Gibraltar Maritime Administration
HM Government of Gibraltar

GIBRALTAR YACHT REGISTRY

YACHTMASTER'S HANDBOOK (Commercial Yachts)

Rev.01 21.03.2023

AMENDMENT RECORD

This procedure is reviewed to ensure its continuing relevance to the systems and process that it describes. A record of contextual additions or omissions is given below:

Page No.	Context	Revision	Date	Initials

INTRODUCTION

This guidance document is intended for the use of masters and senior officers ~~of~~ serving on Gibraltar registered yachts engaged in trade, which fall under the survey and certification requirements of the Large Commercial Yacht Code / Red Ensign Group (REG) Yacht Code.

Please read this document as it may answer most of your queries regarding Gibraltar Merchant Shipping legislation and administrative processes required when operating a Gibraltar registered vessel.

The information within this document may differ from procedures of other flag State Administration's, and this guide aims to provide simple guidance on key areas.

It must be noted, that this document contains guidance, and Masters and Owners should always be aware that the onus is on them to comply with the requirements of the Conventions, Codes, Gibraltar Merchant Shipping legislation, and any Port and/or Coastal State requirements which may be applicable for geographical areas in which the vessel may be operating.

The GMA also strongly recommends that masters and officers of yachts not engaged in trade additionally maintain an awareness of this Handbook, given there are some sections which would applicable to pleasure yachts (e.g. logbooks, MARPOL) and other sections which can serve as guidance.

Masters and officers serving, or having served on Gibraltar registered vessels are invited and encouraged to participate in the continuous development of this handbook, by submitting appropriate comments and suggestions to the Gibraltar Registry of Ships. As the day-to-day practitioners, we value any comment made by serving Masters and officers in assessing the effectiveness of the Yachtmaster's Handbook. Please forward all such comment and suggestions to the Gibraltar Ship Registry by email: maritime.feedback@gibraltar.gov.gi

Further information, including Shipping Guidance and Information Notices, can be obtained by accessing the Gibraltar Ship Registry website at: www.gibraltarship.com

All Gibraltar Merchant Shipping legislation can be obtained from our website: www.gibraltarship.com and https://www.gibraltarlaws.gov.gi/ Annex 1 contains a list of the main Gibraltar Merchant Shipping legislation.

1. Manning and STCW Requirements

1.1 Manning on board

The requirements relating to the safe manning of ships are contained in the Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006, as amended. These regulations give effect to the International Convention on Standards of Training, Certification and Watchkeeping (STCW) for Seafarers', 1978, as amended.

The requirements of the regulations apply to all Gibraltar registered yachts engaged in trade.

The Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006, Part 2 Section 4, require every Gibraltar registered ship engaged in international voyages to be in possession of a safe manning document issued by the Administration.

The Safe Manning Document will state the numbers and categories of officers and crew members that are required to be on board. The crew numbers on board must at all times comply with the minimum stated in the Certificate.

If due to exceptional circumstances, a seafarer has to leave the vessel and a replacement cannot join in time, it may subject to authorisation be possible for the vessel to continue to operate for a limited period with one seafarer less than specified on the Safe Manning Document. If the intention is for the vessel to sail in non-compliance with the Safe Manning Document, the Company/Master must request prior authorisation from the Gibraltar Maritime Administration (GMA). The Master must ensure that the remaining crew continue to comply with applicable requirements in relation to hours of work and rest at all times.

1.2 Master and Officers – Gibraltar STCW flag state endorsements

The Gibraltar Ship Registry does not issue Certificates of Competency (CoCs), but the Ship Registry may issue an endorsement recognising other national CoCs which have been issued under the International Convention on Standards of Training, Certification and Watchkeeping 1978, as amended (STCW). STCW Endorsements are required for all officers sailing on Gibraltar registered vessels unless they hold a STCW CoC issued by the United Kingdom (UK).

Officers serving on Gibraltar registered vessels may be of any nationality or residency provided they hold a CoC issued by one of the countries recognised by the Gibraltar Maritime Administration.

If a seafarer holds a UK issued STCW Certificate of Equivalent Competency (CEC), they are not required to apply for a Gibraltar endorsement.

UK Maritime and Coast Guard (MCA), and Royal Yachting Association (RYA) issued yacht certificates of competency are additionally accepted provided they are endorsed for commercial operations.

1.2 Watch Keeping Ratings

The Safe Manning Document will state the grades of Deck Ratings required.

All Deck and Engine Room Ratings assigned to watch keeping duties must be in possession of Watch Rating Certificates appropriate to their duties. Watch Rating certificates issued by countries other than the United Kingdom are quite acceptable in Gibraltar registered ships provided they are issued by

countries party to the STCW Convention.

There is no requirement for the Ship Registry to issue endorsements for these qualifications.

1.3 Medical Certificates

Every seafarer employed or engaged in any capacity on board a Gibraltar registered yacht shall hold a valid Medical Fitness Certificate, issued by, or on behalf, of a Government of a country recognised by the GMA.

The Gibraltar Maritime Administration will accept medical certificates that have been issued in accordance with at least one of the following conventions:

a) Maritime Labour Convention 2006 (MLC);
b) International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW);
c) ILO 73 Medical Examination (Seafarers) Convention, 1946; Or
d) In the case of seafarers who are not covered by the STCW convention, the medical certificate shall meet the substance of the STCW requirements. This could apply to seafarers who do not have watch-keeping responsibilities on board the vessel, yet are classified as seafarers in accordance with MLC.

A medical certificate shall be valid for a maximum of two years unless the seafarer is under the age of 18, in which case the maximum period of validity shall be one year. In urgent cases, the GMA may permit a seafarer to work without a valid medical certificate which expires during the course of a voyage until the next port of call where a recognized medical practitioner is available, provided that the period of such permission does not exceed three months and the seafarer concerned is in possession of the recently expired medical certificate.

Further information on Medical Certificates can be found within Gibraltar MLN 004 as amended.

1.4 Discharge Books (Record of sea service)

A seafarer may be issued with a Gibraltar Discharge Book if s/he has not been issued with such a document by his/ her own national Administration or when the issuing Administration does not allow recording of service performed on non-national ships.
Discharge books are generally used to confirm sea service as required by the MLC regulations.

Please refer STCW Administrative Instruction No.13 as amended.

2 Hours of Work and Rest

The International Convention on Standards of Training, Certification and Watchkeeping 1978, as amended (STCW), was amended in June 2010 (“the Manila amendments”). The amendments incorporated changes to Regulation VIII/1, Code A-VIII/1 and B-VIII/1 with regards to Fitness for duty – hours of rest and came into force on 01 January 2012.

The “Manila amendments” were given in effect in Gibraltar by the Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006. Furthermore, the Gibraltar Merchant Shipping (Seafarers’ Hours of Work and Medical Examination) Regulations, 2003 and the Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013 contain provisions

relating to hours of work and rest.

Every seafarer must be provided with not less than 10-hours rest in total in any 24-hour period, provided that:

a) The 10-hour period may be divided into not more than two periods one of which shall be not less than 6 hours; and;
b) The interval between consecutive periods of rest shall not exceed 14 hours; and;
c) The minimum hours of rest shall not be less than 77 hours in any 7-day period.

2.1 Overriding operational conditions

A provision in A-VIII/1.4 states that the minimum rest periods need not be maintained in the case of an emergency or in other overriding operational conditions. B-VIII/1 includes the following guidance on "Prevention of fatigue":

1. In observing the rest period requirements, "overriding operational conditions" should be construed to mean only essential shipboard work which cannot be delayed for safety, security or environmental reasons or which could not reasonably have been anticipated at the commencement of the voyage.

The GMA interprets this to mean that a planned passage under pilotage or the additional work due to cargo operations during a scheduled port call cannot be considered to be "overriding operational conditions" which would justify a breach of minimum hours of rest.

GMA Shipping Guidance Notice 094 provides further guidance to Masters on Hours of Work and Fatigue

2.2 Master's responsibility

In addition to the responsibility of the owner to ensure compliance with these requirements, it is also the responsibility of the Master to ensure:

a) Each officer in charge of a watch, or rating forming part of a watch, is sufficiently rested before taking up any watchkeeping duties;
b) The watchkeeping arrangements are adequate for the maintenance of a safe watch at all times;
c) The vessel does not sail from any port unless those seafarers who will be in charge of a watch immediately after sailing have received rest sufficient to allow them to maintain a safe watch.

2.3 Drills and periods on call

Some seafarers may be off duty when musters, fire-fighting and lifeboat drills are conducted. Therefore, drills should be arranged to minimise the disturbance of rest periods and not induce fatigue. When a seafarer is on call, such as when a machinery space is unattended, the seafarer must have an adequate compensatory rest period if the normal period of rest is disturbed by a call-out to work.

2.4 Table of shipboard working arrangements

The owner is required to draw up, in consultation with the Master, an 'hours of rest schedule' showing the maximum watch periods and minimum rest periods to be observed by crew members (see example for table of shipboard working arrangements under annex I of Maritime Labour Notice (MLN) 009(a) https://www.gibraltarship.com/notices/maritime-labour-notices.

The schedule may be changed only after consultation with the Master. The owner has a duty to ensure that sufficient personnel are provided so that compliance with the rest periods is possible. The hours of rest schedule must be posted in a place accessible to all the crew.

2.5 Recording hours of rest

A record must be kept of each seafarer's daily hours of rest, the principal purpose being to allow monitoring and provide documentary evidence of compliance with the minimum hours of rest requirements, and to record any deviations from the requirements. Records must be maintained in English and be available for inspection by Gibraltar surveyors and port State control officers (see example for recording table under annex II of MLN 009(a) https://www.gibraltarship.com/notices/maritime-labour-notices).

Each seafarer shall receive a copy of the records, generally monthly, pertaining to him or her, which must be endorsed by the Master and by the seafarer.

Records should be kept on board for 3 years to ensure that full records are available between MLC inspection dates.

Any deviations from the hours of rest in the schedule must be recorded with an explanation of why the deviation occurred in the preferred format. These records must be available for inspection on board at any time.

2.6 Unmanned Machinery Space (UMS)

Periods where designated duty engineer officers on a vessel with a UMS class notation are not working, these periods should be considered as "rest". However, any time that the officer is called to answer an alarm condition on board, should be considered as work and as a break in that rest and when that happens the amount of rest due to them has to be recalculated.

2.7 'Properly rested'

The regulations place a duty on the Master to ensure that all crew involved in watch keeping are properly rested and that arrangements are adequate to maintain a safe watch at all times. You are required to ensure that your vessel does not sail from any port unless the officers in charge of the watch immediately after sailing have received sufficient rest to allow them to maintain a safe watch.

2.8 Statutory Paid Leave

The Gibraltar Merchant Shipping Maritime Labour Conventions 2013 Part III Section 18 ship owner, master and employer of a seafarer on board a Gibraltar ship must ensure that– (a) the seafarer takes

paid annual leave at a minimum of 2.5 calendar days per month of employment and pro rata for incomplete months; and (b) within the operational requirements of the seafarer's position, the seafarer is granted shore leave to benefit their health and well-being.

The regulations also state that if an employment relationship terminates when a seafarer has not taken all paid annual leave as per above, the owner or employer may replace the seafarer's minimum paid annual leave allowance with a payment in lieu.

2.9 Shore leave

Wherever possible, where consistent with their operational duties, seafarers should be granted shore leave in ports of call, for the benefit of their health and well-being. There is no absolute duty to give seafarers shore leave in all circumstances. For example, where there is public disorder or a security risk in the port, shore leave may not benefit the seafarer's health and well-being. Additionally, this requirement does not override the normal port security arrangements.

3. Port State Control

3.1 Reporting deficiencies to Port State Control Authorities

In order to avoid PSC inspections resulting in unnecessary detentions, Masters **are required to report in advance defects/damages to the relevant PSC Authorities**.

Prior to arrival at a port, the defect should be reported to the PSC authorities at that port. This may be through the ship's agents in that port or directly to the port authorities. However, certain Port States have their own method of reporting.

In such cases, Masters of Gibraltar registered yachts are requested to adhere to the correct method of reporting. It should be noted that failure to report incidents/accidents/ defective equipment may result in penalties being applied by the Port State.

Ships which fail to report under the SOLAS or Paris MOU requirements may find themselves undergoing additional scrutiny and/or deficiencies being raised during a PSC inspection. All owners/operators/Masters of Gibraltar registered yachts, are reminded that the Gibraltar Maritime Administration and Classification Society should also be notified if a vessel has a defect which affects its statutory certification or which affects the safety of the vessel, its equipment or the marine environment, wherever the vessel is located.

Reports to the Gibraltar Maritime Administration should be sent to maritime.survey@gibraltar.gov.gi without delay.

In the event of an accident or safety related incident, then the Marine Accident Investigation Compliance Officer should also be informed by email maico@gibraltar.gov.gi (Refer to SGN 053).

We wish to bring to the attention of owners/operators of Gibraltar registered ships the following:

I. SOLAS Chapter I Regulation 11 (c)

"Whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of

the ship or the efficiency or completeness of its life-saving appliances or other equipment, the master or owner of the ship shall report at the earliest opportunity to the Administration, the nominated surveyor or recognised organisation responsible for issuing the relevant certificate who shall cause investigations to be initiated to determine whether a survey, as required by regulations 7, 8, 9, or 10, is necessary. If the ship is in a port of another Contracting Government, the master or owner shall report immediately to the appropriate authorities of the Port State."

II. Paris Memorandum of Understanding on Port State Control

*"Where the ground for detention is the result of accidental damage suffered on the ship's voyage to a port or during cargo operations, **no detention order will be issued provided that**:*

1. Due account has been given to the requirements contained in Regulation I/11(c) of SOLAS regarding notification to the Flag Administration, the nominated surveyor or the recognised organisation responsible for issuing the relevant certificate;

2. Prior to entering a port or immediately after a damage has occurred, the master or ship owner has submitted to the port state control authority details on the circumstances of the accident and the damage suffered and information about the required notification of the flag administration;

3. Appropriate remedial action, to the satisfaction of the Authority, is being taken by the ship, and;

4. The authority has ensured, having been notified of the completion of the remedial action, that deficiencies which were clearly hazardous to safety, health or the environment have been addressed to the satisfaction of the Authority".

For further information, please refer to SIN 036.

4. Official Log Books

4.1 Official Log Books

Section 48 of the Gibraltar Merchant Shipping (Safety etc) Act 1993, requires that an official log book (as per specified form) is carried and maintained on each registered vessel of 100 gross tons and over.

The OLB is an important legal document required by Gibraltar Merchant Shipping Law legislation. It is a record of activities carried out on board the vessel as required by the GMA.

The OLB (or extracts thereof) may be submitted as evidence in courts of Gibraltar. The following paragraphs provide guidance on the entries to be made, signed and witnessed, the time for making entries, how to amend or cancel an entry, and to whom the OLB must be produced.

All entries made must be timely and accurate. The master may be guilty of an offence for any omission in this respect. The master may be required to produce the log book to the Maritime Administrator on demand.

Therefore, it is essential that the log book contains all the entries required by Gibraltar Merchant Shipping legislation. Should the OLB be incomplete or not properly maintained, the absence of proper entries could prejudice the position of the master in the event of an accident and any inquiry into that accident. If it is not practicable by reason of its length, the circumstances in which it is to be made or

for any other reason, for an entry to be contained in the OLB, it must be contained in a separate document annexed and referred to in an entry in the OLB; and references in any Regulations to an OLB include references to any document annexed to it.

The master may delegate the responsibility for making certain entries to department heads or other competent persons; however, no delegation of responsibility may be made where the attached schedule requires that an entry be made by the master in person.

If it is necessary to amend or cancel an entry in the OLB this must be done by a further entry, not by altering the original entry. Anyone who intentionally destroys, mutilates or renders illegible any entry in any Log Book is guilty of an offence.

Further guidance can be found within Shipping Guidance Notice (SGN) 075 as amended
https://www.gibraltarship.com/notices/sgns

An entry required to be made in the official log book by this Act shall be made as soon as possible after the occurrence to which it relates, and if it is not made on the same day as that occurrence, it shall be made and dated so as to show the date of the occurrence and the date of the entry in respect of that occurrence, and if, the entry is in respect of an occurrence happening before the arrival of the vessel at its final port of destination, that entry shall be made not later than twenty-four hours after such arrival.

Each entry in the official log book shall be signed by the master and an officer or other member of the crew and, if the entry relates to sickness, injury or death, it shall be signed by the medical practitioner on board (if any).

Any entry made in the official log book shall be admissible in evidence. The master of any registered vessel to which this section applies shall, upon the vessel's arrival in its final port of destination or upon the discharge of the crew, whichever shall first occur, deliver a copy of the official log book of the voyage to the owner, who shall retain that official log book for a period of seven years thereafter and shall produce the same on demand to the Maritime Administrator

4.2 Guidance for completing OLB

The Official Log Book (OLB) has guidance notes on the front cover that should be read along with these guidance notes. It is essential that all the relevant entries are fully completed. For example, the absence of proper entries could prejudice the position of the Master in the event of an accident. It is an offence to fail to keep the Official Log Book or to make incorrect entries.

4.2.1 *Page 1 - Front cover*

The first entries are simply the details of the ship, name, port of registry, official number, gross tonnage, and net tonnage. The details should be taken from the ship's certificate of registry, noting that the official number is a unique British ship number; it is NOT the IMO number.

The second section is for the names of successive Masters of the vessel. The Master opening the Official Log Book should enter their name and certificate details on the first line, successive Masters should add their details when they take over command. If a Master has been on the vessel before and returns while the log book is still in use, they do not need to add their name a second time.

The third section is for the details and address of the registered owner, or the managing owner, manager etc. – details for this section ae to be taken from the COBR.

The final section on page 1 is for the date and place at which the log book is opened.

All the entries on page 1 must be made by the Master.

4.2.2 *Pages 2 to 7 - Record of seamen employed*

This section records details of all seafarers serving on board. The first column "Reference number in list of crew" is for the consecutive number given to each entry in the list of crew. The seafarer's name is in the second column and the capacity in which employed is in the third. These three parts should be filled in when the seafarer joins the vessel.

If a seafarer leaves the vessel and then returns while the log book is still in use, they should be entered again with their new number from the list of crew. It may happen that the same seafarer will have several entries in this section of the OLB.

Column 4 "If entry made in narrative section give relevant page." forms an index. If any entry in respect of a seafarer is made in the narrative section of the log book (pages 40 onwards) then the narrative section page number is entered at the same time in column 4. If there are a number of entries then the page number of each is added, separated by a comma.

An example of a completed section is as follows:

Reference number in list of crew	**Name of Seaman (Use capital letter please)**	**Capacity in which employed**	**If entry made in narrative section give relevant page**
2	*John Smith*	*Cook*	*42*

All entries under this section must be completed by the Master.

4.2.3 *Pages 8 and 9 - Births and deaths*

Instructions for completion are at the top of the section. It should be noted that in the section for births, the signature of the mother is required while in the section for deaths, the signature of the Master AND the signature of a member of the crew are both required. The crew member may be any crew member.

It is essential that the mother's signature is given in the case of a birth and essential that the entries in respect of deaths are signed by the Master and by a crew member. A failure to sign and witness these entries can invalidate them and can cause serious legal problems.

The Register of Births and Deaths Form (GMA-20-F004) can be requested from the GMA.

Further guidance can be found within Gibraltar Shipping Guidance Notice 043 – Death of a Seafarer.

4.2.4 *Pages 10 to 14 - Record of musters, boat drills etc.*

This section must be completed at the time of every drill. A typical entry will look like:

Date of muster, drill, training, instruction or inspection.	**Nature of muster drill, training, instruction or inspection. (including the condition in which the life-saving and fire appliances were found), and a record of the occasions on which the lifeboats were swung out and lowered**	**Date of entry**	**Signatures of master and member of crew**
09/01/2020	*General alarm sounded Crew mustered for Abandon Ship stations. Freefall lifeboat launched and recovered All equipment satisfactory*	*09/01/2020*	*J. Smith* *Master* *P. Rodriguez* *Chief Officer*

Every entry MUST be signed by the Master and by one other crew member. If it is not signed by BOTH, the entry is invalid and will not be accepted as proof that the drills have been carried out.

If for any reason a muster or drill is not held then a statement as to the reason why should be entered in column 2. Valid reasons might include "vessel rolling and pitching heavily, unsafe to carry out drills".

If a drill is postponed or cancelled then it should take place at the next suitable opportunity.

4.2.5 *Pages 15 to 18 - Record of test drills and inspections of steering gear*

The regulations require steering gear to be tested within 12 hours before sailing (or once per week for vessels making one voyage or more per week from the same port) and emergency steering systems to be tested every 3 months. Typical entries might appear as:

Date, time and place of test drill, inspection or presea check	**Nature of Inspection, test drill or check of Steering Gear**	**Date of Entry**	**Signatures of master and officer**
09/01/2020 1300 LT North Mole Gibraltar	*Steering gear tested satisfactorily in all modes*	*09/01/2020*	*J. Smith* *Master* *P. Rodriguez* *Chief Officer*

All entries MUST be signed by the Master and an officer to be valid.

4.2.6 *Pages 19 to 23 - Record of inspections of crew accommodation*

The regulations require that an inspection of the crew accommodation, to ensure that it is being kept clean and that all the requirements of the crew accommodation regulations are being followed, is carried out every 7 days. The inspection must be carried out by the Master who must be accompanied by one other member of the crew. All entries must be signed by the Master and a member of the crew, who will normally be the same person who accompanies the Master on the inspection.

It is acceptable in large vessels for the inspections to cover areas of the accommodation on each occasion so long as the whole of the accommodation is inspected in sequence. Typical entries might appear as:

Time and date of inspection	**Names and ranks of persons making the inspections**	**Particulars of any respects in which crew accommodation, or any part of it is found not to comply with the Regulations**	**Date of entry**	**Signatures of master and member of crew**
09/01/2020	*J. Smith* *Master* *P. Rodriguez* *Chief Officer*	*Accommodation inspected all areas satisfactory*	*09/01/2020*	*J. Smith* *Master* *P. Rodriguez* *Chief Officer*

4.2.7 *Pages 24 to 28 - Record of inspections of food and water*

GMA Maritime Labour Notice 14(A) contains guidelines and practical advice on the fundamental rules of food hygiene consistent with the catering and meat industry in general. There are no requirements regarding the minimum amount of food.

The records of inspections in this section are similar to those for Crew Accommodation. Gibraltar Regulations require that inspections are carried out at intervals not more than seven days. The inspections in this section must be made by the master and any member of the crew. In practice it will usually be possible to inspect refrigerated compartments, dry provisions, store rooms, galleys etc. with a member of the catering department during the course of the accommodation inspection. Entries in this section must be signed by the master and by the member of the crew making the inspection.

Typical entries might appear as:

Time and date of inspection	**Names and ranks of persons making the inspections**	**Result of inspection of supplies of food and fresh water**	**Date of entry**	**Signatures of persons making the inspection**
09/01/2020	*J. Smith* *Master* *P. Rodriguez* *Cook*	*Food and fresh water satisfactory*	*09/01/2020*	*J. Smith* *Master* *P. Rodriguez* *Cook*

4.2.8 *Page 29 - Load Line, Depth of Loading etc*

The information must be completed and the necessary data can be found on the ship's load line certificate. The section should be completed by the master at the same time as the OLB is opened.

4.2.9 *Pages 30 to 39 – Voyage Details and pre-departure checks.*

This section records the date of sailing and the draughts and freeboards of the ship on departure for each voyage and the dates of arrival at the next port. It must be completed at departure.

4.2.10 *Pages 40 to 76 - Narrative section*

This section is for explanatory entries. In general terms this section should contain entries relating to:

a) changes of master;
b) the annexing of other documents to the official log book;
c) accidents;
d) casualties;
e) disciplinary matters;
f) discharge of crew members;
g) details of crew left behind;
h) desertions;
i) complaints;
j) promotions and demotions;
k) criminal convictions during a voyage;
l) illness;
m) deaths;
n) appointments of Safety Officers, Representatives and Committees;
o) meetings of Safety Committees;
p) wages disputes;
q) closing of Official Log Book;
r) Other entries pertaining to operation of the vessel that may have legal implications for the owner or master.

Every entry must be signed by the master and by a member of the crew. A fictional example of the type of entry which might be commonly made in this section of the OLB is as follows:

Date and hour of occurrence	**Place of the occurrence, or situation by latitude and longitude at sea**	**Date of entry**	**Entries required to be made under Section 45 and 48 of the Merchant Shipping Act 1993**
09/01/2020 1300 LT	*Rotterdam*	*09/01/2020*	*On this day I have opened OLB signed on crew members: Nos 1 – 15 in the List of Crew. J. Smith Master P. Rodriguez Chief Officer*

If it is not practicable due to its length, or for any other reason for an entry to be contained in the narrative section, it must be contained in a separate document annexed to the OLB and referred to in an entry in the narrative section. The page number for every entry in the narrative section which refers to a crew member should be entered in column 4 of Section 2 of the OLB - Record of seafarers employed on the vessel.

4.2.11 *Full and completed Official Log Books*

In the event that an OLB becomes full, another OLB should be started. An entry should be made in the narrative section of the second or subsequent book should reflect that this is a continuation book.

Once the OLB is completed it should be kept onboard for three years after the last entry. There is no need to return it to the GMA.

Each seafarer's details must be entered on each occasion the seafarer joins and leaves the vessel. It is not permitted to have one entry for the duration of the seafarer's employment agreement.

5. GMDSS Log Book

All Gibraltar registered vessels are required to carry a GMDSS log book, in the format of the UK MCA GMDSS Radio Log Book (See SGN 075 as amended https://www.gibraltarship.com/notices/sgns).

GMDSS radio logbooks are available from books shops e.g. www.tsohop.co.uk/

The log book is to keep records of communications relating to distress, urgency and safety radio traffic, regular positions of the vessel and results of tests on radio equipment.

Instructions for completing the log book are contained in the book.

The following tests, should be listed in the front of the GMDSS Log, must be carried out and recorded in some form:

Radio tests required:

Daily

a) The proper functioning of the DSC facilities shall be tested at least once each day, without radiation of signals, by use of the means provided on the equipment;
b) Batteries providing a source of energy for any part of the radio installations shall be tested daily, and where necessary, brought up to the fully charged condition;
c) Printer(s) shall be checked daily to ensure there is an adequate supply of paper.

Weekly

a) The proper operation of the DSC facilities shall be tested at least once a week by means of a test call when within communication range of a coast station fitted with DSC equipment. Where a vessel has been out of communication range of a coast station fitted with DSC equipment for a period of longer than one week, a test call shall be made on the first opportunity that the vessel is within communication range such as a coast station;
b) Where the reserve source of energy is not a battery (for example, a motor generator), the reserve source of energy shall be tested weekly.

Monthly

a) Each EPIRB and satellite EPIRB shall be tested at least once a month to determine its capability to operate properly using the means provided on the device and without using the satellite system;
b) Each search and rescue radar transponder shall be checked at least once a month using the in-built test facility and checked for security and signs of damage;
c) A check shall be made at least once a month on the security and condition of all batteries providing a source of energy for any part of a radio installation. The battery connections and compartment shall also be checked;
d) A check shall be made at least once a month on the conditions of all aerials and insulators;
e) Each survival craft two-way VHF equipment shall be tested at least once a month on a frequency other than 156.8 MHz (VHF Channel 16).

6. Health and Safety Officials and Committees

6.1 General

A vessel's culture is dependent upon the strong support and encouragement from senior management, however, every person on board a vessel has a responsibility for safety.

All owners and seafarers on Gibraltar vessels to maintain an awareness of the Code of Safe Working Practices published by the UK MCA: https://www.gov.uk/government/publications/code-of- safe-working-practices-for-merchant-seafarerscoswp.

GMA MLN 017a provides further information on Gibraltar requirements relating to health and safety policies and programmes.

6.2 Safety Officer

In every vessel in which five or more persons are employed the owner or the manager should appoint a Safety Officer. The master should record the appointment of a Safety Officer in the Official Log Book. The Safety Officer should have suitable training, be familiar with responsibilities for Health and Safety and with the principles and practice of risk assessment. Included among the duties of the Safety Officer is the responsibility to ensure that:

- The provisions of the Code of Safe Working Practices and the Company's/Operator's occupational Health and Safety policies are complied with;
- Investigate every accident or incident occurring onboard and any potential hazard to occupational health and safety;
- Occupational Health and Safety inspections are carried out of each accessible part of the vessel in which the crew may be required to work at least once every three months or more frequently if there have been changes in the working conditions;
- Any work which the Safety Official reasonably believes may cause an accident is stopped and that the master is fully informed; the master shall be responsible for deciding when work can safely be resumed;
- The minutes of each Safety Committee meeting are accessible to all the crew and Inspectors, Surveyors or other authorised representatives of Gibraltar.

GMA MLN 017a https://www.gibraltarship.com/notices/maritime-labour-notices provides further information on Gibraltar requirements relating to health and safety policies and programmes.

6.3 Safety Representative

On every vessel in which five or more persons are employed the Company/Operator should make rules and arrangements for the officers and ratings to elect Safety Representatives. A safety representative must be someone who has at least two years sea service since he was 18 and cannot also be the safety officer.

The master is required to record the election of Safety Representatives to a Safety Committee in the narrative section of the Official Log Book.

The following rules cover the number of Representatives that have to be elected depending on the total crew size:

- If the vessel carries less than 16 crew, one Safety Representative elected by the whole crew together;
- If the Yacht carries 16 or more crew; one Safety Representative elected by the officers and one elected by the ratings;

Those who are elected as safety representatives do not have to stay in that role for the whole voyage. Others can be elected to take over. The master should record these appointments in the Official Log Book. A Safety Representative can:

- Participate in any investigations or inspections carried out by the Safety Officer subject to the Safety Officer's agreement, or after notification to the master, undertake similar investigations or inspections himself, whether or not they have been carried out by the Safety Officer;
- Consult with the master and Safety Officer on behalf of the crew on matters affecting occupational Health and Safety of crew members;
- Request through the Safety Committee an investigation by the Safety Officer of any Health and Safety issue which the Safety Representative believes should be investigated;
- Inspect any of the records required to be kept by the Safety Officer.

GMA MLN 017a https://www.gibraltarship.com/notices/maritime-labour-notices provides further information on Gibraltar requirements relating to health and safety policies and programmes.

6.4 Safety Committee

Once the Safety Officer has been appointed and the Safety Representative/s elected, a Safety Committee should be formed to include the Safety Officer and each Safety Representative. The master is also a member of the Safety Committee as Chairman and the creation of this Committee must be recorded in the Official Log Book. The Safety Committee should meet whenever it chooses as long as the intervals between meetings are not greater than six weeks. A Safety Committee has to:

- Ensure that the provisions of the Code of Safe Working Practices, relevant legislation, and Shipping Notices are complied with in order to improve the standard of safety consciousness among the crew;
- Make representations and recommendations on behalf of the crew to the Company/Operator on matters relating to occupational Health and Safety of the crew;

- Ensure the owner's occupational Health and Safety policies are observed and to make recommendations for their improvement as necessary;
- Inspect any of the records required to be kept by the Safety Officer and ensure that any conclusions reached on matters of safety are followed up.

The company should strive to assist the Safety Committee to operate effectively by:

- Providing access to any necessary safety information, documents, Shipping Notices, Guidance Notes and relevant regulations;
- Informing the Safety Officer, Safety Representatives and Safety Committee of any hazards on board the vessel known to them, which may endanger the vessel or the crew;
- In response to representations from the Safety Committee order the cessation of any work which the Committee reasonably believes may cause an accident and inform the master who shall be responsible for deciding when work can be safely resumed;
- Permitting occupational health and safety inspections of any accessible part of the vessel where crew members may be required to work.

Master's Responsibility

- It is very important that the master takes a close interest in the work of the Safety Officials, checking that the Safety Officer is fulfilling his responsibilities effectively, whilst giving support and encouragement. The master is the best person to ensure that the safety committee works successfully by encouraging all crew members to participate in the vessel's safety culture.

GMA MLN 017a https://www.gibraltarship.com/notices/maritime-labour-notices provides further information on Gibraltar requirements relating to health and safety policies and programmes.

7. Reporting of Accidents

The Gibraltar Maritime Administration requires Masters, Owners/Operator and ISM Managers to report accidents and dangerous occurrences and any security related incident which could possibly hazard the vessel, or endanger personnel or endanger the environment.

A completed Incident Report Form is required for accidents leading to death or significant injury, or to loss or abandonment of the vessel or material damage; any stranding, collision, fire, explosion or major breakdown; any incident causing harm to any person or the environment; and any incident which might have led to injury or which hazarded the vessel. One form should be completed for each incident, as soon as possible but within 24 hours of the incident.

Completed forms should be returned to two authorities:

a) Marine Accident Investigation Compliance Officer (MAICO): Email: maico@gibraltar.gov.gi and
b) Gibraltar Maritime Administration: E-mail: maritime.survey@gibraltar.gov.gi Completing and signing this form does not constitute an admission of liability of any kind, either by the person making the report or any other person.

SGN 053 Accident and Incident Reporting Form https://www.gibraltarship.com/notices/sgns provides further details on Accident Reporting requirements for Gibraltar registered vessels.

8. Medical Stores Requirements

8.1 Medical equipment

Details of the medical equipment that must be carried onboard Gibraltar registered vessels is contained in Gibraltar Merchant Shipping (Medical Stores) Regulations, 2000, as amended.

Further information may be obtained from Shipping Guidance Notice 102

8.2 Person in charge of medical care on board vessel

Any person designated to take charge of medical care on board vessel, must have successfully completed an approved Medical Care training programme meeting the standards laid down in STCW Code A-VI/4-2 within the preceding 5 years.

9. Surveys and Audits

9.1 Surveys

Statutory surveys (e.g. Load line, SOLAS Chapters and MARPOL Annexes, as applicable to the vessel) should be arranged in plenty of time. Annual and periodical/ intermediate surveys must be completed within the 6-month window occurring three months before and after the Anniversary Date of the certificate. The Anniversary Date is the day and month of the expiry date of the full term certificate. If a periodical or an annual survey is not carried out within the window" then the certificate must be reinstated following a survey, the thoroughness and stringency of which will depend on the time the required survey was allowed to lapse. This may take longer and cost more than an annual or a periodical survey. A certificate that has not been validated by an annual or a periodical survey within the "window" becomes invalid and the vessel risks detention. Renewal surveys must be carried out in the three month window prior to the expiry of the certificate.

9.2 Recognised Organisations

Surveys for Load Lines, SOLAS and MARPOL have been fully delegated to the vessel's classification society and can be arranged directly with Class.

9.3 Audits

All Gibraltar registered commercially operated yachts of 500 gross tonnage and above must adhere to the International Safety Management (ISM) Code, and the International Ship and Port Facility Security (ISPS) Code, and be issued with a Safety Management Certificate (SMC) and a Ship Security Certificate (SSC).

ISM (SMC) and ISPS audits may be carried out at the same visit and this may need to be planned to ensure that this will be at a port where enough time is available.

9.3.1 ISM Shipboard Audits

All ISM shipboard audits will be carried out by GMA auditors. ISM shipboard audits should be arranged in plenty of time with the GMA via your Designated Person Ashore (DPA).

9.3.2 Interim audits

These audits are required at delivery of new buildings or where vessels change their ISM Management Company. The GMA will generally delegate this audits to ROs, however please contact the GMA to arrange this audit.

9.3.3 Intermediate audits

A 12 month 'window' exists (between the 2nd and 3rd Anniversary Dates of the certificate) in which to arrange intermediate audits. We recommend you begin arranging this audit as soon as the 'window' opens to avoid problems later on when the time available is less and availability of auditors may affect the ability to carry out the audit in the most convenient location.

9.3.4 Renewal audits

To be completed in the three months prior to the expiry of the Safety Management Certificate. Again, arrange these early to ensure the certificate does not expire – this would almost certainly result in a major non-conformity.

9.3.5 Mini ISM

All yachts engaged in trade under 500 GT must maintain a mini ISM system onboard.

A mini ISM system should outline and record the safety management activities of the yacht.

The Red Ensign Group Yacht Code (Chapter 23A of Part A) provides guidance on how to develop a mini ISM system, although any format can be used.

A mini SMS:

- Must be simple;
- Can be developed by the yacht;
- Must be yacht specific;
- Is not auditable, however during annual surveys it will be checked to see if it is being used;
- It is reviewed by the Manager/Company/Owner at least once every three years

Owners/Master must be able to demonstrate compliance with the Code to the attending GMA surveyor

9.3.6 ISPS Verification Audits

All verification audits for the ISPS Code will be carried out by surveyors from the GMA, normally at the same time as the ISM audit. ISPS audits should be arranged as above.

9.3.7 Company Security Officer (CSO)

Every Company managing a vessel to which the ISPS Code applies, shall designate a CSO. A CSO is the person designated by the Company for ensuring that a ship security assessment is carried out; that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained and for liaison with the Administration, port facility security officers, and the ship security officer.

9.3.8 Ship Security Officer

A Ship security officer is the person on board the vessel, designated by the Company as responsible for the security of the ship, including implementation and maintenance of the ship security plan and for liaison with the company security officer and port facility security officers.

9.3.9 ISPS Security levels & security requirements

Gibraltar Maritime Administration sets ISPS security levels and ensures the provision of security level information to ships entitled to fly their flag. When changes in security level occur, security level information shall be updated as the circumstance dictates.

Security level information together with any specific security requirements are available upon login to the Administration's secure website. CSO's must obtain login credentials via email request to the Administration via mail to: maritime.survey@gibraltar.gov.gi

9.3.10 Continuous Synopsis Record

Every vessel to which the ISPS Code applies, must be provided with a document called a "Continuous Synopsis Record" (CSR). This is a form of log book that stays with the vessel for its whole life and records all changes of owner, flag, name, Class, ISM etc. Whenever a change occurs a new section or a new document is issued and then each has a consecutive number. The numbers should show a complete record. If a vessel is sold this document must stay with the vessel.

The Master is responsible for the proper upkeep of the CSR. When a vessel receives a new CSR the Master should check that the details are correct. There is a process for amending details which can be used and it is important that the details are always correct.

Port State Control check CSRs as a matter of routine at inspections.

Further information on the format and guidelines for the maintenance of the CSR may be found within IMO Resolution A.959(23) (as amended).

9.3.11 Making amendments to a CSR

When any data entry in the current CSR requires an amendment, the Master should fill in the changes on the Form 2 and send this to the GMA (email: mailto:maritime.survey@gibraltar.gov.gi)

The GMA will enter the new changes in the master record and issue a new CSR sheet with the next consecutive number to be attached to the record on board. After this is done the Master must ensure that the Index of Amendments (Form 3) is kept up to date and also attached to the current CSR in date order.

9.3.12 Receiving an amended CSR

When a vessel receives a new CSR or an amendment sheet, the Master should check its sequential number to make sure it is the correct next one, review the data entries to make sure they are correct and they cover all amendments in the Index of Amendments.

If there are amendments that are not included in the CSR, the Master should:

1. Complete a new Amendment Form 2 relating to each outstanding amendment and attach it to the latest CSR. List the amendments in the Index of Amendments (Form 3) attached to the latest CSR; and
2. Forward copies of the original Amendment Form(s) to the GMA.

If, for any reason, the vessel's CSR records are lost or damaged it is essential that they are restored as quickly as possible in order to avoid potential delays to the vessel's voyage. The GMA should be contacted as soon as possible to ensure duplicated are provided.

9.4 MLC, 2006 inspections

Yachts engaged in trade registered in Gibraltar, of any tonnage, are required to comply with the Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013 (as amended) implementing the Maritime Labour Convention 2006 (MLC) https://www.gibraltarlaws.gov.gi/legislations/gibraltar-merchant-shipping-maritime-labour-convention-regulations-2013-3396.

Yachts of 500GT and over operating internationally or in a foreign port require a Maritime Labour Certificate. Owners of commercial Yachts under 500GT which operate internationally or in a foreign port may also request a survey for issue of a certificate.

Generally, all MLC inspections and the issuance of Maritime Labour Certificate for Gibraltar vessels, will be undertaken by the GMA.

A Maritime Labour Certificate is valid for five years, subject to an intermediate survey between the second and third year, after which the certificate may be endorsed. MLC inspections will, where appropriate, be conducted at the same time as ISM audits.

Prior to applying for an inspection, the owner should familiarise themselves with the Gibraltar's Declaration of Maritime Labour Compliance Part 1 (available on our website).

An interim Maritime Labour Certificate will be issued to:

a) a new build; or;

b) when the yacht changes flag; or;
c) when the applicant wishes to change the person named as “shipowner” on an existing Maritime Labour Certificate.

An interim Maritime Labour Certificate is valid for a maximum period of 6 months, and cannot be revalidated, nor can a second interim certificate be issued. Before the end of the 6-month validity of the interim Maritime Labour Certificate, the vessel should be subject to full survey to determine whether a full Maritime Labour Certificate can be issued.

Standard A5.1.3.8 of the MLC, 2006 sets out the requirements on this point.

The survey will cover the following working and living conditions under the MLC:

1. Minimum age;
2. Medical certification;
3. Qualification of seafarers;
4. Seafarers’ employment agreements;
5. Use of any licensed or certified or regulated private recruitment and placement service;
6. Hours of rest;
7. Manning levels for the yacht;
8. Accommodation;
9. On-board recreational facilities;
10. Food and catering;
11. Health and safety and accident prevention;
12. On-board medical care;
13. On-board complaint procedures;
14. Payment of wages.

Further information may be obtained from Maritime Labour Notice 033(a)

9.6 Seafarer employment agreements

The Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013 requires that every seafarer on a sea-going Gibraltar registered yacht shall have an agreement in writing with the shipowner, or with their employer and the shipowner, setting out their terms and conditions for working on board. This is known as a seafarer employment agreement (SEA), and may consist of one or more documents, but must contain at least minimum provisions, which can be found listed in MLN 007(a) https://www.gibraltarship.com/notices/maritime-labour-notices.

There is no mandatory form of an SEA. The shipowner must ensure that there is a copy of any SEA in use on the yacht available on board, including (for non-English agreements) a translation of any relevant provisions in English. Additionally, a copy of any Collective Bargaining Agreement (CBA) referenced within an SEA must also be carried onboard for inspection, if required.

The SEA is a requirement of both Gibraltar legislation and of the ILO Maritime Labour Convention, 2006. Failure to ensure that all seafarers on board have a valid SEA constitutes an offence by the shipowner, and may result in the yacht being detained following a port State Control inspection.

10. Stowaways and Refugees

Section 39.(1) of the Gibraltar Merchant Shipping Act 1993 states that no person shall, without the consent of the owner or master or the authorised representative of the owner or master, go to sea on a registered vessel.

Further the Section 39(2) of the act starts that a person who in contravention of subsection (1) secretes himself on a vessel and goes to sea shall, so long as he remains on the vessel, be deemed to belong to the vessel and shall be subject to the same laws and regulations for preserving discipline and liable to the same fines and punishments for offences constituting or tending to a breach of discipline as if he were a member of the crew and had signed the crew agreement.

The Act requires a master of a Gibraltar registered vessel to discharge stowaways found on his vessel at the first convenient port of call and shall make arrangements, to the account of the owner, for the repatriation of that person to the port of embarkation or to his country of residence.

UK MCA MGN 70 provides guidance for Masters.

11. Publications required to be on-board

Shipping Guidance Notice – 099 SOLAS Chapter V – Nautical Charts & Publications, provides clarification and guidance on the carriage of Nautical Publications required by the Gibraltar Merchant Shipping (Survey, Certification and Safety) Regulations 2004, which implement Chapter V of the International Convention for the Safety of Life at Sea,1974 (SOLAS).

12. Alcohol

The alcohol limits set within the Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006, Regulation 39, are as follows:

- *Not greater than 0.05% blood alcohol level (BAC) or 0,25 mg/l alcohol in the breath or a quantity of alcohol leading to such alcohol concentration.*

These limits apply to professional mariners on all Gibraltar registered vessels and to any vessel operating in British Gibraltar Territorial waters.

All companies should consider the implementation of a clearly written policy of drug and alcohol abuse prevention including a prohibition on the consumption of alcohol four hours prior to serving as a member of a watch.

Please refer to GMA SGN 095 Fitness for Duty: Alcohol limits.

ANNEX 1- GIBRALTAR MERCHANT SHIPPING LEGISLATION

Please see the links below to view the consolidated texts of our Gibraltar Merchant Shipping Primary (Acts) and Secondary (Regulations) legislation.

A list of Gibraltar Merchant Shipping legislation can be accessed from our website: https://gibraltarship.com/legislation

The relevant legislation can also be obtained directly from the HM Government Gibraltar Laws website: https://www.gibraltarlaws.gov.gi/

Should you have any queries concerning our legislation, please email us maritime.survey@gibraltar.gov.gi