

THE SHIPPING ACT

ORDER

(under section 32)

The Shipping (Declaration of Port of Registry) (Montego Bay) Order, L.N. 18/2001
2001

REGULATIONS

(under section 167)

The Shipping (Medical Examination) Regulations, 1998 L.N. 46A/98

REGULATIONS

(under sections 112, 113 and 465)

The Shipping (Training, Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations, 1998 L.N. 46B/98

RULES

(saved by section 461 of Act 8 of 1998, made under section 6 of the Marine Board Act (now repealed)). (Omitted)

REGULATIONS

(saved by section 461 of Act 8 of 1998, made under section 43 of the Marine Board Act (now repealed)). (Omitted)

RULES AND REGULATIONS

(saved by section 461 of Act 8 of 1998, made under section 60 of the Marine Board Act (now repealed)). (Omitted)

RULES

(saved by section 461 of Act 8 of 1998, made under section 61 of the Marine Board Act (now repealed)). (Omitted)

APPOINTMENT

(saved by section 461 of Act 8 of 1998, made under section 66 of the Marine Board Act (now repealed)). (Omitted)

RULES

(saved by section 461 of Act 8 of 1998, made under section 3(2) of the Merchant Shipping (Wireless Telegraphy) Act (now repealed)). (Omitted)

REGULATIONS

(saved by section 461 of Act 8 of 1998, made under section 8(1) of the Merchant Shipping (Wireless Telegraphy) Act (now repealed)). (Omitted)

REGULATIONS

(saved by section 461 of Act 8 of 1998, made under section 15 of the Seafarers (Certification) Act (now repealed)). (Omitted)

THE SHIPPING ACT

ORDER
(under section 32)

**THE SHIPPING (DECLARATION OF PORT OF REGISTRY) (MONTEGO BAY)
ORDER, 2001**

(Made by the Minister on the 21st day of February, 2001)

L.N. 18/2001

1. This Order may be cited as the Shipping (Declaration of Port of Registry) (Montego Bay) Order, 2001.
2. The port of Montego Bay is hereby declared as the port of registry for the registration of ships under the Act.

SHIPPING

THE SHIPPING ACT

REGULATIONS

(under section 167)

THE SHIPPING (MEDICAL EXAMINATION) REGULATIONS, 1998

(Made by the Minister on the 20th day of July, 1998, and having effect on the 2nd day of January, 1999, the date of operation of the Act)

L. N. 46A/98

1. These Regulations may be cited as the Shipping (Medical Examination) Regulations, 1998.

2.—(1) In these Regulations—

“appointed day” means the date on which these Regulations come into operation;

“approved” means approved for the purpose by the Minister;

“chemical” means any liquid chemical listed in Chapter VI of the publication of the Intergovernmental Maritime Consultative Organization entitled “Code for the Construction and Equipment of ships carrying Dangerous Chemicals in Bulk” and any relevant supplement thereto;

“medical fitness certificate” means a certificate issued under regulation 7 (whether or not subject to restrictions) or a certificate deemed to be equivalent thereto under regulation 5 or 6;

“offshore installation” has the meaning given in the United Nations Convention on the Law of the Sea 1982.

(2) Any approval in pursuance of these Regulations shall be given in writing and shall specify the date on which it takes effect and the conditions, if any, on which it is given.

3.—(1) These Regulations apply to seagoing Jamaican ships.

(2) Regulations 13 and 14 apply to seagoing foreign ships when they are in a Jamaican port or Jamaican waters, being ships which are of 1,600 GT or over, including seagoing tugs, other than fishing vessels, pleasure craft and offshore installations whilst on their working stations.

4.—(1) Subject to paragraph (4), no person shall employ a seafarer in a ship unless that seafarer is the holder of a valid medical fitness certificate.

Provided that—

- (a) any seafarer who has served at sea at any time during the two years immediately preceding the appointed day may continue his seagoing employment without such a medical fitness certificate for a period of two years from that date;
- (b) any seafarer, the validity of whose certificate expires while he is in a location where medical examination in accordance with these Regulations is impracticable, may continue to be employed without such a certificate for a period not exceeding three months from the date of expiry of such medical certificate.

(2) Subject to paragraph (4), no person shall employ a seafarer in a ship in a capacity or in a geographical area precluded by any restriction in that seafarer's medical fitness certificate.

(3) Subject to paragraph (4), no person shall employ a seafarer in a ship carrying chemicals in bulk unless that seafarer is the holder of a valid medical fitness certificate issued in respect of a medical examination undertaken not more than twelve months previously, notwithstanding that the period of validity specified in the medical fitness certificate may exceed twelve months.

(4) Paragraphs (1), (2) and (3) shall not apply to the employment of—

- (a) a pilot (who is not a member of the crew);
- (b) a person employed in a ship solely in connection with the construction, alteration, repair or testing of the ship, its machinery or equipment, and not engaged in the navigation of the ship;
- (c) a person solely employed in work directed to—
 - (i) the exploration of the seabed or subsoil or the exploitation of their natural resources;
 - (ii) the storage of gas in or under the seabed or the recovery of gas so stored;
 - (iii) the laying, inspection, testing, repair, alteration, renewal or removal of any submarine telegraph cable; or
 - (iv) pipeline works (including the assembling, inspection, testing, maintaining, adjusting, repairing, altering, renewing, changing the position of, or dismantling a pipeline or length of pipeline),

and is not engaged in the navigation of the ship in the deck, engine room, radio, medical or catering department of that ship;

- (d) a person employed in a port who is not ordinarily employed at sea; or
- (e) a person employed in a ship solely to provide goods, personal services or entertainment on board who—
 - (i) is not employed by the owner or the person employing the master of the ship; and
 - (ii) has no emergency safety responsibilities.

5. Any certificate of medical and visual fitness for seafaring employment issued by an approved medical practitioner to a seafarer in respect of a medical examination conducted before the appointed day shall be deemed for the purposes of these Regulations to be equivalent to a medical fitness certificate issued under these Regulations.

6. Any medical fitness certificate issued to a seafarer in accordance with the Medical Examination (Seafarers) Convention, 1946 (International Labour Organization Convention 73 of 1946) or the Merchant Shipping (Minimum Standards) Convention, 1976 (International Labour Organization Convention 147 of 1976)—

- (a) by an authority empowered in that behalf by the laws of the country outside Jamaica which is a party to any of those Conventions; or
- (b) by an approved authority empowered in that behalf by the laws of any other country outside Jamaica,

shall be deemed for the purposes of these Regulations to be equivalent to a medical fitness certificate issued under these Regulations.

7.—(1) Every applicant for a medical fitness certificate shall be examined by an approved medical practitioner.

(2) If, upon such examination, the practitioner considers that the applicant is fit, having regard to the medical standards specified in the First Schedule, he shall issue the applicant with a medical fitness certificate in the form set out in the Second Schedule, and that certificate may be restricted to such capacity of sea service or geographical area as the practitioner considers appropriate.

(3) Where the medical practitioner considers that an applicant has failed to meet the required medical standards, he shall give to that applicant notice of such failure in the form set out in the Third Schedule.

8. An approved medical practitioner who issues a medical fitness certificate under regulation 7 shall specify the period of validity of the certificate

commencing with the date of the medical examination subject to the following maximum periods—

- (a) in respect of seafarers under 18 years of age, one year;
- (b) in respect of seafarers 18 years of age and under 40 years of age, five years;
- (c) in respect of seafarers 40 years of age and over, two years.

9.—(1) Paragraph (2) shall apply in any case where an approved medical practitioner has reasonable grounds for believing that—

- (a) there has been a significant change in the medical fitness of a seafarer during the period of validity of his medical fitness certificate; or
- (b) when the medical fitness certificate was issued the approved medical practitioner, had he been in possession of full details of the seafarers condition, could not reasonably have considered that the seafarer was fit, having regard to the medical standards referred to in regulation 7; or
- (c) the medical fitness certificate was issued otherwise than in accordance with these Regulations.

(2) The approved medical practitioner shall notify the seafarer concerned and may—

- (a) suspend the validity of the certificate until the seafarer has undergone a further medical examination;
- (b) suspend the certificate for such period as he considers the seafarer will remain unfit to go to sea; or
- (c) cancel the certificate if he considers that the seafarer is likely to remain permanently unfit to go to sea.

10.—(1) Subject to paragraph (2), a seafarer who is aggrieved by—

- (a) the refusal of an approved medical practitioner to issue him with a medical fitness certificate; or
- (b) any restriction imposed on such a certificate; or
- (c) the suspension of a certificate for a period of more than three months or cancellation of a certificate pursuant to regulation 9,

may apply to the Director for the matter to be reviewed by a single referee appointed by the Director.

(2) An application for a review shall be made in the form set out in the Fourth Schedule only by—

Fourth
Schedule.

- (a) a seafarer who has served at sea at any time during the two years immediately preceding the appointed day; or
- (b) a seafarer who has held a valid medical fitness certificate at any time during the two years immediately preceding that refusal, imposition of a restriction, suspension or cancellation.

(3) Any such application shall—

- (a) be submitted to the Director within one month of the date on which the seafarer is given notice of the refusal, imposition of a restriction, suspension or cancellation (or such longer period as the Minister may determine if delay is caused by the seafarer's employment on board ship away from Jamaica); and
- (b) include a consent to the provisions of a report to the medical referee by the approved medical practitioner responsible for the refusal, imposition of a restriction, suspension or cancellation; and
- (c) specify the name and address of that practitioner.

(4) The medical referee to whom the matter is referred by the Director shall—

- (a) obtain a report from the approved medical practitioner by whom the applicant was examined and shall examine the medical condition of the applicant;
- (b) if the applicant so requests, disclose to the applicant the report of the approved medical practitioner and any other evidence not produced by the applicant himself but such disclosure is not required to be made if the medical referee considers that disclosure would be harmful to the applicant's health;
- (c) have regard to any relevant medical evidence, whether produced by the applicant, his employer, or otherwise, and whether or not disclosed as aforesaid.

(5) In the light of the medical evidence before him, the medical referee shall, if he considers that the applicant is fit having regard to the medical standards referred to in regulation 7, issue the applicant with a medical fitness certificate in the approved form.

(6) Where the medical referee considers that restrictions should be imposed as to capacity or geographical area other than those imposed on the

