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MERCHANT SHIPPING (SEAFARER HOURS OF WORK
AND THE MANNING OF SHIPS) RULES IN NIGERIA.

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**MERCHANT SHIPPING (SEAFARERS' HOURS OF WORK AND THE
MANNING OF SHIPS) RULES.**

PART -I-GENERAL PROVISIONS

Short title and commencement

1 (1) These Rules may be cited as the Merchant Shipping (Seafarers' Hours of Work and the Manning of Ships) Rules

(2) These Rules shall come into force on a date to be fixed by the Minister by notice in the Gazette and a different date may be fixed for the application of these Rules in the Nigeria inland waterways.

Interpretation

2 (1). In these Rules unless the context otherwise requires:

- (a) "Minister" means the minister for the time being charged with responsibility for matters relating to merchant shipping and "MINISTRY" has a corresponding meaning;
- (b) "Hours of work" means time during which a seafarer is required to do work on account of the ship;
- (c) "Hours of rest" means time outside hours of work;
- (d) "Seafarer" means any person who is employed or engaged in any capacity on board any ship;

- (e) "Shipowner" means the owner of the ship or any other organization or person, such as the manager or bareboat charterer, who has assumed the responsibility for the operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the attendant duties and responsibilities;
- (f) "Government inspector of shipping" (GIS) means an inspectorate unit under the ministry of transport authorized to carry out inspection on its behalf ;
- (g) "Inspector" means a duly authorized person from the GIS unit who performed the inspection of working hours record and manning certificate of seafarers;
- (h) "Inspection" means a visit by an inspector on board a ship in order to verify compliance with legal provisions concerning seafarers' working hours record book and manning certificate.

Application

3 (1) These Rules shall apply to:

- (a) Nigerian ships;
- (b) Any sea-going ships while they are within Nigerian territorial water;

(2) These Rules shall apply to every ship engaged in commercial maritime operations.

(3) These Rules shall not apply to government operated ships used for non-commercial purpose.

PART –II-SEAFARERS' HOURS OF WORK AND HOURS OF REST

Fixed hours of work and rest

4 (1) The shipowner or master shall have fixed number hours of work or rest for their seafarer, which shall be within the limit prescribed in Rule 5.

(2) The shipowner or master may seek the views of the seafarers or their representatives when fixing the seafarers hours of work or rest.

Limits on hours of work and rest

5 (1) The limits on hours of work or rest shall be as follows:

(a) maximum hours of work shall not exceed:

- (i) 14 hours in any 24 hour period; and
- (ii) 72 hours in any seven day period;

Or

(b) minimum hours of rest shall not be less than:

- (i) 10 hours in any 24 hour period; and
- (ii) 77 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 in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

(3) Any seafarer whose hours of rest was disturbed by call out to work shall be compensated for such hours of rest.

(4) The seafarer working schedule shall be placed at a conspicuous place on board the ship for the seafarer to know their minimum and maximum hours of work and rest.

(5) The working schedule of the seafarer shall be in the working language or languages of the ship and in English.

Prohibited hours of work

6. No seafarer under 18 years of age shall work at night. For the purpose of this Rules, "night" means a period of at least nine consecutive hours, including the interval from midnight to five a.m.

Assistance to distress ship or person

7. (1) Nothing in these Rules shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.

(2) In accordance with paragraph 1 the master may suspend the schedule of hours of work or hours of rest and require a seafarer 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 seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

Record of hours of work and rest

8. (1) The shipowner or master shall keep the record of the daily hours of work and rest of seafarers for the purpose of inspection by the Government Inspection Ship for compliance with Rule 4, and each seafarer shall be given by the master an endorsed copy of his working hours and rest.

(2) Shipowner or master shall keep on board a weekly time table containing seafarers hours of work and rest, which shall be in compliance with Rules 5, paragraph 5.

(3) A copy of these Rules and the seafarers collective agreement on their hours of work and rest shall be on kept on board the ship to be accessible to them.

PART-III-MANNING OF SHIPS

Safety of ship

9. Every ship to which these Rules apply shall be sufficiently, safely and efficiently manned, according to the minimum safe manning document or an equivalent issued by Government Inspection of Ship in accordance with the STCW and SOLAS.

PART-IV-RESPONSIBILITIES OF SHIOWNERS AND MASTERS

Duty of a shipowner

10. The shipowner shall ensure that the master is provided with the necessary resources for the compliance with obligations under these Rules including those relating to the appropriate manning of the ship. The master shall take all necessary steps to ensure that the requirements on seafarers' hours of work and rest arising from these Rules are complied with.

PART-V-GOVERNMENT INSPECTOR OF SHIPPING (GIS) UNIT

Examination of records

11. The Government Inspection of Ship shall examine and endorse the records referred to in Rule 8, every six months to monitor compliance with the provisions governing hours of work and rest.

Power of Inspector

12.(1) The inspector shall have the power to:

- (a) board any ship within Nigerian territorial water, to which these Rules applied without previous notice at any hour of the day or night;
- (b) examine the record of the working hours time table of the seafarers;
- (c) question the master, seafarers or any other persons, including the shipowner, on matters relating to the provision of these Rules;
- (d) enforce the posting of any notices required by the provision of these Rules;
- (e) order the detention of any ship upon examination found to be in breach of the provision of these rules.

PART-VI-OFFENCES AND PENALTIES

Offence and penalty

13 . Who ever contravene any provision of these Rules shall be liable to an offence punishable on summary conviction by imprisonment for a term not exceeding 2 years, or by a fine not exceeding #4000.00 (four thousand naira) or both.

EXPLANATORY NOTE

These Rules give effect to the International Labour Organisation Convention 180 concerning Seafarers' Hours of Work and the Manning of Ship of 1976 as amended on 22nd October, 1996.

Part I – deals with the application and the definitions which facilitates the reading and understanding of these Rules.

Part II – deals with the Seafarers' Hours of Work and Hours of Rest.

Part III – deals with the Manning of Ships in accordance with the International Conventions like STCW and SOLAS.

Part IV – deals with the responsibilities of the Shipowners and Masters in providing the necessary resources for the appropriate manning of their ship.

Part V – deals with the power of the Government Inspectors of Shipping to make sure that the provision of these Rules are complied by the shipowners or masters.

Part VI – deals with the penalties for the contravening of these Rules.