

SAFETY

Merchant Shipping (Provisions and Water) Regulations 1989²⁹⁶

[The Minister] in exercise of the powers conferred on him by [sections 187 and 293(3) of the Merchant Shipping Act] and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, revocation and modification of existing legislation

1.—(1) These Regulations may be cited as the Merchant Shipping (Provisions and Water) Regulations 1989 and shall come into force on 1st March 1989.

(2) [omitted]

(3) [omitted]

Interpretation

2. In these Regulations:—

“employer” means the person for the time being employing the master;

“fishing vessel” means a vessel for the time being employed in sea fishing but does not include a vessel used otherwise than for profit;

“length” in relation to a registered ship means registered length, and in relation to an unregistered ship means the length from the fore part of the stem to the aft side of the head of the stern post or, if no stern post is fitted to take the rudder, to the fore side of the rudder stock at the point where the rudder passes out of the hull;

“offshore installation” means any offshore installation within the meaning of section 1 of the Mineral Workings (Offshore Installations) Act 1971^(b)²⁹⁷;

“pleasure craft” means a vessel primarily used for sport or recreation;

“submersible craft” means submersible craft as defined in the Merchant Shipping (Submersible Craft Construction and Survey) Regulations 1981^(c).

Application

3.—(1) Subject to paragraph (2) below -

(a) these Regulations other than regulation 9 apply to sea-going [Bahamian ships]; and

(b) regulations 1, 2, 3, 9²⁹⁸ apply to non-[Bahamian] sea-going ships (except fishing vessels) when in a [Bahamian] port.

(2) These Regulations do not apply to—

(a) ships under 24 metres in length;

(b) pleasure craft;

(c) submersible craft; or

(d) offshore installations whilst on or within 500 metres of their working stations.

(3) [The Minister] may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of cases or individual cases

²⁹⁶ applied in the Bahamas from UK SI 102/1989 by SI 32 of 1989.

^(b) 1971 [UK] c.61; section 1 was substituted by section 24 of the [UK] Oil and Gas (Enterprise) Act 1982 (c.23)

²⁹⁷ see Appendix III for excerpt and definition

^(c) [UK] S.I. 1981/1098, as amended by SI 1987/306 [also applied in the Bahamas, see *infra*]

²⁹⁸ words “and 10” omitted.

on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Duties of Employers and Masters

4. It shall be the duty of the employer and master of every ship to ensure that there shall be provided on their ship provisions and water which—

- (a) are suitable in respect of quantity, nutritive value, quality and variety having regard to the size of the crew and the character and nature of the voyage;
- (b) do not contain anything which is likely to cause sickness or injury to health or which renders any provision or water unpalatable; and
- (c) are otherwise fit for consumption.

5. It shall be the duty of the master to ensure that he, or a person authorised by him, together with a member of the crew employed in catering on the ship, inspects not less than once each week provisions and water for the purpose of checking whether the provisions and water still comply with sub-paragraphs (a) to (c) of regulation 4 above. The results of such inspections shall be recorded in the Official Log Book of the ship.

Offences and penalties

6.—(1) Contravention of regulation 4 by an employer shall be an offence punishable only on summary conviction by a fine not exceeding level four on the standard scale.

(2) Contravention of regulation 4 or 5 by a master shall be an offence punishable only on summary conviction by a fine not exceeding level four on the standard scale.

(3) It shall be a defence for a person charged in respect of a contravention of any of these Regulations, including a person charged by virtue of regulation 7, to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

7. Where an offence under these Regulations is committed, or would have been committed except for the operation of regulation 6(3), by any person due to the act or default of some other person, that other person shall be guilty of an offence, and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against that first-mentioned person.

Inspection, and detention of a [Bahamian ship]

8. Any person duly authorised by [the Minister] may inspect any ship to which these Regulations apply and if he is satisfied that there has been a failure to comply in relation to that ship with the requirements of these Regulations he may detain the ship until the health and safety of all employees and other persons aboard ship is secured, but shall not in the exercise of these powers detain or delay the ship unreasonably.

Inspection detention and other measures in respect of ships registered outside [the Bahamas]

9.—(1) Any person duly authorised by [the Minister] may inspect any ship which is not a [Bahamian] ship when the ship is in a [Bahamian] port, and if he is satisfied that the ship does not conform to the standards required of [Bahamian ships] by these Regulations, he may:

- (a) send a report to the government of the country in which the ship is registered, and a copy of the report to the Director General of the International Labour Office; and

- (b) where the conditions on board the ship are clearly hazardous to safety or health;
 - (i) take such measures as are necessary to rectify those conditions;
 - (ii) detain the ship:

Provided that the measures specified in sub-paragraphs (a) and (b) may be taken only when the ship has called at a [Bahamian] port in the normal course of business or for operational reasons.

(2) If he takes either of the measures specified in paragraph (1)(b), the person duly authorised shall forthwith notify the nearest maritime, consular or diplomatic representative of the State whose flag the ship is entitled to fly.

(3) The person duly authorised shall not in exercise of his powers under this regulation detain or delay the ship unreasonably.

Compensation and Enforcement of Detention

10. *[Regulation 10 is not reproduced here as it is unlikely that it is applied under the MSA. For compensation provisions please see section 211, MSA.]*