

Isle of Man Ship Registry

CONSULTATION:

Discharge Books, Official Log Books, List of Crew and GMDSS Log Books

Opening Date: 14 September 2018

Closing Date: 26 October 2018

Department for Enterprise

Isle of Man Ship Registry Consultation: Seafarer's Discharge Book, Official Log Books, List of Crew and GMDSS Log Books

This paper sets out the Isle of Man's proposals to make changes to legislation which prescribes requirements for the making and keeping of records. The main proposals are -

- Seafarer's Discharge Book to be replaced by a new document called a Record of Sea Service;
- Ships to stop sending Official Log Books, List of Crew and GMDSS Log Books back to the Isle of Man Ship Registry; and
- Ships to keep Official Log Books, List of Crew and GMDSS Log Books on board for a period of 3 years from the date of closure.

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When responding, please consider whether you are willing to have your response published and indicate your preference from the following options:

- Response can be published together with your name/organisation
- Response can be published anonymously
- Response can not be published

This consultation will close on 26 October 2018

This consultation contains the following:

- Section 1 – Seafarers Discharge Books
- Section 2 – Seafarer's Record of Sea Service Book
- Section 3 – Official Log Books, List of Crew and GMDSS Log Books
- Example of Seafarer's Record of Sea Service

SECTION 1

SEAFARER'S DISCHARGE BOOK

The Ship Registry is proposing to stop issuing Seafarer's Discharge Books and to replace them with a new document called a Record of Sea Service. We are proposing to make this change in order to simplify the record book and to remove confusion around who is required to be issued with a discharge book and what is the purpose of the discharge book.

In order to do this we intend to revoke the existing Isle of Man Regulations on Seafarer's Discharge Books.

The proposals for the new Record of Sea Service Book are set out in Section 2 of this paper.

Background

The existing Regulations which prescribe the requirements for a Seafarer's Discharge Book are SI 1987 No 408 Merchant Shipping (Seafarer's Documents) Regulations 1987 - Parts II and III (as they are applied to the Isle of Man).

These Regulations prescribe who may apply for a discharge book, the content and form of the discharge book, who may make entries and other requirements relating to a Seafarer's Discharge Book once it has been issued.

Over the years confusion has arisen around the issue and use of Seafarer's Discharge Books. There are two issues which have caused confusion –

1. Do seafarers working on board an IOM registered ship have to apply for a Seafarer's Discharge Book; and
2. Is a Seafarer's Discharge Book also an identity document for the purposes of ILO Convention 108.

Issue 1 – Do seafarers working on board an IOM registered ship have to apply for a Seafarer's Discharge book?

Answer – This has not been a requirement since the introduction of the Maritime Labour Convention (MLC) in 2013.

Prior to the introduction of the Maritime Labour Convention (MLC) it was mandatory under the Merchant Shipping (Seafarer's Documents) Regulations 1987 for certain seafarers working on an IOM registered ship to apply for an IOM Seafarer's Discharge Book. This policy was changed with the introduction of the Isle of Man's MLC Regulations in 2013 which prescribed that all seafarers to which MLC applies must have a record of employment which may, but doesn't have to be recorded in an IOM Seafarer's Discharge Book

The MLC Regulations further prescribe that the record of employment must contain certain particulars, be in English and must not contain any statement as to the quality or a seafarers work or wages. Therefore whilst seafarers must have a record of employment which complies with the requirements of MLC, it does not have to be recorded in an IOM Seafarer's Discharge Book. Subject to any restrictions made by the issuing authority, seafarers working on IOM registered ships may record their sea service in a discharge book or other similar document which has been issued by another country as long as it complies with the requirements of MLC.

Issue 2 – Is a Seafarer's Discharge Book also an identity document for the purposes of ILO Convention 108?

Answer – No, a Seafarer's Discharge Book is only a record of sea service and is not and has never been a Seafarers Identity Document which provides a visa exemption by virtue of ILO Convention 108.

There is a misconception that a Seafarer's Discharge Book is an identity document for the purposes of ILO Convention 108 - Seafarers' Identity Documents Convention 1958 which permits a seafarer to join/leave a ship without a visa in certain countries.

The document which may be used as a visa exemption by virtue of ILO Convention 108 is a British Seamen's Card. There are no proposals to make any changes to the issue of British Seamen's Card's and the issue of British Seamen's Card will continue to be restricted to British Citizens.

Summary

It is the intention to stop issuing Seafarer's Discharge Books and to replace them with a new document called a Record of Sea Service. To do this we will revoke the parts of SI 1987 No 408 Merchant Shipping (Seafarer's Documents) Regulations 1987 - Parts II and III that

relate to Seafarer's Discharge Books. The remaining parts of these Regulations prescribe requirements for British Seamen's Cards and will remain unchanged.

Any Seafarer's Discharge Books already issued will continue to be valid for recording sea service.

Section 2

Seafarer's Record of Sea Service Book and Loose Leaf Format

MLC Regulation A2.1.(e) specifies all seafarers (to which MLC applies) must be given a documents containing a record of their employment on board the ship. This record of employment may be recorded in a Seafarer's Discharge Book but it does not have to be.

As the Isle of Man is going to stop issuing Seafarer's Discharge Books we are proposing to continue to facilitate the seafarer's record of employment required under MLC Regulation A2.1.(e) by –

- creating a new book called a Record of Sea Service which will be available to purchase from the Ship Registry; and
- making available on the Ship Registry website a template for recording sea service which may be printed free of charge and completed as required.

It will not be mandatory for seafarers to use an Isle of Man Record of Sea Service Book or the template from the website to record their sea service. The record of employment required by MLC may be in any format or may be recorded in a discharge book (or similar) issued by another country as long as it meets the minimum requirements prescribed by the Isle of Man MLC Regulations.

The Isle of Man MLC Regulations require that the record of employment must as a minimum contain the following particulars –

- (a) seafarer's full name, date of birth or age and birthplace;
- (b) name, port of registry, gross tonnage and IMO number of the ship;
- (c) description of the voyage;
- (d) capacity in which the seafarer was employed;
- (e) commencement date of employment; and
- (f) date of discharge.

The record of employment must be provided in English and must not contain any statement as to the quality of a seafarer's work or his or her wages.

An Isle of Man Seafarer's Discharge Book issued before the date of the changes will continue to be accepted for the purpose of recording employment in accordance with MLC.

STCW certification issuing authorities

A seafarer must have evidence that they have obtained the required amount of seagoing service in order to be eligible to apply for their next STCW certificate of competency or proficiency. The proposed Record of Sea Service contains all of the information necessary for the seafarer to record their seagoing service and we do not foresee any issues with this new format when a seafarer applies to their Administration for their next STCW certificate of competency or proficiency.

We would however be very grateful for any views on whether or not recording sea service in an Isle of Man Record of Sea Service Book is likely to cause any issues for seafarers or CoC issuing Authorities.

Issue and Content of Seafarer's Record of Sea Service

It is proposed the Seafarer's record of Sea Service will be available to purchase from the Ship Registry and will –

- be Passport size, hard back cover;
- be issued blank, i.e. it will NOT contain any personal information entered by the Ship Registry; and
- NOT contain a photograph of the seafarer.

The Record of Sea Service Books will be issued blank and may be purchased by individual seafarers or by shipping companies from the Ship Registry as required. Seafarers or their companies etc may complete the personal information in the Record of Sea Service Book as necessary.

There will be no restrictions on the issue or sale of Seafarers Record of Sea Service Book, for example they may be purchased in bulk by shipping companies and used as and when required.

An example of the Record of Sea Service is included at the end of this document.

Date when changes enter into force

It is proposed the Seafarer's Record of Sea Service will be available for purchase from the Ship Registry from 1st April 2019. The free version of the Seafarer's Record of Sea Service template will be made available on the website as soon as is possible but no later than the 1st April 2019.

The last date for the issue of Seafarer's Discharge Books will be 31st March 2019. Any applications for discharge books received on or after 1st April 2019 will not be processed.

Fees

We will consult separately on the fee to be charged for a Seafarer's Record of Sea Service Book as part of the overall consultation on new Fees Regulations which is expected to be published later this year.

It is important to note that MLC requires all Shipowners to provide Seafarer's with a document containing a record of their employment on board the ship and this must be provided free of charge.

Section 3

Official Log Book, List of Crew and GMDSS Radio log

Existing Isle of Man Ship Registry Regulations require the Official Log Book (including the List of Crew) ('the OLB') and the GMDSS Radio log to be returned to the Isle of Man Ship Registry within 3 months of their closure. These books are completed on an annual basis and the Ship Registry receives over 500 copies of these publications every year which are then placed into storage. This creates administrative work for the ship, shipowner and for the Ship Registry. In order to simplify this process, we are proposing the following changes:

1. The OLB, List of Crew and GMDSS Radio Log will no longer be required to be delivered to the Ship Registry;
2. The OLB, List of Crew and GMDSS Radio Log must be maintained on the ship for a period of 3 years from the date of closure;
3. If the IOM requests a copy of the OLB, List of Crew or GMDSS Radio Log to be sent to the Ship Registry the Master must send the required as soon as practicable, but in any case within 3 months of the date of the request; and

4. The OLB, List of Crew and GMDSS Radio log book must be available for inspection by the Ship Registry or a Recognised Organisation.

The relevant section of the Isle of Man's existing Regulations for OLB, List of Crew and Radio Log is stated below. Full copies of the Regulations are available on the Isle of Man Ship Registry's website.

1. Merchant Shipping (Official Log Book and List of Crew) Regulations 2015
Reg 8 (3) and (4) Requires the OLB to be delivered to the Department within 3 months of its closure,
Reg 13 (3) A list of crew must be opened, closed and returned to the Department at the same time as the OLB.
2. Merchant Shipping (Radio Installations) Regulations 1999.
Reg 30 (4) The master shall on request produce the Radio log to the Department, the Registrar General of Shipping and Seamen, or a superintendent. The master shall deliver the Radio log to the Department at the same time as the official log book.



Record of Sea Service

Full name: _____ Date of birth DD/MM/YY: ____/____/____

Place of birth: _____ Nationality: _____

Company stamp and signature of master or authorised person	Name of ship, port of registry, IMO or official no, and gross tonnage	Description of voyage	Capacity	Date and place of:	
				Joining ship	Leaving ship