof that the fisherman has not exerted himself to the utmost to save the vessel and catch, shall bar his claim to wages.

Termination of service due to wreckage or loss of vessel. **40.** (1) Where by reason of the wreckage or loss of the vessel on which a fisherman is employed, his service terminates before the date contemplated in the agreement, he shall, subject to the provisions of this regulation, be entitled, in respect of each day on which he is in fact unemployed during a period of two months from the date of the termination of the service, to receive wages at the rate at which he was entitled on that date.

(2) A fisherman shall not be entitled to receive wages under this regulation if the owner shows that the unemployment was not due

to the wreckage or loss of the vessel, and he shall not be entitled to receive wages under this regulation in respect of any day, if the owner shows that the fisherman was able to obtain suitable employment on that day.

41. Where the service of a fisherman is terminated before the date contemplated in the fisherman's employment agreement, by reason of being left on shore at any place abroad, under a certificate granted as provided by these regulations, of his unfitness or inability to proceed on the voyage, he shall be entitled to wages up to the time of such termination, but not for any longer period.

Termination of service due to illness etc.

42. A fisherman shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work, when required, whether before or after the time fixed by the agreement for his commencement of such work, nor unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Wages not to accrue during refusal to work or imprisonment.

43. When a fisherman is by reason of illness incapable of performing his duty, and it is proved that the illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of the illness incapable of performing his duty.

Forfeiture of wages due to illness caused by fisherman's own fault.

44. If a fisherman, having signed a fisherman's employment agreement, is discharged otherwise than in accordance with the terms thereof before the commencement of the voyage, or before one month's wages are earned, without fault on his part to justify that discharge and without his consent, he shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for any damage caused to him by the discharge not exceeding one month's wages, and that compensation shall be treated as if it were wages duly earned.

Compensation to fisherman improperly discharged.

45. With regard to wages due or accruing to a fisherman for services on board a fishing vessel:

Restriction on assignment and charge upon wages.

(a) they shall not be subject to a garnishee order, except in accordance with the provisions of article 382 of the Code of Organization and Civil Procedure;

Cap. 12.

(b) any assignment made prior to the accruing thereof, shall not bind the person making the same;

(c) any authority for the receipt thereof, shall not be irrevocable;

(d) a payment of wages to the fisherman shall be valid notwithstanding any previous assignment of those wages.

Payment of wages

Time of payment of wages.

46. All wages to which a fisherman may be entitled, subject to deductions made in accordance with these regulations, shall be paid at intervals not longer than one month; and in the event of a fisherman's wages or any part thereof not being so paid or settled, in that case, unless the delay is due to the act or default of the fisherman, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the owner or master, the fisherman's wages shall continue to run and be payable until the time of the final settlement thereof.

Master to deliver account of wages.

47. (1) The master of every Maltese fishing vessel shall, before paying off or discharging any fisherman, deliver on a monthly basis a full and true account of the fisherman's wages and of all deductions to be made therefrom on any account whatsoever.

(2) The said account shall be delivered not less than twenty-four hours before his discharge or payment thereof.

(3) The said account shall indicate the rate of exchange used where payment has been made in a currency, or at a rate, different from the one agreed to.

(4) If the owner fails without reasonable cause to comply with this regulation, he shall for each offence be liable to a fine (*multa*) not exceeding twenty units.

Wages to be paid in legal tender whenever possible.

48. Wages shall be paid, whenever possible, in legal tender by bank transfer, bank cheque, postal cheque or money order or directly to a fisherman's designated bank account, unless the fisherman requests otherwise in writing.

Provision of means to transfer earnings.

49. (1) Owners shall provide fishermen with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries. This shall be done by, but not limited to:

(a) a system for enabling fishermen, at the time of commencement, or during their employment, to allot a proportion of their wages for remittance at regular intervals to their families by bank transfers or similar means; and

(b) a requirement that allotments shall be remitted in due time and directly to the person or persons nominated by the fishermen.

(2) Any charges for the services under sub-regulation (1) shall be reasonable in amount and agreed to in accordance with these regulations, and the rate of exchange shall be at the prevailing market rate during the periodical payments, or any other agreement that is not unfavourable to the fisherman.

50. (1) A deduction from the wages of a fisherman shall not be allowed unless it is included in the account delivered in pursuance of regulation 47, except in respect of a matter happening after the delivery. Deductions from wages and a book to be kept for that purpose.

(2) The master shall enter the various matters in respect of which the deductions are made during the voyage, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce the book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to that payment.

51. (1) Where the master of a Maltese fishing vessel degrades a fisherman, he shall forthwith enter, or cause to be entered in the official log book, a statement of the degrading, and furnish the fisherman with a copy of the entry; and any deduction of wages consequent to the degrading, shall not take effect until the entry has been so made and the copy so furnished. Notice of degrading of a fisherman.

(2) Any reduction of wages consequent to the degrading of a fisherman, shall be deemed to be a deduction from wages within the meaning of regulations 47 and 50 and treated accordingly.

52. Where a fisherman has agreed with the owner for payment of his wages in a specific currency, any payment of, or on account of his wages, if made in any currency other than that stated in the agreement shall, notwithstanding anything in the agreement, be made at the current rate of exchange of the place where the payment is made as stipulated in the agreement. Rate of exchange.

Discharge and repatriation of fishermen

53. When a fisherman serving on a Maltese fishing vessel is discharged on the termination of his engagement, he shall be discharged in the manner provided by these regulations: Discharge.

Provided that this regulation shall not apply where the fisherman is proceeding on temporary leave while remaining in the service of the owner of the vessel.

B 1210

Certificate of discharge and return of certificates of competency.

54. (1) The master of a Maltese fishing vessel shall sign and give to a fisherman discharged from his fishing vessel at any place, either on his discharge, or on payment of his wages, a certificate of his discharge in a form approved by the competent authority, specifying the period of his service and the time and place of his discharge, and if the master fails to do so, he shall be liable to a fine (multa) not exceeding ten units, for each offence.

(2) The master shall also, upon the discharge of every certified officer, whose certificate of competency has been delivered to and retained by him, return the certificate to the officer, and if without reasonable cause he fails to do so, he shall be liable to a fine (multa) not exceeding twenty units, for each offence.

False or forged certificate of discharge or report on character.

55. If any person:

(a) makes a false report on character under these regulations, knowing the same to be false; or

(b) forges or fraudulently alters any certificate of discharge, or report on character, or copy of a report on character; or

(c) assists in committing, or procures to be committed, any of such offences as aforesaid; or

(d) fraudulently uses any certificate of discharge, or report on character, or copy of a report on character which is false, or altered, or does not belong to him,

he shall be liable to imprisonment for a period not exceeding two years or to a fine (multa) not exceeding five hundred units or to both such imprisonment and fine, for each offence.

Discharge of fisherman due to change of ownership.

56. (1) Where a Maltese fishing vessel is transferred or disposed of, any fisherman belonging to that fishing vessel shall be discharged, unless he consents in writing to complete the voyage of the vessel if it is continued.

(2) Where a fisherman is discharged under this regulation, the provisions of these regulations regarding the certificate of discharge and the return of the fisherman to a proper port, shall apply as if his service had terminated otherwise than by his consent to be discharged during the current agreement.

57. (1) Except as hereinafter provided, every fisherman's employment agreement shall provide that if the agreement terminates at a port other than the port of engagement (whether by effluxion of time, or by any act of the parties, or by shipwreck or sale of the fishing vessel, or due to the inability of the fisherman to proceed on the vessel by reason of sickness or injury or any other cause whatsoever), he is returned to a proper port of return at the expense of the owner, who shall make such arrangements as may be necessary and pay all expenses incurred for the return of such fisherman, and such liability shall include the cost of any maintenance and medical treatment which is necessary for the fisherman until his arrival at a proper port of return, and such fisherman shall not become a charge upon the Government of Malta.

Owner's responsibility for the return of fishermen left behind at a port other than the port of engagement.

(2) A fisherman who has been left behind, or discharged from his fishing vessel as a result of his desertion, or his imprisonment, or his inability to proceed on the fishing vessel owing to sickness or infirmity wilfully concealed at the time of the engagement, shall not be entitled to be returned at the expense of the owner under sub-regulation (1), but the owner shall make all necessary arrangements and pay all expenses incurred for the return of the fisherman to a proper port of return as if he was so entitled, and the owner may be reimbursed his expenses out of any wages owing to the fisherman, at the time he left the fishing vessel, or out of the proceeds from the sale of any of his effects left on board, if this should not prove sufficient by ordinary process of law, but such fisherman shall not become a charge upon the Government of Malta.

(3) The competent authority, or a Maltese consular officer may demand a guarantee from the owner from which a fisherman is to be discharged or left behind, for the proper discharge of any obligations imposed by this regulation, and if this is refused, he may withhold his consent to the discharge.

(4) Where a fisherman becomes eligible to receive, and in fact receives, medical aid or periodical payments, at the expense of his employer, under the terms of any law providing for compensation to injured or sick workmen, such receipt shall be in full or part payment, as the case may be, of the entitlement under this regulation, and not in addition thereto.

(5) This regulation shall apply in respect of all vessels making call to Malta.

B 1212

Grounds for repatriation.

58. (1) A fisherman shall be entitled to repatriation at the cost of the owner if:

(a) the fisherman has served the maximum duration of service periods on board, such periods being of less than twelve months;

(b) the fisherman has been terminated for justified reasons by one or more of the parties to that agreement; or

(c) the fisherman is no longer able to carry out the duties required under the fisherman's work agreement, or cannot be expected to carry them out in the specific circumstances.

This shall also apply to fishermen from that vessel who are transferred for the same reasons from the vessel to a foreign port.

(2) A fisherman shall be entitled to repatriation at the expense of any third party exercising an executive title against the fishing vessel, or its owner, should such owner default in his obligations towards the fisherman, with regard to repatriation and other expenses owed to the fisherman, following the exercise of the executive title.

(3) The provisions of this regulation are without prejudice to any further action that the fisherman may take under the laws of Malta.

Repatriation of fishermen on termination of service at a foreign port.

59. (1) Where the service of a fisherman terminates otherwise than by his consent to be discharged during the operative term of the agreement, the master shall, besides giving the certificate of discharge required under this regulation and besides paying the wages to which the fisherman is entitled, make adequate provision in accordance with this regulation for his maintenance and for his return to a proper port of return.

(2) If the master fails, without reasonable cause, to comply with this regulation, the expenses of maintenance and of the journey to a proper port of return:

(a) if paid by the fisherman, shall be recoverable as wages due to him;

(b) if paid by any such fisherman as aforesaid, or by any other person, (unless the fisherman has been found guilty of barratry), shall be a charge on the fishing vessel to which the fisherman belonged, and may also be recovered from the owner of the fishing vessel, at the suit of the person who paid the expenses, or in case they have been paid from public

money, as a debt due to the Government of Malta.

60. (1) A fisherman shall be deemed to have been abandoned where, in violation of the requirements of these regulations, or the terms of the fisherman's employment agreement, the owner:

Financial
security.

(a) fails to cover the cost of the fisherman's repatriation;

(b) has left the fisherman without the necessary maintenance and support; or

(c) has otherwise unilaterally severed his ties with the fisherman, including failure to pay contractual wages for a period of at least two months.

(2) All vessels to which these regulations apply shall carry on board a certificate, or other documentary evidence, of financial security issued by a financial security provider. A copy shall be placed on board in a conspicuous place where it is available to the fishermen. Where more than one financial security provider provides cover, the document provided by each provider shall be carried on board.

(3) Assistance provided by the financial security system shall be sufficient to cover the following:

(a) outstanding wages and other entitlements due from the owner to the fisherman under their employment agreement, the relevant collective bargaining agreement or these regulations, limited to four months of any such outstanding wages and four months of any such outstanding entitlements;

(b) all expenses reasonably incurred by the fisherman, including the cost of repatriation referred to in sub-regulation (4); and

(c) the essential needs of the fisherman including items such as: adequate food, clothing where necessary, accommodation, drinking water supplies, essential fuel for survival on board the vessel, necessary medical care and any other reasonable costs or charges arising from the act or omission constituting the abandonment until the fisherman's arrival at home.

(4) The cost of repatriation shall cover travel by appropriate and expeditious means, normally by air, and include provisions for food and accommodation for the fisherman from the time that the

fisherman leaves the vessel until his arrival at home, necessary medical care, passage and transport of personal effects and any other reasonable costs or charges arising from the abandonment.

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

(6) If the provider of insurance or other financial security, has made any payment to any fisherman in accordance with this regulation, such provider shall, up to the amount it has paid and in accordance with the applicable law, acquire by subrogation, assignment or otherwise, the rights which the fisherman would have enjoyed.

(7) Nothing in this regulation shall prejudice any right of recourse of the insurer or provider of financial security against third parties.

Deceased or distressed fishermen

Persons entitled to relief, etc.

61. (1) For the purpose of regulations 62 to 71, both inclusive, persons hereinafter referred to as "distressed fishermen" are:

(a) any fisherman, whether a citizen of Malta or not, who is found in any place and who has been shipwrecked from a Maltese vessel, or by reason of having been discharged or left behind from any such fishing vessel, is in distress in that place;

(b) any fisherman, being a citizen of Malta, who has been engaged to serve on a vessel belonging to the government of, or registered in any foreign state, is in distress in any place:

Provided that the relevant authority shall facilitate the repatriation of fishermen serving on vessels which call at its ports or pass through the territorial or internal waters of Malta as well as their replacement on board.

(2) If three months have elapsed since a fisherman left his last vessel before he applies to the proper authority for relief, he shall not be entitled in terms of these regulations.

(3) In case of shipwreck or foundering, the date on which each fisherman shall be entitled to relief may vary according to the time when he ceases to be employed in connection with the abandoned

vessel.

62. (1) Where a distressed fisherman is, for the purposes of his return to a proper port of return, placed on board a Maltese fishing vessel, the master shall endorse on the fisherman's employment agreement, the date on which he embarked, the name and port of the registry of the vessel on which the fisherman was last engaged, the port to which the fisherman is entitled to be conveyed, together with any particulars directed to be endorsed by the distressed fisherman.

Provisions regarding the placing of distressed fishermen on fishing vessels.

(2) The master of every Maltese fishing vessel shall receive on board his vessel, and afford a passage and maintenance to all distressed fishermen who he is required to take on board his fishing vessel under these regulations, not exceeding one for every fifty net tons, and shall during the passage provide every such distressed fisherman with a proper berth or sleeping place, effectually protected against sea and weather.

63. (1) Distressed fishermen are to be relieved and maintained upon the most reasonable terms possible, but only until arrangements are made for their return to a proper port of return, and such arrangements are carried into effect.

Nature and period of relief etc.

(2) Distressed fishermen may, where necessary, be provided with medical advice and treatment and supplied with clothing, but in no greater quantity than is absolutely required, and the clothing supplied shall be of the quality the fishermen would normally wear.

(3) The relief and maintenance of a fisherman under these regulations shall continue for as long that it is considered necessary by the proper authority, but in every case in which relief is continued for more than one month, a special report of the circumstances shall be furnished by the proper authority to the competent authority.

64. (1) On arrival at the port to which a fisherman has been conveyed, the master shall produce to the proper authority at that port, a certificate signed by the proper authority originally making arrangements for the distressed fisherman's return to a proper port of return, specifying the number and the names of the distressed fishermen placed on board and the time when each of them was received on board.

Certificate and declaration for rates of passage.

(2) On the production of the certificate referred to in sub-regulation (1), together with a declaration on oath made by the master before an official authorised to administer oaths, stating the number of days during which each distressed fisherman had received maintenance, the full complement of his crew, the actual number of

fishermen employed on board his fishing vessel and any variation in that number whilst the distressed fishermen received maintenance, the master shall be entitled to be paid against receipt from the proper authority, in respect of the maintenance and passage of every fisherman so conveyed, maintained and provided for him in excess of the number, if any, required to make up the compliment of the crew, an allowance at the rate of four euro and sixty-six cents per day for every day (including part of a day) on which that fisherman was on board the fishing vessel.

Fine for non-compliance.

65. If any master of a Maltese fishing vessel fails without reasonable cause to comply with regulations 62, 63 and 64 in the case of any distressed fisherman, he shall be liable to a fine (multa) not exceeding one hundred units, for each offence.

Rescued fishermen.

66. Whenever a fishing vessel with distressed fishermen on board, who have been rescued or picked up at sea, arrives at a port, the proper authority may pay the master of the fishing vessel for their subsistence an allowance at the rate set out in regulation 64.

Fishermen mentally deranged.

67. (1) In order to provide for the passage, to a proper port of return of a distressed fisherman suffering from mental derangement, the proper authority, with the object of ensuring that requisite care and attendance shall be given to such fisherman during the voyage, may make a special agreement with the master and agree to pay, if necessary, such sum for the passage, in addition to the allowance at the rate set out in regulation 64, as may appear fair and reasonable under the circumstances.

(2) A copy of the agreement so entered into, shall in every case be forwarded to the competent authority as soon as possible, and in any case where it is desirable to send the fisherman to a foreign port, to the proper authority at that port.

(3) In the case of a fisherman arriving under such circumstances at a port, the proper authority at that port may, in addition to the allowance at the rate set out in regulation 64, pay to the master the amount of the extra passage money, on production of such an agreement and upon being satisfied that the fisherman has received the special care and attendance agreed to. An immediate notice of such a payment, together with the original agreement and the receipt of the master for the passage money, shall be sent to the competent authority.

Certain cases of illness.

68. In the case of a fisherman discharged, or left behind, suffering from any illness due to his own wilful act, or default, or due to his own misbehaviour, who is to be dealt with under these regulations, the expense for providing necessary surgical and medical advice and attendance and medicines, as well as the

expenses of the maintenance of the said fisherman until he is cured or dies, or is returned to a proper port of return, and of his conveyance to such port, and in the case of death the expenses, if any, of his burial, shall be met as far as possible out of his wages.

69. (1) A fisherman, distressed or otherwise, shall be sent to a proper port of return by any reasonable route.

Return of
distressed
fishermen.

(2) Provision may be made for the return of a fisherman, if he is fit to work, by providing him with suitable employment on board a fishing vessel, proceeding to a proper port of return, which is in want of personnel to make up its complement, or if that is not practicable, by providing him with a passage by aircraft, vessel, train or other mode of transport, or with the money for his passage, and regarding any part of the route which is by land, by paying the expenses of his journey and of his maintenance during the journey, or providing him with the means to pay those expenses.

(3) Where the master of a fishing vessel is required by these regulations to provide for the return of a discharged fisherman to a proper port of return, the master may, instead of providing the passage or the expenses of his journey, or of providing him with the means to pay for his passage or those expenses, deposit with the officer whose sanction or certificate is required under these regulations, such sum as that officer considers sufficient to pay the expenses of the return of the fisherman to a proper port of return.

(4) Whilst a distressed fisherman is in transit to a proper port of return, the proper authority at any place at which that fisherman may be, may pay on behalf of the authority originally making arrangements for the distressed fisherman's return to a proper port, any expenses on account of that fisherman which the authority originally acting in respect of such fisherman could have paid.

(5) Where a fisherman is repatriated as a member of a crew, he shall be entitled to the appropriate remuneration for work done during the voyage.

(6) If any question arises in any case, as to which port of return a fisherman is to be sent, or as to the route by which he should be sent, that question shall be decided by the officer aforesaid, and in deciding any question under this provision, that officer shall have regard both to the convenience of the fisherman and to the expenses involved and also, where that is the case, to the fact that a fishing vessel which is in want of fishermen to make up its complement is about to proceed to a proper port of return, or to a port in the vicinity thereof:

Provided that nothing in this regulation shall relieve the owner from the obligation and expense of returning the fisherman to a proper port of return.

Recovery of expenses by the Government.

70. (1) Where any expenses (other than excluded expenses as defined by this regulation) are incurred by, or on behalf of the Government of Malta, or are incurred by the government or authority of a foreign state, and are repaid or repayable to that government, by or on behalf of the Government of Malta on account of a distressed fisherman, either for his maintenance, necessary clothing, conveyance to a proper port of return, or in case of death, for his burial, or otherwise in accordance with these regulations, those expenses (together with the wages, if any, due to the fisherman) shall be a charge upon the fishing vessel, whether Maltese or foreign, to which the distressed fisherman belonged. These expenses shall be recoverable as a debt due to the Government of Malta from the master of the fishing vessel, or from the owner of the fishing vessel for the time being, or where the fishing vessel has been lost, from the person who was the owner of the fishing vessel at the time of the loss, or where the fishing vessel has been transferred to some person not being a Maltese citizen, or not being a body corporate established under the laws of Malta, either from the owner for the time being, or from the person who was the owner of the fishing vessel at the time of the transfer, and also, if the vessel is a foreign vessel, from the owner who engaged the fisherman for service on the vessel.

(2) In any proceedings for such recovery, a certificate of the expenses signed by the person, authority or government paying the expenses together with any vouchers applicable, as the case requires, shall be sufficient proof that the said expenses were duly paid.

(3) For the purposes of this regulation, "excluded expenses" are expenses incurred in cases where the certificate obtained under these regulations regarding leaving a fisherman behind stipulates, or the competent authority is otherwise satisfied, that the cause of the fisherman being left behind is desertion, disappearance, imprisonment for misconduct, or discharge from his vessel by a competent court on the ground of misconduct, and expenses incurred on account of the return to the proper port of a distressed fisherman who has been discharged at the port at which he was transported, or at some neighbouring port.

Expenses to be a charge on the Consolidated Fund.

71. Saving the provisions of regulation 68, all expenses incurred and payments made by the proper authority under the provisions of these regulations shall be a charge on the Consolidated Fund.

72. Every fishing vessel shall carry a crew list, a copy of which shall be provided to authorized persons ashore prior to departure of the vessel, or communicated ashore immediately after departure of the vessel. The competent authority shall determine to whom and when such information shall be provided and for what purpose or purposes.

Crew list.

Food and Accommodation

73. (1) All fishing vessels shall be in compliance with the guidelines on food and weekly rations set out in Schedule IV.

Food and accommodation Schedule I.

(2) The competent authority shall draw up and publish guidelines on accommodation on board fishing vessels. These guidelines shall include the following:

- (a) approval of plans for the construction, or modification of fishing vessels in respect of accommodation;
- (b) maintenance of accommodation and galley spaces;
- (c) ventilation, heating, cooling and lighting;
- (d) mitigation of excessive noise and vibrations;
- (e) location, size, construction materials, furnishing and equipping of sleeping rooms, mess rooms and other accommodation spaces;
- (f) hygiene conditions;
- (g) sanitary facilities, including toilets and washing facilities and supply of sufficient hot and cold water; and
- (h) procedures for responding to complaints concerning accommodation that does not meet the requirements of these regulations.

Provided that if the fishing vessel is twenty-four metres in length or over, the guidelines must comply with the requirements set out in Schedule I.

HEALTH AND SOCIAL WELFARE SERVICES

Owner's liability for medical care

74. The competent authority may, at any time, and in particular whenever he is requested to issue or renew any certificate of registry issued to a vessel under the Act, demand evidence that the vessel is effectively covered by an adequate insurance

Provision of insurance policy.

B 1220

Board lodging
and wages.

75. In the event of any sickness, disease or injury suffered by any fisherman, the owner shall:

(a) provide, at his own expense, for adequate board and lodging for such fisherman;

(b) pay such fisherman who is, by reason of such sickness, disease or injury rendered incapable to work:

(i) wages for such time as the fisherman remains on board, or is repatriated, in accordance with these regulations; and

(ii) without prejudice to regulation 41, where the said fisherman is no longer on board, a sum of money equivalent to the wages (exclusive of bonuses) that, but for his sickness, disease or injury, would have accrued in his favour during the continuance of his sickness, disease or injury, or during a period of sixteen weeks, whichever period is shorter:

Provided that where the fisherman entitled to receive such payment mentioned in paragraph (b)(ii) has remained on board for any period of time following the onset of his sickness, disease or injury, any wages received during such period shall be deducted from any payment to which he would be entitled in accordance with the said paragraph (b)(ii).

Medical
assistance on
board.

76. (1) Fishing vessels shall be required to have one fisherman on board who is in charge of medical care and administering medicine as part of his regular duties, or at least one fisherman on board competent to provide medical first aid.

(2) Fishermen in charge of medical care on board who are not medical doctors shall have satisfactorily completed training in medical care and, or medical first aid.

Owners'
liability.

77. (1) The system of financial security to assure compensation for contractual claims, shall meet the following minimum requirements:

(a) the contractual compensation, where set out in the fisherman's employment agreement and without prejudice to paragraph (c), shall be paid in full and without delay;

(b) there shall be no pressure to accept a payment less than the contractual amount;

(c) where the nature of the long-term disability of a fisherman makes it difficult to assess the full compensation to which the fisherman may be entitled, an interim payment or payments shall be made to the fisherman so as to avoid undue hardship;

(d) the fisherman shall receive payment without prejudice to other legal rights, but such payment may be offset by the owner against any damages resulting from any other claim made by the fisherman against the owner and arising from the same incident; and

(e) the claim for contractual compensation may be brought directly by the fisherman concerned, or their next of kin, or a representative of the fisherman, or designated beneficiary.

(2) Fishermen shall receive prior notification if an owner's financial security is to be cancelled or terminated.

(3) The competent authority shall be notified by the provider of the financial security if an owner's financial security is cancelled or terminated.

(4) All vessels to which these regulations apply shall carry on board a certificate, or other documentary evidence, of financial security issued by a financial security provider. Where more than one financial security provider provides 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 competent authority.

(6) The financial security shall provide for the payment of all contractual claims covered by it, which arise during the period for which the document is valid.

Health and safety protection

78. (1) It shall be the duty of every owner to carry out an assessment of all the occupational health and safety hazards which may be present on-board the vessel and the resultant risks involved concerning all aspects of the work activity. Such assessments shall consider the risks to the health and safety of the fishermen: Risk assessments.

Provided that, when carrying out such assessments, the

owner shall also take into consideration changes to the work activities being carried out and to the vessel's structure or operational use, and shall take appropriate action.

(2) The owner shall keep on board the fishing vessel, written or retrievable electronic copies of such assessments, and shall ensure that they are updated regularly.

(3) Such assessments shall be posted in those places which are being addressed by the assessment in such manner as to be clearly readable by the fishermen concerned.

(4) The owner shall implement the protective measures appropriate to the nature of the work being carried out, which are required to be taken following these assessments and, if necessary, the protective equipment to be used, in accordance with recognised industry standards which may be regulated by Maltese law or international treaties.

(5) The assessments referred to in this regulation shall be reviewed whenever there is any major change in working conditions, or whenever the owner or fishermen concerned by the assessments have reason to suspect that they are no longer valid.

Health and safety hazard assessments.

79. The owner may delegate to such persons or recognised organisations recognised by the competent authority, in ensuring compliance with the provisions of these regulations, to draw the occupational health and safety hazards assessments in accordance with regulation 78.

Drawing up of assessments.

80. In drawing up occupational health and safety hazards assessments, the owner shall give particular attention to:

(a) the duties of the master to take specific responsibility for the implementation of and compliance with the fishing vessel's occupational health and safety policy and programme; and

(b) the health and safety of a fisherman under the age of eighteen years.

Safety committee.

81. The owner shall specify the authority of the fishing vessel's fishermen appointed or elected as safety representatives to participate in meetings of the fishing vessel's safety committee. Such a committee shall be established on board a fishing vessel on which there should be five or more fishermen.

Complaints

82. All fishing vessels shall have on-board procedures for the fair, effective and expeditious handling of fishermen complaints alleging breaches of these regulations. Such procedures shall seek to resolve complaints at the lowest level possible:

On-board
complaint
procedure.

Provided that fishermen shall have a right to complain directly to the master, and where they consider it necessary, to the competent authority.

83. (1) If a fisherman whilst on board, states to the master of the fishing vessel that he intends to make a complaint to the competent authority, or to a Maltese consular officer, against any member of the crew, including the master, the said master shall, as soon as the service of the vessel will permit:

Facilities for
making
complaints.

(a) if the fishing vessel is at a place where there is any such person as aforesaid to whom the complaint is to be made, after such statement; and

(b) if the fishing vessel is not at such place, after her first arrival at such a place,

allow the complainant to go ashore or send him ashore in proper custody, so that he may be able to make his complaint.

(2) The master of a fishing vessel shall not coerce the fisherman into divulging the identity of the persons against whom the complaint is being lodged or the nature of the complaint.

(3) If the master of a fishing vessel fails without reasonable cause, to comply with this regulation, he shall be liable to a fine (multa) not exceeding ten units, for each offence.

84. (1) Where the competent authority receives a complaint which is not considered manifestly unfounded, or obtains evidence that a fishing vessel which flies the Maltese flag does not comply with these regulations, the competent authority shall take the necessary steps to investigate the matter and ensure that action is taken to remedy any deficiencies found in accordance with regulation 87.

Reports on
Maltese fishing
vessels.

(2) The identity of the person lodging the complaint must not be revealed to the master or the owner of the fishing vessel concerned, nor shall there be any indication that an inspection was carried out following such a complaint.

(3) Any person lodging a complaint with flag or port

authorities which is found to be without basis in fact, and done maliciously or vexatiously will be subject to disciplinary provisions.

Penalties.

85. (1) Any contravention by:

(a) the master of a ship, of regulations 23, 26, 27(3) or 28;

(b) an employer, of regulation 23;

(c) a person authorised by the master of a ship, of regulation 26 or 28; or

(d) a company which has assumed the operation of the ship, of regulation 28 or regulation 31,

shall be liable to a fine (multa) of not more than one thousand units, for each offence.

(2) Where there is a contravention of regulation 24(3) or (4), the master of the ship shall be liable to a fine (multa) of not more than five hundred units, for each offence.

(3) Where there is a contravention of regulation 29(1), the employer of the fisherman under the age of eighteen years shall be liable to a fine (multa) of not more than five hundred units.

(4) Where there is a contravention of regulation 32, the employer of the fisherman shall be liable to a fine (multa) of not more than one thousand units.

Enforcement

Duty to ensure compliance during international voyages.

86. (1) The owner and the master of the fishing vessels engaged in international voyages and fishing vessels flying the Maltese flag and operating from a port, or between ports, in another state, shall ensure that the vessel is also in compliance with the provisions of regulation 87.

(2) The owner and, or the master, if in fault, shall be liable to a fine (multa) not exceeding five hundred units, for each offence.

Inspection, detention and other measures in respect of vessels.

87. The competent authority, or an appropriate inspector, may inspect any vessel to which these regulations apply and if satisfied that the vessel is not in compliance with the provisions of these regulations, the competent authority shall take such steps as are considered necessary to ensure that the vessel shall not sail until it can proceed to sea, without presenting an unreasonable threat of harm to the working and living conditions of the fishermen and any

expenses incurred therefore shall be a charge on the vessel, so however that the vessel shall not be unduly detained or delayed.

SCHEDULE I
FISHING VESSEL ACCOMMODATION

GENERAL PROVISIONS

1. This Schedule applies without prejudice to Directive 92/29/EEC and Directive 93/103/EC.

2. For the purposes of this Schedule:

(a) "Agreement" means the Agreement concluded by the General Confederation of Agricultural Cooperatives in the European Union (Cogeca), the European Transport Workers' Federation (ETF), and the Association of National Organisations of Fishing Enterprises in the European Union (Europêche) of 21 May 2012 concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organization;

(b) "new fishing vessel" means a vessel for which:

(i) the building or major conversion contract has taken place on or after the date of the entry into force of the Agreement; or

(ii) the building or major conversion contract has taken place before the date of the entry into force of the Agreement, and which is delivered three years or more after that date; or

(iii) in the absence of a building contract, on or after the date of the entry into force of the Agreement:

(a) the keel is laid;

(b) construction identifiable with a specific vessel commences;

(c) assembly has commenced comprising at least fifty tonnes or one percent of the estimated mass of all structural material, whichever is less; or

(d) "existing vessel" means a vessel that is not a new fishing vessel.

3. The following shall apply to all new, decked fishing vessels, subject to any exclusions provided for in accordance with Article 3 of the Agreement. The competent authority may, after consultation, also apply the requirements of this Schedule to existing vessels, when and in so far as it determines that this is reasonable and practicable.

4. The competent authority, after consultation, may permit variations to the provisions of this Schedule for fishing vessels normally remaining at sea for less than twenty-four hours, where the fishermen do not live on board the vessel whilst in the port. In the case of such vessels, the competent authority shall ensure that the fishermen concerned have adequate facilities for resting, eating and sanitation purposes.

5. The requirements for vessels of twenty-four metres in length and over may be applied to vessels between fifteen and twenty-four metres in length where the competent authority determines, after consultation, that this is reasonable and practicable.

6. Fishermen working on board feeder vessels which do not have appropriate accommodation and sanitary facilities shall be provided with such accommodation and facilities on board the mother vessel.

7. Member States may extend the requirements of this Schedule regarding noise and vibration, ventilation, heating and air conditioning, and lighting to enclosed working spaces and spaces used for storage if, after consultation, such application is considered appropriate and will not have a negative influence on the functioning of the process or working conditions or the quality of the catches.

PLANNING AND CONTROL

8. The competent authority shall satisfy itself that, on every occasion when a vessel is newly constructed, or the crew accommodation of a vessel has been reconstructed, such vessel complies with the requirements of this Schedule. The competent authority shall, to the extent practicable, require compliance with this Schedule, when the crew accommodation of a vessel is substantially altered and, for a vessel that changes the flag that it flies to the flag of a Member State, require compliance with those requirements of this Schedule that are applicable in accordance with paragraph 3.

9. For the instances specified in paragraph 8, for vessels of twenty-four metres in length and over, detailed plans and information concerning accommodation shall be required to be submitted for

approval to the competent authority, or an entity authorized by it.

10. For vessels of twenty-four metres in length and over, on every occasion when the crew accommodation of the fishing vessel has been reconstructed or substantially altered, the competent authority shall inspect the accommodation for compliance with the requirements of the Agreement, and when the vessel changes the flag that it flies to a flag of a Member State, for compliance with those requirements of this Schedule that are applicable in accordance with paragraph 3. The competent authority may carry out additional inspections of crew accommodation at its discretion.

11. When a vessel changes its flag to a Member State flag, or is registered under a Member State's plenary jurisdiction, any alternative requirements which the competent authority of a non EU Member State whose flag the ship was formerly flying may have adopted in accordance with paragraphs 15, 39, 47 or 62 of Annex III to C188, shall cease to apply to the vessel.

DESIGN AND CONSTRUCTION

12. There shall be adequate headroom in all accommodation spaces. For spaces where fishermen are expected to stand for prolonged periods, the minimum headroom shall be prescribed by the competent authority.

13. For vessels of twenty-four metres in length and over, the minimum permitted headroom in all accommodation where full and free movement is necessary, shall not be less than two hundred centimetres.

14. There shall be no direct openings into sleeping rooms from fish rooms and machinery spaces, except for the purpose of emergency escapes. Where reasonable and practicable, direct openings from galleys, storerooms, drying rooms or communal sanitary areas shall be avoided, unless expressly provided otherwise.

Openings into and between accommodation spaces.

15. For vessels of twenty-four metres in length and over, there shall be no direct openings, except for the purpose of emergency escapes, into sleeping rooms from fish rooms and machinery spaces, or from galleys, storerooms, drying rooms or communal sanitary areas; that part of the bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or another approved material and shall be watertight and gas-tight. This provision does not exclude the possibility of sanitary areas being shared between two cabins.

INSULATION

16. Accommodation spaces shall be adequately insulated; the materials used to construct internal bulkheads, panelling and sheeting, and floors and joinings shall be suitable for the purpose and shall be conducive to ensuring a healthy environment. Sufficient drainage shall be provided in all accommodation spaces.

17. All practicable measures shall be taken to protect fishing vessels' crew accommodation against flies and other insects, particularly when vessels are operating in mosquito-infested areas.

18. Emergency escapes from all crew accommodation spaces shall be provided as necessary.

NOISE AND VIBRATION

19. Paragraph 20 applies without prejudice to Directive 2003/10/EC and Directive 2002/44/EC.

20. The competent authority shall adopt standards for noise and vibration in accommodation spaces which shall ensure adequate protection to fishermen from the effects of such noise and vibration, including the effects of noise and vibration-induced fatigue.

VENTILATION

21. Accommodation spaces shall be ventilated, taking into account climatic conditions. The system of ventilation shall constantly supply fresh air in a satisfactory condition whenever fishermen are on board.

22. Ventilation arrangements or other measures shall be such as to protect non-smokers from tobacco smoke.

23. Vessels of twenty-four metres in length and over shall be equipped with a system of ventilation for accommodation, which shall be controlled so as to maintain the air in a satisfactory condition and to ensure sufficiency of air movement in all weather conditions and climates. Ventilation systems shall be in operation at all times when fishermen are on board.

HEATING AND AIR CONDITIONING

24. Accommodation spaces shall be adequately heated, taking into account climatic conditions.

25. For vessels of twenty-four metres in length and over,

adequate heat shall be provided, through an appropriate heating system, except in fishing vessels operating exclusively in tropical climates. The system of heating shall provide heat in all conditions, as necessary, and shall be in operation when fishermen are living or working on board, and when conditions so require.

26. For vessels of twenty-four metres in length and over, with the exception of those regularly engaged in areas where temperate climatic conditions do not require it, air conditioning shall be provided in accommodation spaces, the bridge, the radio room and any centralized machinery control room.

LIGHTING

27. All accommodation spaces shall be provided with adequate light.

28. Wherever practicable, accommodation spaces shall be lit with natural light in addition to artificial light. Where sleeping spaces have natural light, a means of blocking the light shall be provided.

29. Adequate reading light shall be provided for every berth in addition to the normal lighting of the sleeping room.

30. Emergency lighting shall be provided in sleeping rooms.

31. Where a vessel is not fitted with emergency lighting in mess rooms, passageways, and any other spaces that are or may be used for emergency escape, permanent night lighting shall be provided in such spaces.

32. For vessels of twenty-four metres in length and over, lighting in accommodation spaces shall meet a standard established by the competent authority. In any part of the accommodation space available for free movement, the minimum standard for such lighting shall be such as to permit a person with normal vision to read an ordinary printed newspaper on a clear day.

SLEEPING ROOMS

General

33. Where the design, dimensions or purpose of the vessel allow, the sleeping accommodation shall be located so as to minimize the effects of motion and acceleration, but shall in no case be located forward of the collision bulkhead.

Floor area

34. The number of persons per sleeping room and the floor area per person, excluding space occupied by berths and lockers, shall be such as to provide adequate space and comfort for the fishermen on board, taking into account the service of the vessel.

35. For vessels of twenty-four metres in length and over, but which are less than forty-five metres in length, the floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than one point five square metres.

36. For vessels of forty-five metres in length and over, the floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than two square metres.

Persons per sleeping room

37. To the extent not expressly provided otherwise, the number of persons allowed to occupy each sleeping room shall not be more than six.

38. For vessels of twenty-four metres in length and over, the number of persons allowed to occupy each sleeping room shall not be more than four. The competent authority may permit exceptions to this requirement in particular cases if the size, type or intended service of the vessel makes the requirement unreasonable or impracticable.

39. To the extent not expressly provided otherwise, a separate sleeping room or sleeping rooms shall be provided for officers, wherever practicable.

40. For vessels of twenty-four metres in length and over, sleeping rooms for officers shall be for one person wherever possible, and in no case shall the sleeping room contain more than two berths. The competent authority may permit exceptions to the requirements of this paragraph in particular cases if the size, type or intended service of the vessel makes the requirements unreasonable or impracticable.

Other

41. The maximum number of persons to be accommodated in any sleeping room shall be legibly and indelibly marked in a place in the room where it can be conveniently seen.

42. Individual berths of appropriate dimensions shall be provided. Mattresses shall be of a suitable material. Local lighting shall be provided in each berth.

43. For vessels of twenty-four metres in length and over, the minimum inside dimensions of the berths shall not be less than one hundred and ninety-eight by eighty centimetres.

44. Sleeping rooms shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness. Equipment provided shall include berths, individual lockers sufficient for clothing and other personal effects, and a suitable writing surface.

45. For vessels of twenty-four metres in length and over, a desk suitable for writing, with a chair, shall be provided.

46. Sleeping accommodation shall be situated or equipped, as practicable, so as to provide appropriate levels of privacy for men and for women.

MESS ROOMS

47. Mess rooms shall be as close as possible to the galley, but in no case shall be located forward of the collision bulkhead.

48. Vessels shall be provided with mess room accommodation suitable for their service. To the extent not expressly provided otherwise, mess room accommodation shall be separate from sleeping quarters, where practicable.

49. For vessels of twenty-four metres in length and over, mess room accommodation shall be separate from sleeping quarters.

50. The dimensions and equipment of each mess room shall be sufficient for the number of persons likely to use it at any one time.

51. For vessels with a length between perpendiculars (LBP) of fifteen metres or over, a refrigerator of sufficient capacity and facilities for making hot and cold drinks shall be available and accessible to fishermen at all times.

TUBS OR SHOWERS, TOILETS AND WASHBASINS

52. Sanitary facilities, which include toilets, washbasins, and tubs or showers, shall be provided for all persons on board, as appropriate for the service of the vessel. These facilities shall meet at least minimum standards of health and hygiene and reasonable standards of quality.

53. The sanitary accommodation shall be such as to eliminate contamination of other spaces. The sanitary facilities shall allow for reasonable privacy.

54. Hot and cold running fresh water shall be available to all fishermen and other persons on board, in sufficient quantities to allow for proper hygiene. The competent authority may establish, after consultation, the minimum amount of water to be provided.

55. Where sanitary facilities are provided, they shall be fitted with ventilation to the open air, independent of any other part of the accommodation.

56. All surfaces in sanitary accommodation shall be such as to facilitate easy and effective cleaning. Floors shall have a non-slip deck covering.

57. On vessels of twenty-four metres in length and over, for all fishermen who do not occupy rooms to which sanitary facilities are attached, there shall be provided at least one tub or shower or both, one toilet, and one washbasin for every four persons or fewer.

LAUNDRY FACILITIES

58. Amenities for washing and drying clothes shall be provided as necessary, taking into account the service of the vessel, except to the extent expressly provided otherwise.

59. For vessels of twenty-four metres in length and over, adequate facilities for washing, drying and ironing clothes shall be provided.

60. For vessels of forty-five metres in length and over, adequate facilities for washing, drying and ironing clothes shall be provided in a compartment separate from sleeping rooms, mess rooms and toilets, and shall be adequately ventilated, heated and equipped with lines or other means for drying clothes.

FACILITIES FOR SICK AND INJURED FISHERMEN

61. In addition to the requirements of Directive 92/29/EEC a cabin shall be made available for a fisherman who suffers from illness or injury, whenever necessary.

62. Instead of the requirement laid down in article 2(3) of Directive 92/29/EEC the following applies: on vessels over five hundred gross registered tonnes (GRT) on which fifteen or more fishermen are engaged on a voyage of more than three days, and on fishing vessels of forty-five metres in length or over, regardless of crew size and duration of voyage, there shall be a separate sick bay in which medical treatment can be administered. The space shall be properly equipped and shall be maintained in a hygienic state.

OTHER FACILITIES

63. A place for hanging foul-weather gear and other personal protective equipment shall be provided outside of, but convenient to, sleeping rooms.

BEDDING, MESS UTENSILS AND MISCELLANEOUS PROVISIONS

64. Appropriate eating utensils, and bedding and other linen shall be provided to all fishermen on board. However, the cost of the linen can be recovered as an operational cost if the collective agreement or the fisherman's work agreement so provides.

RECREATIONAL FACILITIES

65. For vessels of twenty-four metres in length and over, appropriate recreational facilities, amenities and services shall be provided for all fishermen on board. Where appropriate, mess rooms may be used for recreational activities.

COMMUNICATION FACILITIES

66. All fishermen on board shall be given reasonable access to communication facilities, to the extent practicable, at a reasonable cost and not exceeding the full cost for the fishing vessel owner.

GALLEY AND FOOD STORAGE FACILITIES

67. Cooking equipment shall be provided on board. Except to the extent expressly provided otherwise, this equipment shall be fitted, where practicable, in a separate galley.

68. The galley or cooking area where there isn't provided a separate galley, shall be of adequate size for the purpose, well lit and ventilated, and properly equipped and maintained.

69. For vessels of twenty-four metres in length and over, there shall be a separate galley.

70. The containers of butane or propane gas used for cooking purposes in a galley shall be kept on the open deck, and in a shelter which is designed to protect them from external heat sources and external impact.

71. A suitable place for provisions of adequate capacity shall be provided which can be kept dry, cool and well ventilated in order to avoid deterioration of the stores, and except to the extent expressly

provided otherwise, refrigerators or other low temperature storage shall be used, where possible.

72. For vessels with a length between perpendiculars (LBP) of fifteen metres or over, a provisions storeroom and refrigerator and other low-temperature storage shall be used.

FOOD AND POTABLE WATER

73. Food and potable water shall be sufficient, having regard to the number of fishermen, and the duration and nature of the voyage. In addition, they shall be suitable in respect of nutritional value, quality, quantity and variety, having regard as well to the fishermen's religious requirements and cultural practices in relation to food.

74. The competent authority may establish requirements for the minimum standards and quantity of food and water to be carried on board.

CLEAN AND HABITABLE CONDITIONS

75. Accommodation shall be maintained in a clean and habitable condition and shall be kept free of goods and stores which are not the personal property of the occupants, or intended for their safety or rescue.

76. Galley and food storage facilities shall be maintained in a hygienic condition.

77. Waste shall be kept in closed, well-sealed containers and removed from food handling areas, whenever necessary.

MEDICAL CERTIFICATES

78. Without prejudice to the provisions on medical certificates found in the principal regulations, the medical certificates of fishermen on a fishing vessel of twenty-four metres in length or over who are under the age of eighteen shall be valid for a maximum period of one year.

MANNING

79. In relation to vessels of twenty-four metres in length or over, the competent authority shall establish a minimum level of manning for the safe navigation of the vessel, specifying the number and the qualifications of the fishermen required.

80. The competent authority, after consultation, may establish alternative requirements to those found in article 79 of this Schedule, however the competent authority shall be satisfied that the alternative:

(i) is conducive to the full achievement of the general object and purpose of article 79 of this Schedule and of the general provisions on hours of work and hours of rest in the principal regulations;

(ii) gives effect to article 79 of this Schedule; and

(iii) shall not jeopardise the safety and health of the fishermen.

INSPECTIONS BY THE SKIPPER OR UNDER THE AUTHORITY OF THE SKIPPER

81. (a) For vessels of twenty-four metres in length and over, the competent authority shall require frequent inspections to be carried out, by or under the authority of the skipper, to ensure that:

(i) accommodation is clean, decently habitable and safe, and is maintained in a good state of repair;

(ii) food and water supplies are sufficient; and

(iii) galley and food storage spaces and equipment are hygienic and in a proper state of repair.

(b) The results of such inspections and the actions taken to address any deficiencies found, shall be recorded and available for review.

VARIATIONS

82. The competent authority, after consultation, may permit derogations from the provisions in this Schedule to take into account, without discrimination, the interests of fishermen having differing and distinctive religious and social practices, on condition that such derogations do not result in overall conditions less favourable than those which would result from the application of this Schedule.

SCHEDULE II

MINISTERU GHALL-AGRIKOLTURA, SAJD
U DRITTUJJIET TAL-ANNIMALI
SCHEDULE
Dipartiment tas-Sajd u Ankkwikkultura



MINISTRY FOR AGRICULTURE, FISHERIES
AND ANIMAL RIGHTS
Department of Fisheries and Aquaculture

Model Format for a Table of Shipboard Working Arrangements¹

Name of ship: _____ Flag of ship: _____ IMO Number (if any): _____ Latest update of table: _____ () of () pages

The maximum hours of work or the minimum hours of rest are applicable in accordance with: _____ (national law or regulation) issued in conformity with Council Directive (EU) 2017/159, and with any applicable collective agreement registered or authorised in accordance with that Directive.

Maximum hours of work or minimum hours of rest: _____²

Other requirements: _____

Position/Rank ³	Scheduled daily work hours at sea		Scheduled daily work hours in port		Comments	Total daily work/rest ⁴ hours	
	Watchkeeping duties (from – to)	Non-Watchkeeping duties (from – to)	Watchkeeping duties (from – to)	Non-Watchkeeping duties (from – to)		At sea	In port

Signature of master: _____

¹ The terms used in this model table are to appear in the working language or language of the ship and in English.

² Delete as applicable.

³ For those positions/ranks that are also listed in the ship's safe manning document, the terminology used should be the same as in that document.

⁴ For watchkeeping personnel, the comments may be used to indicate the anticipated number of hours to be devoted to unscheduled work and any such hours should be included in the appropriate total daily hours column.

SCHEDULE III

MINISTERU GHALL-AGRIKOLTURA, SAJD
U DRITTUJIET TAL-ANNIMALI
Department ta-Sajd u Aġrikultura



MINISTRY FOR AGRICULTURE, FISHERIES
AND ANIMAL RIGHTS
Department of Fisheries and Aquaculture

Model Format for Record of Hours of Work or Hours of Rest of Fishermen¹

Name of ship: _____ IMO Number (if any): _____ Flag of Ship: _____
 Fisherman (full name): _____ Position/Rank: _____
 Month and year: _____ Watchkeeper²: yes no

Record of hours of work/rest³

Please mark periods of work or rest, as applicable, with an X, or using a continuous line or arrow.

COMPLETE THE TABLE ON THE REVERSE SIDE

The following national laws, regulations, and/or collective agreements governing limitations on working hours or minimum rest periods apply to this ship:

I agree that this record is an accurate reflection of the hours of work or rest of the fisherman concerned.

Name of the master or the person authorised by the master to sign this record: _____

Signature of master or authorised person: _____ Signature of fisherman: _____

A copy of this record is to be given to the fisherman. This form is subject to examination and endorsement under procedures established by _____
 (name of competent authority)

¹ The terms used in this model table are to appear in the working language or languages of the ship and in English.

² Check ✓ as appropriate.

³ Delete as appropriate.

SCHEDULE IV
FISHERMAN'S WEEKLY RATION

Food	Standard Ration per man per week	Substitutes	Remarks
BREAD	3.175kg		
DAIRY PRODUCTS:			
Milk: Fresh or evaporated or dried skim	3.98L or 1.989L evaporated or 397g dried skim	113g cheese can replace 283g (284ml) milk	Only half the ration of milk should be replaced by cheese at any one time.
Cheese	113g		
Eggs, fresh	5	14g dehydrated egg can replace one fresh egg	
FRUITS:			
Oranges or grapefruits juice	567g	Vitaminized apple juice blended with orange and grapefruit juice, 1 orange or ½ grapefruit (fresh) can replace 113g fruit juice	113g allowed per day
Canned tomatoes	454g	Tomato juice	May be used cold or hot as a vegetable or combined with other foods in cooking
Fresh fruit (when available) or canned fruit	567g		
Dried fruits	142g	57g dried fruit can replace 113g canned fruit or fresh fruit	Dried fruits should be raisins, currants, figs, prunes, apples, pears, peaches, apricots
VEGETABLES			
Potatoes	3.175kg	An equal amount of sweet potatoes, canned potatoes or canned vegetables. 76g dehydrated potatoes can replace 454g fresh potatoes	

Verzjoni Elettronika

B 1240

Onions	227g	14g dehydrated onions can replace ½ the fresh onions or 227g of other canned or fresh vegetables can replace 227g onions	Fresh, stored or dried in season
Canned or fresh	1.814kg	28g dehydrated can replace 227g fresh or canned. 113g dried can replace 227g fresh or canned.	A variety of fresh, canned or dehydrated vegetables should be used. Dried vegetables may be navy beans, lima beans, kidney beans, whole dried peas, split peas or lentils
MEATS:			
Fresh/frozen	3.175kg	For each 27g fresh meat, one of the following substitutions may be made: 170g canned meat 151g salt meat 170g fresh fish 113g canned fish 113g dried fish 113g bacon	The term "meat" includes all types. The weight of the fresh meat is the weight including fat and bone before cooking preparation
Bacon or Ham	283g		
CEREAL:			
Flour	2.381kg	680g bread can replace 454g flour	
Oatmeal	170g (dry weight)	An equal quantity of one of the following: rolled oats, cracked wheat, rolled wheat, ready-to-serve cereals	For the ready-to-serve cereals, special preference to those labelled on the package as whole grain should be given
Rice or Pasta	340g		
FATS:			
Butter, Lard or Shortening	454g 113g		Including for cooking purposes
SUGARS:			

Sugar	794g		Includes granulated, brown and icing, includes for cooking purposes
Jam	227g	An equal quantity of one of the following: marmalade, honey, peanut butter	
Syrup	57g	Molasses	
BEVERAGES:			
Tea	114g	28g coffee can replace 14g tea	
Water	45L		For drinking, culinary and dish washing
MISCELLANEOUS			
Cocoa or Chocolate	85g		
Salt	57g		
Pepper	7g		
Tomato paste	100g		
Mustard	7g		
Spices	7g		Includes all varieties of spices
Flavourings	14g		Includes all varieties of flavourings
Baking powder	As acquired		
Baking soda	As acquired		
Biscuits	As acquired		
Gelatine or jelly powder	As acquired		
Sauces and pickles	As acquired		
Vinegar	As acquired		
Yeast	As acquired		

When an item of food is substituted for an item in the Schedule, the substituted item shall be taken from the same food group indicated in the Schedule.
