

[LEGAL NOTICE NO. 87]

MARITIME TRANSPORT DECREE 2013
(DECREE NO. 20 OF 2013)

Maritime (Logbook) Regulations 2014

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MARITIME TRANSPORT DECREE 2013
(DECREE NO. 20 OF 2013)

MARITIME (LOGBOOK) REGULATIONS 2014

In exercise of the powers conferred upon me by section 240(1)(k) of the Maritime Transport Decree 2013, I hereby make these Regulations—

PART 1—PRELIMINARY

Short title and commencement

1. These Regulations may be cited as the Maritime (Logbook) Regulations 2014 and shall come into force on a date appointed by the Minister by notice in the *Gazette*.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“accident” means an occurrence that involves a ship as defined in the Decree where—

- (a) a person is seriously harmed as a result of—
 - (i) being on the ship;
 - (ii) direct contact with any part of the ship, including any part that has become detached from the ship;
 - (iii) direct exposure to the wash of the ship or interaction (other than direct contact) between 2 ships; or
 - (iv) being involved in the salvage of any ship,

except where the injuries are self-inflicted or inflicted by other persons, or when injuries are to stowaways hiding outside the areas normally available to passengers and crew;

- (b) the ship sustains damage or structural failure that—
 - (i) adversely affects the structural strength, performance or seaworthiness of the ship;
 - (ii) would normally require major repair or replacement of the affected component; or
 - (iii) poses a threat to the safety of people on board the ship;
- (c) there is a complete or partial failure of machinery or equipment that affects the seaworthiness of the ship;
- (d) there is a loss of, or damage to, or movement of, or change in the state of, the cargo of the ship which poses a risk to the ship or other ships;

- (e) there is a significant loss of, or significant damage to, property (not being the cargo carried by the ship) or the property of any person (whether or not on board the ship), whether or not the loss or damage arises from an interaction between 2 ships;
- (f) there is a loss or escape of any substance or thing that may—
 - (i) result, or has resulted, in serious harm to any person;
 - (ii) pose a risk, or has resulted in damage, to the ship or other ships; or
 - (iii) pose a risk, or has resulted in damage, to any property (whether or not on board the ship);
- (g) a person is lost at sea (whether or not subsequently found) or is missing; or
- (h) the ship is foundering, capsizing, missing, or has foundered, capsized, been abandoned, stranded, been in a collision, or has had a major fire on board;

“coastal state” means the country whose land is adjacent to those areas of the sea over which it exercises, or is entitled to exercise, jurisdiction for the purposes of marine environment protection and maritime safety, as provided for in international law;

“controlled drug” means a specified drug as defined in the Maritime (Ships Medical Requirements) Regulations 2014;

“Decree” means the Maritime Transport Decree 2013;

“engine-room logbook” means a logbook required under regulation 15;

“Fiji official logbook” means a logbook required under regulation 5 and in the form prescribed in the Schedule;

“Fiji ship” means a ship that is registered under the Ship Registration Decree 2013;

“harm” means illness, injury, or both; and “to harm” and “harmed” have corresponding meanings;

“incident” means any occurrence, other than an accident, that is associated with the operation of a ship and affects or could affect the safety of operation;

“international voyage” means a voyage to or from a port outside Fiji;

“master” means any person, except a pilot, having command or charge of any ship at a particular time;

“mishap” means an event that—

- (a) causes any person to be harmed; or
- (b) in different circumstances, might have caused any person to be harmed;

“owner” —

- (a) in relation to a ship registered under the Ship Registration Decree 2013 or under the laws of a foreign country, means the registered owner;
- (b) in relation to a ship to which paragraph (a) applies, where by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being, so responsible; and
- (c) in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being, responsible for the management of the ship;

“passenger ship” means a ship which carries more than 12 passengers on a voyage beyond Fiji waters;

“prescription medicine” means medicine prescribed and issued by way of a prescription in accordance with the Pharmacy and Poisons Act (Cap. 115);

“Regulations” includes maritime Regulations and marine environment protection Regulations;

“serious harm” means —

- (a) death; or
- (b) any of the following conditions that amounts to or results in permanent loss of bodily function or temporary severe loss of bodily function —
 - (i) respiratory disease;
 - (ii) noise-induced hearing loss;
 - (iii) neurological disease;
 - (iv) cancer;
 - (v) dermatological disease;
 - (vi) communicable disease;
 - (vii) musculoskeletal disease;
 - (viii) illness caused by exposure to infected material;
 - (ix) decompression sickness;
 - (x) poisoning;
 - (xi) vision impairment;
 - (xii) chemical or hot-metal burn of eye;
 - (xiii) penetrating wound of eye;

- (xiv) bone fracture;
- (xv) laceration; or
- (xvi) crushing;
- (c) requiring referral to a specialist registered medical practitioner or specialist outpatient clinic;
- (d) burns requiring referral to a specialist registered medical practitioner or specialist outpatient clinic;
- (e) loss of consciousness from lack of oxygen;
- (f) loss of consciousness, or acute illness requiring treatment by a registered medical practitioner, from absorption, inhalation or ingestion, of any substance;
- (g) any harm that causes the person harmed to be hospitalised for a period of 48 hours or more commencing within 7 days of the harm's occurrence; and
- (h) accidents as defined in section 5 of the Health and Safety at Work Act 1996; and

“unlimited ship” means a Fiji ship that is a commercial ship which proceeds on an international voyage or a voyage outside offshore limits or voyage outside near coastal waters.

Purpose

3.—(1) These Regulations prescribe requirements for the standardised shipboard recording of routine and emergency operational information and significant, generally untoward, events affecting the ship, its safety, and the safety and well-being of persons on board.

(2) These Regulations shall give effect to the various recording requirements under the International Convention for the Safety of Life at Sea Convention 1974, and shall provide verification of compliance with the submersion requirements of the International Convention on Load Lines 1966.

(3) These Regulations provide for recording inspections of crew accommodation, as required by the International Labour Organisation Accommodation of Crews Convention (Revised) 1949.

Application

4. These Regulations shall apply to every Fiji ship of length more than 15 metres.

PART 2—FIJI OFFICIAL LOGBOOK

Requirement to carry a Fiji official logbook

5.—(1) The owner and the master of any ship to which this regulation applies shall ensure that the ship carries on board a Fiji official logbook in the form set out in the Schedule.

(2) The Fiji official logbook may be maintained as a separate document or may be attached to, integrated or associated with, the ship's deck logbook, as the owner and master of the ship think fit.

Record of command

6. The owner and the master of any ship shall ensure that the ship's record of command is entered in the Fiji official logbook, in accordance with regulation 11 and the Schedule.

Record of watch keeping crew

7. The owner and the master of a ship shall ensure that a record of watch keeping crew is entered in the Fiji official logbook in accordance with regulation 11 and the Schedule.

Record of depths of loading

8. The owner and the master of a ship shall ensure, in accordance with regulation 11, that a record of the depth to which the ship is loaded and the freeboard is entered in the Fiji official logbook whenever the ship proceeds on a voyage.

Record of on-board inspections, drills, musters and training

9. The owner and the master of a ship shall ensure, in accordance with regulation 11, that a record of the on-board inspections, drills, musters and training are entered in the Fiji official logbook.

Occurrences to be recorded in the Fiji official logbook

10. The owner and the master of a ship shall ensure that an appropriate entry is made in the Fiji official logbook in accordance with regulation 11, for the following occurrences—

- (a) every distress signal received by the ship and the action taken in response to the signal;
- (b) every navigational warning communicated by the ship by means other than radio transmission;
- (c) every accident, incident or mishap resulting in serious harm;
- (d) every case of serious illness or injury involving a person on board the ship which did not arise from an accident or mishap;
- (e) every birth or death taking place on board, with the names and ages of the parties;
- (f) every instance of behaviour by a seafarer employed on the ship which may result in the dismissal of that seafarer or other disciplinary measure, including behaviour involving violence, causing danger to any person, criminal damage, alcohol, or the use, supply, or possession of controlled drugs, or the misuse of any prescription medicine;
- (g) every instance reported to the master, or of which the master otherwise becomes aware, of significant social conflict involving seafarers employed on the ship, including racial and sexual harassment, and the action taken;
- (h) every confiscation by the master of controlled drugs and misused prescription medicine from a person on board the ship;

- (i) in the case of an unlimited ship the name of every seafarer who ceases to be employed on the ship outside Fiji otherwise than by death, with the place, time, manner and cause of the termination of employment on that ship;
- (j) every conviction known to the master of the ship in a court outside Fiji, of a seafarer employed on the ship for an offence relating to transport safety, controlled drugs, prescription medicine, violence, causing danger to any person, or criminal damage;
- (k) every other significant event involving the ship, including—
 - (i) the presence of stowaways on board;
 - (ii) acts of piracy against the ship or acts of piracy witnessed against another ship or an aircraft;
 - (iii) interventions by a port state or coastal state affecting the normal operation of the ship, including detention of the ship for violation of safety or marine environment protection standards; and
 - (iv) civil claims; and
- (l) any other matter directed by the Decree, or by any Regulations or Regulations made under the Decree, to be entered.

Manner of recording matters in the Fiji official logbook

11.—(1) Each occurrence and record described under regulations 7 to 10 must be fully recorded without undue delay in the appropriate table in the Fiji official logbook.

(2) The master and mate or other crew member authorised by the master, shall be required to sign each entry made.

(3) The time of an occurrence which is required to be recorded, must be recorded as Greenwich mean time or as local time, provided the logbook gives a clear indication of the local time in relation to Greenwich mean time.

Availability and retention of the Fiji official logbook

12.—(1) The owner and the master of any ship to which this regulation applies shall be required to ensure that the Fiji official logbook is—

- (a) kept on board the ship, except in the case of un-crewed ships under tow; and
- (b) available for inspection at all reasonable times by—
 - (i) the Chief Executive Officer;
 - (ii) any person delegated powers of inspection by the Chief Executive Officer; and
 - (iii) the port state authority at a port, offshore terminal or offshore installation under the jurisdiction of a state other than Fiji.

(2) The owner of a ship shall be required to preserve the Fiji official logbook for a period of 3 years after the last entry was made.

Requirement to deliver Fiji official logbook

13.—(1) Where for any reason the Fiji official log book ceases to be required or is no longer current, the master or owner of the ship shall within one month, transmit to the Chief Executive Officer the Fiji official logbook made up to the time of cessation.

(2) If a ship is lost or abandoned, the master or owner shall, if practicable, and as soon as possible, transmit to the Chief Executive Officer the Fiji official logbook duly made out to the time of the loss or abandonment.

(3) Any person who contravenes this regulation commits an infringement offence in accordance with section 262 of the Decree and shall be liable to a fine not exceeding \$500.

Requirement not to falsify, temper entries or wilfully destroy Fiji official logbook

14. Any person who—

- (a) wilfully destroys or mutilates an official logbook or an entry in a Fiji official logbook;
- (b) wilfully renders illegible an entry in a Fiji official logbook;
- (c) wilfully makes a false or fraudulent entry in, or an omission from, a Fiji official logbook; or
- (d) signs an entry in an official logbook knowing the entry to be false or fraudulent,

commits an infringement offence in accordance with section 262 of the Decree and shall be liable to a fine not exceeding \$2,000.

PART 3—ENGINE-ROOM LOGBOOK*Requirement to carry an engine-room logbook*

15. The owner and the master of any ship to which this regulation applies shall be required to ensure that the ship carries on board an engine-room logbook in a form approved by the Chief Executive Officer.

Matters to be recorded in the engine-room logbook

16. The owner, the master and the chief engineer or engineer as the case may be, of any ship to which this regulation applies shall be required to ensure that an appropriate entry in the engine-room logbook is made in accordance with regulation 17 that records the following occurrences—

- (a) any accident or incident involving machinery, boilers, or the systems of the ship, giving the date and time, and stating the nature of the occurrences and any repair undertaken;
- (b) examination of sea connections, docking dates, examination of the stern shaft and propeller, testing of the main steam pipe, testing of the main starting air pipes, and overhauls made on essential machinery; and
- (c) all telegraph calls from the bridge to the engine-room, except where calls are recorded in a separate telegraph movements book or by means of an automatic telegraphic recorder.

Manner of recording matters in the engine-room logbook

17.—(1) Each occurrence described in regulation 16 must be fully recorded without undue delay in the engine-room logbook by the engineer on watch.

(2) Each completed page of the engine-room logbook must be signed by the chief engineer or engineer as the case may be.

Availability and retention of the engine-room logbook

18.—(1) The owner and the master of any ship to which this regulation applies shall be required to ensure that the engine-room logbook is—

- (a) kept on board the ship, except in the case of un-crewed ships under tow; and
- (b) available for inspection at all reasonable times by—
 - (i) the Chief Executive Officer;
 - (ii) any person delegated powers of inspection by the Chief Executive Officer; and
 - (iii) the port state authority at a port, offshore terminal or offshore installation under the jurisdiction of a state other than Fiji.

(2) The owner of a ship shall be required to preserve an engine-room logbook for a period of 3 years after the last entry was made.

Requirement not to falsify, temper entries or wilfully destroy engine-room logbook

19. Any person who—

- (a) wilfully destroys or mutilates an engine-room logbook or an entry in an engine-room logbook;
- (b) wilfully renders illegible an entry in a engine-room logbook;
- (c) wilfully makes a false or fraudulent entry in, or an omission from, an engine-room logbook; or
- (d) signs an entry in an engine-room logbook knowing the entry to be false or fraudulent,

commits an infringement offence, in accordance with section 262 of the Decree, and shall be liable to a fine not exceeding \$2,000.

Working language

20.—(1) The owner and the master of a ship to which this regulation applies shall use the English language as the working language and the language in which records are entered in the logbook.

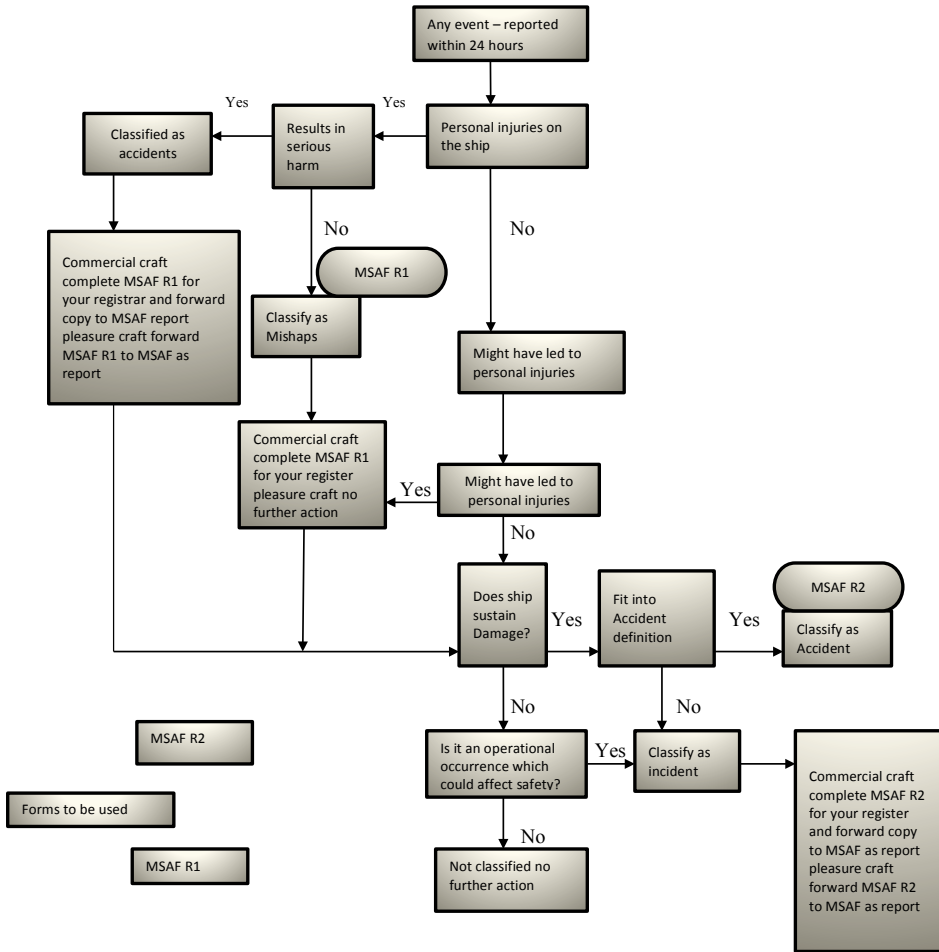
(2) Each seafarer must be able to understand and, where appropriate, give orders and instructions, and report back in the working language.

RECORD OF NAVIGATIONAL WARNINGS
(Regulation 10(b))

<i>Date and time warning transmitted</i>	<i>Location of ship at time of transmission</i>	<i>Description and location of danger to navigation</i>	<i>Signature of master and mate</i>

Note: Records made in the radio logbook do not need to be duplicated in this table

PROCEDURE FOR CLASSIFYING, RECORDING AND REPORTING ACCIDENTS INJURIES AND MISHAPS



RECORD OF ACCIDENT, INCIDENT OR MISHAP RESULTING IN SERIOUS HARM
(Regulation 10(c))

<i>Date and time of occurrence</i>	<i>Details of accident, incident, and mishap resulting in serious harm</i>	<i>Date and time report forwarded to authorities</i>	<i>Signature of master and mate</i>

Note: Under section 20 of the Decree, a report must be made to the Authority in all cases. Where a ship is in the territorial waters of a state outside Fiji, the master may also be required to report to the authorities in that state.

RECORD OF SERIOUS ILLNESS OR INJURY NOT ARISING FROM AN
ACCIDENT OR MISHAP
(Regulation 10(d))

<i>Date and time of event</i>	<i>Details of circumstances resulting in serious illness or injury</i>	<i>Date and time report forwarded to authorities</i>	<i>Signature of master and mate</i>

Note: The table provided above shall be used for recording serious illness and injuries—

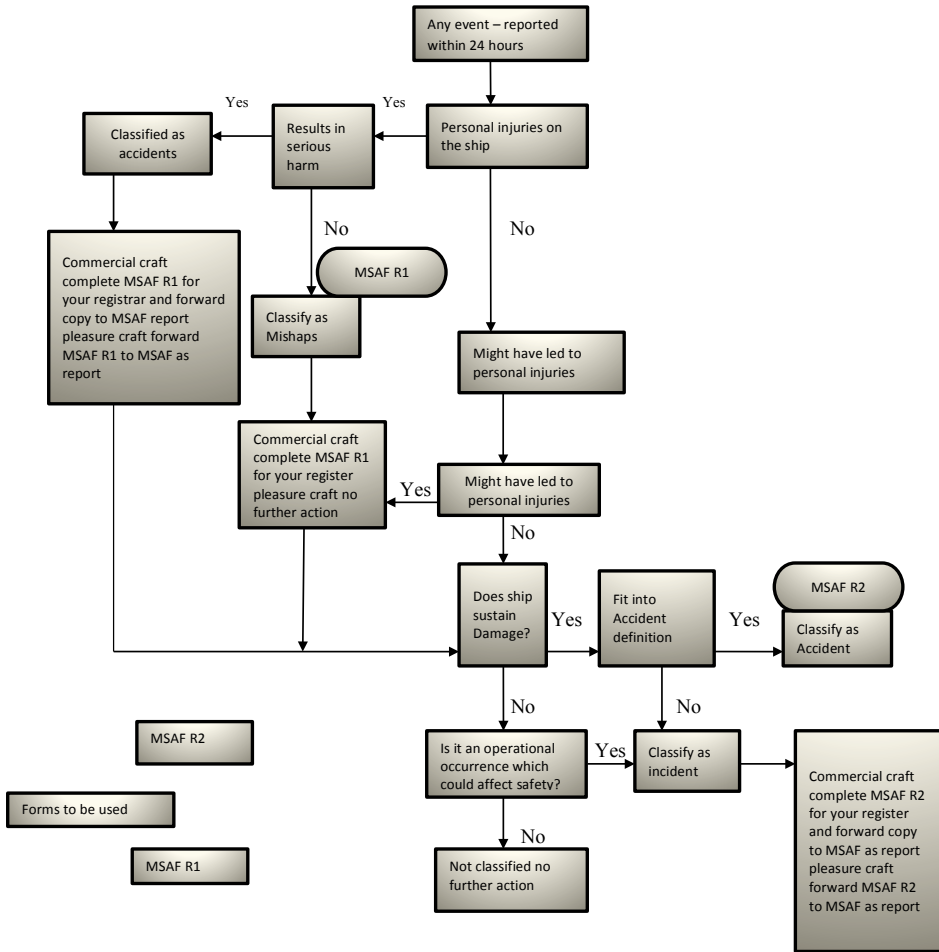
- (a) involving stowaways hiding outside the areas normally available to passengers and crew;
- (b) that are self-inflicted; or
- (c) resulting from personal violence.

RECORD OF NAVIGATIONAL WARNINGS
(Regulation 10(b))

<i>Date and time warning transmitted</i>	<i>Location of ship at time of transmission</i>	<i>Description and location of danger to navigation</i>	<i>Signature of master and mate</i>

Note: Records made in the radio logbook do not need to be duplicated in this table

PROCEDURE FOR CLASSIFYING, RECORDING AND REPORTING ACCIDENTS INJURIES AND MISHAPS



RECORD OF ACCIDENT, INCIDENT OR MISHAP RESULTING IN SERIOUS HARM
(Regulation 10(c))

<i>Date and time of occurrence</i>	<i>Details of accident, incident, and mishap resulting in serious harm</i>	<i>Date and time report forwarded to authorities</i>	<i>Signature of master and mate</i>

Note: Under section 20 of the Decree, a report must be made to the Authority in all cases. Where a ship is in the territorial waters of a state outside Fiji, the master may also be required to report to the authorities in that state.

RECORD OF SERIOUS ILLNESS OR INJURY NOT ARISING FROM AN
ACCIDENT OR MISHAP
(Regulation 10(d))

<i>Date and time of event</i>	<i>Details of circumstances resulting in serious illness or injury</i>	<i>Date and time report forwarded to authorities</i>	<i>Signature of master and mate</i>

Note: The table provided above shall be used for recording serious illness and injuries—

- (a) involving stowaways hiding outside the areas normally available to passengers and crew;
- (b) that are self-inflicted; or
- (c) resulting from personal violence.

RECORD OF BIRTHS
(Regulation 10(e))

<i>Date and time of birth</i>	<i>Name (if any) of child and sex</i>	<i>Place of birth (if at sea, give latitude and longitude)</i>	<i>Parents' particulars</i>	
			<i>Full name (include mother's maiden name if different)</i>	
			Mother	
			Father	
			Mother	
			Father	
			Mother	
			Father	
			Mother	
			Father	
			Mother	
			Father	
			Mother	
			Father	
			Mother	
			Father	

RECORD OF DEATHS
(Regulation 10(e))

<i>Exact place of death (if at sea, give latitude and longitude)</i>	<i>Hour and date of death</i>	<i>Last place of abode</i>	<i>Home address (if different)</i>	<i>Cause of death*</i>	<i>Signature of master, mate and person responsible for care of ill and injured persons</i>

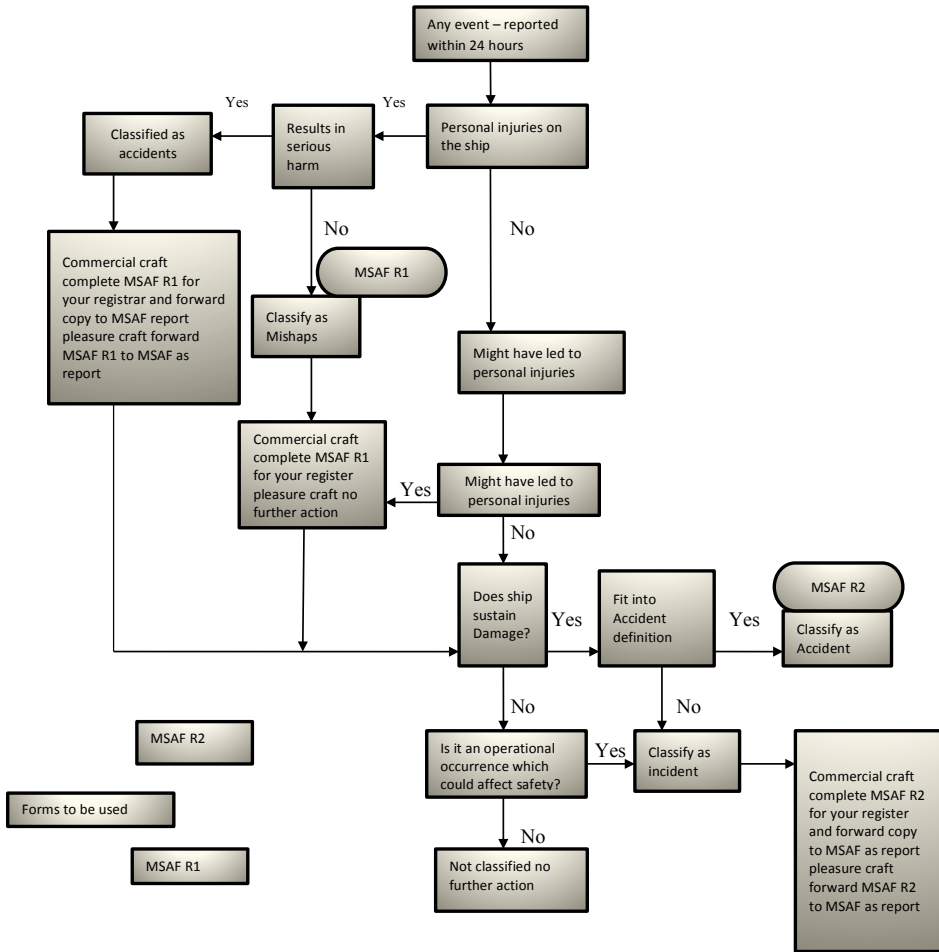
*This entry is in addition to any record required in the logbook record of accidents and mishaps resulting in serious harm, and any report to the Chief Executive Officer on MSAF form 12307. A comprehensive record must be made where death involves personal violence or apparent suicide.

RECORD OF NAVIGATIONAL WARNINGS
(Regulation 10(b))

<i>Date and time warning transmitted</i>	<i>Location of ship at time of transmission</i>	<i>Description and location of danger to navigation</i>	<i>Signature of master and mate</i>

Note: Records made in the radio logbook do not need to be duplicated in this table

PROCEDURE FOR CLASSIFYING, RECORDING AND REPORTING ACCIDENTS INJURIES AND MISHAPS



RECORD OF ACCIDENT, INCIDENT OR MISHAP RESULTING IN SERIOUS HARM
(Regulation 10(c))

<i>Date and time of occurrence</i>	<i>Details of accident, incident, and mishap resulting in serious harm</i>	<i>Date and time report forwarded to authorities</i>	<i>Signature of master and mate</i>

Note: Under section 20 of the Decree, a report must be made to the Authority in all cases. Where a ship is in the territorial waters of a state outside Fiji, the master may also be required to report to the authorities in that state.

RECORD OF SERIOUS ILLNESS OR INJURY NOT ARISING FROM AN
ACCIDENT OR MISHAP
(Regulation 10(d))

<i>Date and time of event</i>	<i>Details of circumstances resulting in serious illness or injury</i>	<i>Date and time report forwarded to authorities</i>	<i>Signature of master and mate</i>

Note: The table provided above shall be used for recording serious illness and injuries—

- (a) involving stowaways hiding outside the areas normally available to passengers and crew;
- (b) that are self-inflicted; or
- (c) resulting from personal violence.

