



# TUVALU SHIP REGISTRY

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## MARINE CIRCULAR

### MC-11/2012/1

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**FOR:** Ship Owners, Ship Managers, Ship Operators, Ship Masters, Ship Officers, Classification Societies

**SUBJECT: REQUIREMENTS FOR MINIMUM HOURS OF REST**

#### DEFINITIONS:

The following abbreviations stand for:

- “DPA” – Designated Person Ashore
- “ILO” – International Labour Organization
- “MLC 2006” – Maritime Labour Convention, 2006
- “MSA 2008” – Merchant Shipping Act 2008 Revised Edition
- “STCW” – International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended
- “SWA” – Shipboard Working Arrangements

The term “Flag Administration” shall mean the Tuvalu Ship Registry.

#### PURPOSE:

This marine circular serves to provide the requirements for minimum hours of rest onboard Tuvalu vessels and also prescribes the standard formats for the table of shipboard working arrangements and record of hours of rest.

#### APPLICATION:

This marine circular applies to all seafarers working onboard Tuvalu vessels to which the STCW and MLC 2006 applies.

#### REFERENCES:

- (a) MLC 2006 – Regulation 2.3
- (b) STCW, 1978 as amended
- (c) IMO/ILO Guidelines for the Development of Tables of Seafarers’ Shipboard Working Arrangements and Formats of Records of Seafarers’ Hours of Work or Hours of Rest

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##### 1. General Requirements

1.1. In relation to members of the crew on a vessel engaged in foreign trade:

1.1.1. the normal hours of work in port and at sea shall be eight (8) per day;

1.1.2. work performed over and above the eight-hour period shall be considered as overtime and shall be compensated for at overtime rates;

- 1.1.3. a sufficient number of men shall be employed to promote safety of life at sea and to avoid excessive overtime;
- 1.2. A Master who fails to comply with this sub-section 1.1 shall be guilty of an offence.
- 1.3. MLC 2006 mandates that each Member State shall (within specified limits) fix either a maximum number of hours of work, or minimum number of hours of rest, for a given period of time. In keeping with this mandate, this Flag Administration has elected to establish a minimum hours of rest standard with which ship owner / operators must comply.
- 1.4. Ship owners / operators shall, within the following limits, fix a minimum number of hours of rest which shall be provided in a given period of time. Ship owners / operators shall take account of the danger posed by fatigue of seafarers, especially those whose duties involve navigational safety, and the safe and secure operation of the vessel. The minimum number of hours of rest shall not be less than:
  - 1.4.1. 10 hours in any 24-hour period, which may be divided into no more than two (2) periods – one of which shall be at least six (6) hours in length, and no more than 14 hours between any consecutive periods; and
  - 1.4.2. 77 hours in any 7-day period.
- 1.5. Musters, fire-fighting and lifeboat drills, and drills prescribed by international conventions shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.
- 1.6. When a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.
- 1.7. Night work of seafarers under the age of 18 shall be prohibited unless the effective training of the seafarers concerned would be impaired or the specific nature of the duty or a recognized training program requires that the seafarers covered by this exception perform duties at night and it has been determined that the work will not be detrimental to their health or well-being.
- 1.8. Notwithstanding sub-section 1.4, the Master shall have the right to suspend the minimum limits on hours of rest and require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. In such cases, and as soon as practicable after normal conditions have been restored, the Master shall ensure the seafarers are provided with an adequate period of rest.

## **2. Table of SWA**

- 2.1. The Flag Administration requires that a table of SWA be provided to each ship, tabulating the anticipated daily working or rest periods scheduled for all seafarers. This is to ensure that expected routine working arrangements are made available for the awareness of the crew. It should be borne in mind, however, that due to the nature of service at sea some deviation from the schedule is to be expected, and such deviations do not necessarily indicate non-compliance with the minimum rest periods as required in section 1 if this circular.
- 2.2. The table shall be specific to each vessel, and shall be prepared by the ship owner / operator. To facilitate preparation of this table, a standard format "Form SWA" is provided below under ANNEX I based on IMO/ILO Guidelines.

- 2.3. Ship owners / operators are recommended to utilize “Form SWA” provided for consistency and to ensure compliance, but are free to develop or adapt forms unique to the Company provided that at least the following criteria are conveyed:
  - 2.3.1. entries for each position / rank of seafarer;
  - 2.3.2. schedules of service at sea and in port; and
  - 2.3.3. statement of the minimum hours of rest as required under section 1 above.
- 2.4. In order to facilitate awareness of the SWA, the table (i.e. Form SWA) shall be written in English (and the working language of the ship if not English), and shall be posted in a place or places easily accessible to the seafarers working onboard.

### **3. Records of Hours of Rest**

- 3.1. Each seafarer is required to maintain a record of his/her daily hours of rest, the principal purpose for the record being to allow monitoring and provide documentary evidence of compliance with the minimum hours of rest provisions as stipulated under section 1 above.
- 3.2. The Flag Administration has developed a standard format “Form HOR” for the record of daily hours of rest based on IMO/ILO Guidelines and is provided under ANNEX II of this Marine Circular. As with “Form SWA”, nothing precludes the ship owner / operator from developing or adapting such records unique to the Company, provided that such records maintain the standard format.
- 3.3. Where a Company finds that the recordkeeping arrangements for hours of rest in subsection 3.2 above is incompatible with the Company’s electronic recordkeeping system, then the hours of work may be recorded in electronic form provided that the minimum hours of rest are adhered to and that such compliance is readily verifiable.
- 3.4. The records of daily hours of rest shall be maintained in English (and the working language(s) of the ship if not English). Each seafarer shall receive a copy of the records pertaining to him or her, which shall be endorsed by the Master, or a person authorized by the Master, and by the seafarer.

Yours sincerely,

Deputy Registrar  
Tuvalu Ship Registry



