

The Accommodation and Catering Service on Ships

Amendments to Regulations concerning the accommodation and catering service on ships

Introduction

The Norwegian Maritime Authority (NMA) has laid down amendments to Regulations concerning the accommodation and catering service on ships. A proposal for amendments to the regulations was circulated for comments in the period from 2 July to 24 September 2012.

The grounds for the amended regulations are that Norway has ratified the international convention concerning seafarers' working and living conditions. The convention enters into force on 20 August 2013. In English the Convention is called "Maritime Labour Convention, 2006", and the abbreviation "MLC" is used in Norway as well.

A concise outline of the regulatory amendments

The main purpose of the amended regulations has been to implement MLC chapter 3 on accommodation, recreational facilities, food and catering. The NMA has in connection with these amendments taken the opportunity to clarify some linguistic ambiguities in the Regulations. However, a complete review of the Regulations has not been carried out with regard to language, structure, etc. in accordance with the NMA's ongoing regulations project.

The regulations of existing ILO Conventions No. 92 and 133 will still apply to existing ships after the entry into force of the MLC. The regulations of the Conventions have been incorporated into the Regulations instead of the Regulations referring to the Conventions, so that it is clearly stated in the Regulations which requirements apply. The Regulations' references to ILO Convention No. 68 have been replaced by the MLC regulations.

It is moreover important to note that since the references to ILO Conventions No. 68, 92 and 133 have been removed from the regulations, the subsections of several provisions will shift, so that subsection (2) becomes subsection (1) etc. In some provisions the subsections have also been moved around within the relevant provision, without this leading to the regulations being altered.

Remarks to certain provisions in the regulations

To section 1 Scope

There is no lower gross tonnage limit for ships to which the MLC regulations apply, as opposed to ships to which ILO Conventions No. 92 and 133 apply. This difference is provided by amendments to section 1 (1) of the Regulations, where there is no longer a gross tonnage limit for ships defined as "new ships" after the MLC enters into force on 20 August 2013.

To section 2 Definitions

Subparagraph a):

Two new recognised classification societies, RINA and ClassNK, have been added to the Regulations.

Subparagraph b):

The term "manned barge" has been redefined. The basis for this is that because no barges have a specification of crew, all barges fell outside the Regulations with the previous definition.

Subparagraph f):

Since there is a need to separate previous "existing ship" and previous "new ship" from ships which are "new ship" from the MLC's entry into force on 20 August 2013 onwards, previous existing ships have been defined as "existing ship category 2" and previous "new ship" defined as "existing ship category 1". When the general term "existing ship" is used in the Regulations, this is meant to include both existing ship category 1 and 2.

Subparagraph n):

"New ship" will be ships the keel of which is laid or which are at a similar stage of construction on or after 20 August 2013.

Subparagraph q):

There is no definition of the Safety of Life at Sea (SOLAS) Convention in the Regulations, despite the fact that the term is used in the present text of the Regulations. It is therefore necessary to add a definition of the convention in the Regulations.

Subparagraph r):

New provisions on special purpose ships (SPS) are laid down in the MLC. Special purpose ships are therefore defined in section 2, subparagraph s) in accordance with the definition in MLC standard A3.1.6 (d).

Former subparagraphs i) and r) have been deleted:

Former subparagraph i) had a definition of "high-speed craft", and former subparagraph r) had a definition of "adult". The definitions have been deleted because the terms are not used in the Regulations.

To section 5 Inspection and survey of the accommodation with equipments, furnishings, etc.

The current practise for use of recognised classification society is specified in subsection (1).

Reference to regulations has been added in subsection (1) b), because requirements for emergency exits on cargo ships are laid down in regulations concerning the construction of passenger ships, cargo ships and barges.

To section 6 Convention requirements

The provision is repealed. The reference to ILO Conventions No. 92 and 133 in subsections (1) and (2) of the provision is no longer relevant, as the rules from the conventions have been incorporated into the Regulations. The reference to the SOLAS Convention in subsection (3) is superfluous, as the content of the current text is laid down in the individual provisions in the Regulations.

To section 7 Documentation

The term "documentation" is deemed more accurate for the content of the provision than "drawings". The title of the provision has consequently been changed from "drawings" to "documentation". The same applies several places in the provision where this is considered more precise usage.

The current practise for use of recognised classification society is specified in subsection (1).

In subsection (1) b), it is specified that accommodation drawings shall have a scale that "clearly" shows the requested information. The requirement for a scale of 1/50 has been deleted.

To section 9 Location

Reference to regulations has been added in subsection (3), because requirements for emergency exits on cargo ships are laid down in the regulations concerning the construction of passenger ships, cargo ships and barges.

To section 10 Construction

The amendments to subsection (1), subparagraph l), third sentence concerning requirements for marking of emergency exits in English, are in accordance with the development on Norwegian ships. The Norwegian language is currently less often used as working language compared to previously, and Norwegian people are often in a minority on board. English is moreover a language which is understood by most people on board, at least when it comes to language used on markings. In any case, this requirement will in the opinion of the NMA be sufficient, because it shall also be considered whether it is necessary with markings in the working language of the ship in addition to markings in English.

In subsection (2) d) the term "purchased" is replaced by "flagged in", because the NMA deems this as current law.

To section 15 Requirements for the size of the accommodation

The title "Requirements for the size of the accommodation" is deemed more precise than "Size of sleeping rooms/cabins etc.". The title of the provision is thus amended correspondingly.

To section 18 Mess rooms, day rooms, etc.

The requirement for a separate mess room for the master and the officers is not relevant, since the division between officers and crew in this respect is obsolete. There is furthermore no requirement for separate mess rooms in the MLC.

To section 23 Hospital accommodation

The NMA's practice is that one berth is required in the hospital accommodation as laid down in subsection (3).

To section 24 Size of the galley, equipment, etc.

In subsections (6) and (7) the regulations concerning arrangement of washbasins in the galley have been amended, so that the slop sink may replace a washbasin for hand washing, under the condition that the tap on the slop sink is equipped with a sensor for non-contacting operation or a long handle that can be operated with the elbows. The alternative solution is deemed to preserve hygienic considerations. Furthermore, one of the dish-washing sinks may be replaced by a dish-washing machine. The requirement for four washbasins in the galley dates from a time when dish-washing machines were not common. Today, most ships have a dish-washing machine. The Norwegian Food Safety Authority also recommends that a dish-washing machine is used for dish-washing. The NMA has experienced, especially on smaller ships with small galleys, that it is often

problematic to fit four washbasins. There is usually limited space for preparing food in the galley; it would therefore be an advantage to free up some space by removing an unnecessary washbasin. The company can choose between the existing and the new solution for galley arrangement based on what is deemed most practicable.

To section 25 Provision rooms, cold store and freezer rooms

The provision shall apply to both existing and new ships. In the opinion of the NMA, this is necessary in order for the company and the master to be able to fulfil their obligations according to section 28 on the proper storage of provisions. The MLC is an international minimum standard which does not have requirements for freezer rooms, but it has been made clear in the convention that there shall not be different standards for food and catering on existing ships and news ship flying the flag of a ratifying Member State. This is also the reason why ILO Convention No. 68 will be replaced by the MLC regulations on food and catering when the MLC enters into force.

To sections 24 (9), 25 (4), 28 (2), and 33 (6)

The frequency of the inspections will be determined on the basis of the company's discretionary evaluation of what is necessary to ensure continuing observance of the various requirements in the provisions.

To section 35 Crew with different national habits and customs

The title "Crew with different national habits and customs" is deemed more precise than "Foreign crew". The title of the provision is thus amended correspondingly.

General

In several provisions in the regulations, requirements for new ships were previously laid down by the statement that these requirements "shall furthermore apply to" or "shall also apply to" new ships. In the new text of the regulations, this has been replaced by "shall in addition apply to" new ships. Where the regulations state that the given requirements apply to existing ships category 1 in addition to the preceding paragraphs of a provision, this means that requirements that have been laid down for existing ships category 2 also apply to existing ships category 1 unless it has been set out in the provision that the requirements for existing ships category 1 are stricter than for ships category 2. The same applies to ships that are new on or after 20 August 2013, so that requirements for existing ships (category 1 and 2) also will apply to new ships unless it has been set out in the provision that the requirements for new ships are stricter than for existing ships.

Entry into force

The amendments to the regulations enter into force on 20 August 2013, the same time as the international convention concerning seafarers' working and living conditions (MLC).